

MENDON BOARD OF SELECTMEN

MINUTES OF MEETING----- August 27, 2012

APPROVED----- September 10, 2012

Meeting called to order at 7:30 p.m. Chairman Michael Ammendolia and Selectman Goddard and Interim Coordinator Horn are present.

Pledge

Michael Goddard made and Michael Ammendolia seconded a motion to accept the meeting minutes of August 20, 2012. The motion carried unanimously.

Joe Cronin, Claudia Cataldo Shirley Smith approached the board about the Town Coordinator Role Comte. They sent a job description for a Town Administrator and time lines to board earlier today. Committee recommends town counsel reviews first and to use search agency to screen applicants. They requested Article 7 be added to the September 25, 2012 Special Town Meeting warrant to change the job title. An override would be necessary in November if looking to include the position in the budget for July 1, 2014. Selectmen are not ready to decide whether to take the recommendation. Selectman Goddard asked committee to put together an explanation of different job titles during discussion of the article during the town meeting. There should be additional mailings and meetings to inform public of need for a Town Administrator. Selectmen would like to know cost of a search agency. The job description will be given to town counsel tonight.

Hearing for Jashal Enterprises, Inc. D/B/A Sunny Farms, 1 Cape Road, new Wine and Malt License. Owner of Pop & Kork plaza provided a copy of the applicant's lease that says building owner will not allow a liquor license. Owner of Sunny Farms said Pop 'N Kork's business is way down and wants to sell alcohol at their store. The owner of Pop & Kork said the issues with his business will be resolved shortly.

Selectman Goddard made and Chairman Ammendolia stepped down to second a motion to take request for Jashal Enterprises, Inc. D/B/A Sunny Farms under advisement and get advice from town counsel. We will look for complete routing slip and will revisit at another September meeting. The motion carried unanimously.

Board of Selectmen received applications for their Administrative Assistant opening. Members discussed the position being for 32 hours/week. Selectmen and Interim Town Coordinator will review applications and choose candidates to screen.

Selectmen will like to have the Assistant Building Inspector look at dilapidated properties and will give the letter from the Board of Health informing them of the properties to town counsel.

Members reviewed Special Town Meeting warrant. Article 11 was put on as a place holder for Mosquito Control. Rich Schofield, Finance Committee Chairman, said the cost is \$44,000 annually to spray in an ongoing mosquito control program. Mr. Schofield spoke with AJ Fiske who said he recommends waiting to put article on a November ballot. **Selectman Goddard made and Chairman Ammendolia stepped down to second a motion to accept the September 25th Special Town Meeting warrant and will sign once wording to Article 11 is put on it. Motion carried unanimously.**

Chairman Ammendolia announced a ten-minute recess at 8:30 p.m. to wait for Attorney Mangiaratti who will give an overview of success with the Showtime Entertainment law suit

8:38 p.m. Chairman Ammendolia reconvened meeting. Selectman Tinio joined the meeting. Attorney Brandon Moss gave an explanation of the seven-count lawsuit. Two to three weeks ago U. S. District Court granted summary judgment on five of the counts. Regarding hours and size, the court found the town was justified in restrictions based on secondary effects, i.e. traffic impact. There was a state interest in alcohol prohibition. Studies presented at town meeting showed that adult entertainment combined with alcohol would be a detriment. Attorney fees were lowered to \$24,000 and hourly rate was lowered for the plaintiff. Monday, September 24 is the deadline to appeal the decision. Obligation to pay attorney fees runs out at that time, as well. When payment is to be made will be discussed during executive session. Attorney Moss provided a proposed re-write of Zoning By-law to put special permit back in place. The revision will be given to the Planning and Zoning Boards for review and to be voted upon at the November town meeting.

Selectman Tinio made a motion to go into Executive Session under M.G.L. Chapter 30A Section 21, choice number three, to discuss strategy with respect to litigation and /or collective bargaining; if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Will reconvene only to adjourn. Roll call vote is needed. Goddard aye, Tinio aye, Ammendolia aye.

Meeting adjourned 8:52 p.m.

Respectfully submitted,

Diane Willoughby
Administrative Clerk
Board of Selectman

Documents discussed located in Administrative Secretary's Office:

- BOS Meeting Minutes dated August 20, 2012
- Town Administrator 2012 and Proposed Town Administrator Timelines dated August 24, 2012
- Special Town Meeting Warrant for September 25, 2012
- Letter dated August 15, 2012 from Thomas D. Hackenson re: two Mendon properties
- Big Belly Compactor Contract
- Proposed Revision to Zoning By-Laws by Brandon Moss dated August 27, 2012