

PRESENT: Selectmen Lyndon B. Johnson, Joseph A. Sergi and Patrick J. McNabb; Robert Hanson, Town Administrator; Peggy Mazzola, Administrative Assistant

The meeting was called to order at 6:45 PM.

ACCEPTANCE OF MINUTES: On a motion by Mr. Sergi and seconded by Mr. McNabb, the minutes of the meeting of February 18, 2009 were unanimously approved. On a motion by Mr. Sergi and seconded by Mr. McNabb, the minutes of the meeting of February 23, 2009 were unanimously approved.

APPROVE WARRANT/SIGN PURCHASE ORDERS: The Board signed the warrants.

PUBLIC COMMUNICATIONS: Mr. Sergi announced that the 2008 Annual Town Reports are now available at the Town Hall, Police Station, Library and Senior Center.

Mr. Sergi announced that the Finance Committee is seeking a volunteer to take meeting minutes between now and Town Meeting on May 5th. The Finance Committee meets on Thursday nights. Candidates should submit a letter of interest or Citizen Activity Form to the Board of Selectmen as soon as possible.

Eric Smith commented on an article in the Lowell Sun regarding the Townsend Board of Selectmen attending the school committee meeting tomorrow night, and suggested the Peppereil Selectmen should also attend.

APPOINTMENTS/RESIGNATIONS:

Item #1 – Nashoba Valley Technical High School Committee Appointment: Present were NMRSD School Committee members Arnie Silva and Sue Fitzgerald. Candidates for the position were incumbent Janet Young and Sharon Mercurio. Ms. Young stated she has been on the committee for the last three years, and commented the school is making great progress and is on the cutting edge. Ms. Young serves on the curriculum committee, and stated the school currently offers four AP classes and “smart boards.” They will be integrating cell phone use in math and science. Ms. Young expressed her disappointment that North Middlesex encourages students to attend NMRHS rather than Nashoba Tech. She noted 100% of the students have passed the MCAS tests. North Middlesex teachers are not aware of what Nashoba Tech can offer students, and she will act as a voice to get the word out.

Ms. Mercurio stated she is very interested in the offerings at Nashoba Tech and would be pleased to serve on the committee. Ms. Mercurio’s daughter is about to enter Nashoba Tech. She has experience working with budgets and would bring that experience to Nashoba Tech.

Ms. Fitzgerald stated she is pleased to hear that Nashoba Tech offers AP courses; the technical school serves a vital niche. Mr. Silva commented that offerings at Nashoba Tech are not well known, and it is worthwhile to spend time as a school committee member to promote the school.

Ms. Young commented that Nashoba has a higher percentage of students going on to college than many traditional high schools.

Mr. Johnson nominated Janet Young to serve on the committee. Mr. McNabb seconded the nomination. The appointing authority unanimously voted to reappoint Ms. Young to serve on the Nashoba Valley Technical High School Committee, term to expire 6/30/2012.

Mr. Smith asked why the appointing authority didn’t call for any other nominations. Mr. Johnson stated the Board does not follow Robert’s Rules of Order, and the vote was unanimous.

Item #2 – Finance Committee Appointment: The Board reviewed a Citizen Activity Form from George Zacharakis, requesting appointment to the Finance Committee. Mr. Sergi commented that he knows Mr. Zacharakis and feels he will do a good job. On a motion by Mr. Sergi and seconded by Mr. McNabb, it was unanimously voted to appoint Mr. Zacharakis to the Finance Committee, term to expire 6/30/2010.

Item #3 – Town Administrator Search Committee Appointments: The board reviewed several applications for the committee. Mr. Sergi asked how the board should respond to the late applications. Mr. Hanson stated it is up to the board what they would like to do. Mr. Sergi stated he would like to consider the late applications. Mr. McNabb and Mr. Johnson stated they would not. Mr. Johnson commented the Board had asked for applications for the at-large positions. Mr. Hanson stated the simple distinction between at-large members and Town employee representatives could be paid versus non-paid people. Mr. Hanson noted that Stephanie Cronin can not serve on the Board because she is a member of the Finance Committee; according to the Bylaw a member of the Finance Committee can only serve on the Capital Program Committee and Personnel Board.

