

## MENDON BOARD OF SELECTMEN

MINUTES OF MEETING----- August 20, 2012

APPROVED----- August 27, 2012

Chairman Ammendolia called the meeting to order at 7:39 p.m. Chairman Michael Ammendolia, Selectman Goddard and Lawney Tinio are present.

Pledge

Shirley Smith explained the beaver dam article on September 25, 2012 Special Town Meeting Warrant. A beaver built a dam near Meadow Brook. Desheng Wang, wetland scientist has looked at the site. The only way to remove beavers is to trap and kill them which costs \$1,000 each. Beaver Solutions, Mike Callahan, can install flow pipes under dam which costs between \$1,000 and \$1,500 and will not harm the beavers. Anne Mazar assured Shirley that Community Preservation money can be used for this purpose. Inman Pond also has a beaver dam problem.

Mike Goddard wanted to clarify his comments during the budget process discussion from last week. A resident questioned his comment that cuts were permanent. He meant that the assumption cannot be made that anything cut will be reinstated unless fiscal situations change.

Joe Antonellis approached the selectmen with his client, Kevin Philbrick, to discuss improvements to an unpaved portion of Miscoe Road needed for Mr. Philbrick to access his property. Fred Lapham developed an engineering plan to pave 12 feet but improve a total of 18 feet. There will be three feet on either side of pavement. He has also discussed the plan with Alan Tetreault, Highway Surveyor, and Town Counsel, Atty. Mangiaratti. After the improvements are made and after a building can be obtained, the road will become private. This would prohibit expansion and access into Upton could not be possible. The Highway Surveyor and Chief Horn approve of the plan. The house will be constructed in Upton.

Selectman Tinio left to show a copy of the plan to the Planning Board. Chairman Ammendolia recessed the meeting at 8:01 p.m. The meeting reconvened at 8:10 p.m. Selectman Tinio reported that the Planning Board is okay with the plan as there is nothing that needs to go through them. **Selectman Tinio made and Mike Goddard seconded a motion that the BOS allow K. Philbrick to improve the unimproved portion of Miscoe Road in order to access his lot in Upton for the purpose of building a home. During this process we would like to meet at the building permitting stage (That will be a permit from Upton.) and also at the occupancy permit stage. The project is to be overseen by the Highway Surveyor and the items will need to be done will be to make improvements to the roadway for emergency vehicles to access the residents. The improvements must be acceptable to the Highway Surveyor and to Public Safety. The roadway will be discontinued after the improvements at the discretion of the Board of Selectmen. Plan shall be attached to**

**the motion and filed in the Town Clerk's office Michael Goddard seconded the motion. The motion carried unanimously.** Attorney Antonellis thanked the board and the staff who have assisted during the process.

Chairman Ammendolia offered the board's condolences to Carol Cook and her family for the loss of her mother yesterday. Carol is a volunteer in the Board of Selectman's Office.

Chairman Ammendolia and the board completed a form necessary for the Big Belly compactor at the Town Beach. Mike signed the letter and the Town Clerk notarized it. The compactor was obtained through a grant.

Town Clerk, Margaret Bonderenko joined the Selectmen to discuss the part-time clerk position in the Town Clerk's office. Mrs. Bonderenko said she confirmed with Jenn Welch that she is willing to work in a floating position as time allows during the nine hours in the Town Clerk's office. Resumes of other applicants will be kept on file for the future for other positions. Floating will not be possible in the next six months or so as the Town Clerk's office will be busy. **Selectman Tinio made and Michael Goddard seconded a motion to appoint Jenn Welch to the position of Town Clerk's Assistant for a total of nine hours per week at the rate of \$17.33/hour. The motion carried unanimously.**

Mr. Ferrucci, representing the Lion's Club, announced the 37<sup>th</sup> annual country fair. He provided the Certificate of Insurance. Rich Schofield explained that the Boy Scouts put up signs downtown and provide parking using the Clough School and town property to collect donations as a fund raiser. He will discuss with Chief Horn paid police detail and Fire Department details. **Selectman Tinio made and Michael Goddard seconded a motion to allow the Lions Club to hold their Country Fair at the Mendon Country Gift Barn on October 6 or rain date of October 7 from 10:00 a.m. to 5:00 p.m. and to allow the Boy scouts to utilize the town property for parking and to collect donations. Motion carried unanimously.** Mr. Ferrucci will work with Chief Horn to hire officers during the fair. Mr. Schofield only needs permission from owner of property across from DB Mart to erect A-frame sign.