Mr. McNabb nominated Judy Dalton to serve on the committee, stating her background and knowledge would be helpful. Mr. Sergi nominated Richard Potts, stating he believes Mr. Potts will keep the process moving. Mr. Johnson nominated Derek TenBroeck, stating he feels Mr. TenBroeck is qualified to understand what the Town needs. On a motion by Mr. Sergi and seconded by Mr. McNabb, it was unanimously voted to appoint Ms. Dalton, Mr. Potts and Mr. TenBroeck to the Town Administrator Search Committee.

Mr. Johnson stated the board should now choose four other members including one member of the Board. Mr. McNabb nominated Michael Hartnett. Mr. Sergi nominated Sharon Mercurio. Mr. Johnson nominated Peter Shattuck. On a motion by Mr. McNabb and seconded by Mr. Sergi, the three were appointed to the committee.

Mr. Johnson stated he is interested in serving as the Selectmen's representative to the committee. Mr. Sergi stated he is not interested. Mr. McNabb stated he is also interested in serving. Mr. Sergi stated he felt either Mr. Johnson or Mr. McNabb would do well; considering where we are right now, he felt we would be well served to have Mr. McNabb serve on the committee. On a motion by Mr. Sergi and seconded by Mr. McNabb, it was voted to appoint Mr. McNabb to the committee.

ACTION ITEMS:

Item #1 – Licensing Authority – Common Victualler's and Entertainment License: Gypsy Café: The Board reviewed applications from Christina Doucette. Ms. Doucette stated she had a café in Groton, but the building went up for auction. The location for the café is the former Crumpet's at 112 Main Street. She plans to offer breakfast and lunch daily, with dinner on Friday and Saturday nights. The restaurant will be a typical café style, with higher end food. She plans to offer entertainment during dinner service consisting of acoustic guitar or similar type entertainment. She plans to operate the café on Monday through Thursday from 7 a.m. to 5 p.m., Friday and Saturday from 7 a.m. to 10 p.m., and Sunday from 7 a.m. to 2 p.m. She will also offer a full bakery. Ms. Doucette plans to apply for a beer and wine license.

Mr. Sergi asked if she plans to have amplified music. Ms. Doucette responded the restaurant is not big enough for that type of entertainment.

Following a brief discussion, and on a motion by Mr. McNabb and seconded by Mr. Sergi, it was unanimously voted to grant the licenses as requested.

Item #2 – Licensing Authority – Entertainment License: Knights of Columbus: The Board reviewed the license application from the Knights of Columbus. Present were Grand Knight Robert Sullivan and manager Catherine Creegan. Mr. Sullivan stated they are a non-profit organization, and try to help other groups such as scouts and PACH. In addition they host many memorial services.

Ms. Creegan stated they plan to offer karaoke downstairs in the member bar on a sporadic schedule, i.e., holidays only, and not on a regular basis. Mr. Sullivan reiterated the entertainment will not be held in the

main hall, and will be limited to probably one event every five or six weeks. Mr. Hanson asked if the club had offered this in the past. Ms. Creegan stated they have.

Mr. Sergi read a memo from Chief Davis. Mr. Sullivan asked if the Board wanted them to speak to the issues addressed in Chief Davis' memo. Mr. Sergi stated they could have time to review if needed. Mr. Johnson asked if they were aware of the events outlined in the memo. Mr. Sullivan stated they were aware of two of the three events, one of which is a habitual problem with one individual. Mr. Johnson asked if they were over-serving. Ms. Creegan stated she thinks their bartenders do a good job and doesn't think that patrons are over-served. Mr. Sullivan stated he is not disputing the police reports, but is not familiar with the parties involved. Mr. Sergi remarked that four incidents in a relatively short period of time is disturbing, and he would like to see the club go through a period of time without further incident before granting the entertainment license, stating the license may exacerbate the problem. Mr. McNabb stated he doesn't want to see the board confusing the liquor license with the entertainment license; the entertainment license is for limited use, but he would like to see some follow-up from the club on the incidents. Mr. Johnson stated the Board has the ability to withdraw their license, however he understands the club needs its license to keep their doors open. Mr. Sergi suggested the manager come back to the board with a plan to keep tighter control at the club. Mr. Johnson stated if the Chief comes to the board with another complaint, he will vote to revoke the club's liquor license. Mr. Johnson asked how many bartenders were on staff. Ms. Creegan stated there are four bartenders, all of whom are TIPS certified. Mr. Johnson suggested they check into the incidents and determine which bartender was on duty. The Board agreed that the incidents addressed in Chief Davis' memo did not preclude the Board from approving the entertainment license. Mr. Hanson asked if the Board wants something from the club in writing, or if they want the manager to come back before the board. The Board agreed they would like to have the manager come in to another meeting.