Chairman Ammendolia read Kathy Schofield's letter of interest in being on the Historical Commission. **Lawney Tinio made and Michael Goddard seconded a motion to appoint Kathleen Schofield to the position of the Historical Commission for a term to expire June 30, 2014. The motion carried unanimously.** The Historical Commission recommends appointing Kathy. M. Ammendolia asked Mr. Willoughby to remind Kathy that she needs to be sworn in at her earliest convenience with the Town Clerk.

Selectman Tinio asked if the Housing Authority Barn was torn down. Tony Willoughby, Historical Commission member, said it was and that a small portion of Community Preservation money may have been spent on the architect for its restoration project. Mr. Tinio said it is disheartening to hear it was torn down without hearing about it and there is a demolition permit process in place. Routing process was not implemented. Mr.

Willoughby said Historical Commission has not met yet since the barn was demolished. He believes the reason it was torn down was because of safety concerns. Selectmen would like further explanation and to know if money was spent to stabilize it.

Members discussed returning Memorial Field, path to beach and beach area to their condition prior to the water line being installed. Mrs. Welch does not have personnel to fix the area. *Action: Selectman Tinio will meet with Mrs. Welch & will try to coordinate to get area fixed.*

Interim Coordinator Horn informed members that the Board of Health requested that a place holder be put on the warrant for mosquito control based on findings in area towns.

Selectmen will post a meeting for September 10, 2012. A multi-board meeting will be held on August 30, 2012.

**Selectman Tinio made and Michael Ammendolia seconded a motion to close the Special Town Meeting Warrant to be held at the Miscoe Hill School on Sept 25 at 7:00 p.m.** Ellen Gould gave an overview of the Mass Right to Farm by-law which is restated in the proposed Mendon by-law. Ellen reviewed contents of the by-law whose purpose is to make the state law more transparent to residents. Members discussed why the town should re-state an existing state law in a town bylaw. The State's intent is to encourage local farming. Interim Town Coordinator Horn saying the local agricultural by-law insulates farmers from local bylaws. Ellen disagrees and says it is meant to keep farming local. The only difference between the State law and the town by-law is the manner in which the by-law is disclosed. The town by-law will be published in the annual report, on one of the bulletin boards in Town Hall and on the town web site. Selectman Goddard is concerned that if there is an issue with a specific town board, the board is not left out of resolution process by going through the Agricultural Committee. Ellen said local boards can handle disputes and issues can also be coordinated through the Agricultural Commission or go through the state free of charge. Selectman Goddard doesn't see the need to create a local by-law to increase awareness of a State law. Attendees were concerned that the by-law would give farmers protection from zoning or other town by-laws. They also questioned whether state or local laws would take precedence. There is meeting on September 13 where the Agricultural Committee will make a presentation and answer questions. State legal counsel will attend. **The motion carried unanimously.** Interim Town Coordinator Horn will ask Attorney Mangiaratti to review the by-law with Ellen Gould and to attend the September 13 Agricultural Commission meeting. He will also invite him to the August 27 Selectmen's meeting to discuss adult entertainment.

The selectmen will schedule a meeting for September 10, 2012. There is a kick-off of the multi-board meeting for August 30, 2012.

**Selectman Tinio made a motion to go into Executive Session under 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 9:45 p.m.

Respectfully submitted,

Diane Willoughby  
Administrative Clerk  
Board of Selectman

Documents discussed located in Administrative Secretary's Office:

Special Town Meeting Warrant for September 25, 2012  
Plan of Land in Mendon, MA Prepared for Kevin Philbrick, dated May 17, 2012  
Certificate of Inspection and Acknowledgement of Receipt for Big Belly  
Compactor  
Mendon Lion's Club Certificate of Liability Insurance dated August 17, 2012