Mr. Johnson suggested the club prepare a set of guidelines to be signed by the bartenders, as they are personally responsible for the patrons and are doing a disservice to the establishment. Mr. Sergi commented this is a public safety issue.

On a motion by Mr. McNabb and seconded by Mr. Sergi, it was unanimously voted to approve the entertainment license for the Knights of Columbus conditional upon management appearing before the board in two months to address the incidents outlined in Chief Davis' memo.

OLD/NEW BUSINESS:

Item #1 – Discussion: LIP Proposal for Property off Leighton Street: Atty. Lyons stated that following the last meeting with the Board, Mr. Shepherd went “back to the drawing board” to address access issues; Mr. Patnaude also met with the Town department heads. Mr. Shepherd stated he also addressed environmental impact and public safety issues and came up with a new concept for the development. The road was shifted to eliminate a second wetlands crossing, and the entrance was tweaked so that it lies over an existing wetlands crossing, eliminating the need for filling wetlands. The width of the pavement was increased to 24' with a 2' gravel shoulder and secondary access points were created out behind the VFW, a gated access near the highway garage guaranteeing access by the Town, and a third access point via gated access to water department land, through which a fire truck could access the development nine months out of the year. Mr. Patnaude stated that the police chief was concerned with parking issues at the beginning of Leighton Street, and they addressed this by adding a pull-off area for picking up mail and dropping off/picking up children. Fire hydrants were also relocated based on feedback from the Highway and Fire departments. The multi-family units were shifted to make space for a six-foot berm and 5-6 feet of shrubbery or fencing to create a sound block between the property and highway operations. Both the Fire Department and Police Department were pleased with the close access by the Fire Department. Mr.

Hanson noted that the water department land access was not discussed at the department head meeting, and felt this would not be feasible due to security issues with wellheads.

Mr. Sergi asked if they would be requesting any waivers, and commented that walkways will be an issue and he is still trying to reconcile with the dead ends. Mr. McNabb stated he likes the changes they've made and the project is looking positive. Mr. Sergi suggested narrowing the roads to prevent speeding. Mr. Patnaude stated the dead end roads create their own speed control. Mr. Johnson stated the new design is a big improvement and answered many of the Board's concerns; the board is awaiting feedback from town departments.

Mr. Hanson suggested they print out the new design and the Board can distribute for formal comments, stating that 20 copies in a size large enough to be able to read without a magnifying glass would be helpful. A narrative cover sheet would also be beneficial.

Mr. Johnson questioned the proximity of the development to the police department's firing range; Atty. Lyons stated he wasn't sure where that was. Mr. Johnson remarked there is a requirement regarding distance for firing weapons and a residential area.

Item #2 – Discussion: Union Concessions: Mr. Sergi read a letter from the Superior Officers' Union relative to the Board's request for a wage freeze or other concessions. Mr. McNabb read a similar letter from the Patrolmen's union. Mr. Sergi read an e-mail response from the library union.

Mr. Sergi remarked that our fellow residents are hurting, and we as a community need to do our part to try to work together. The teachers' union is opening their contract. The Board is not necessarily in agreement, but at the end of the day the Board works in the best interest of the town. Mr. Sergi expressed his disappointment in the unions' response, and takes offence to comments about the Board.

Mr. McNabb stated he is not surprised at the response as some good points were made. We don't have a unified Board. Concessions by the unions could be just a drop in the bucket, but every bit helps. It appears they are asking for direction from the Board.

Mr. Johnson stated the Board gave them some direction and opened the doors of opportunity. Hopefully they will reconsider and break the bounds of the union thought process. Mr. Sergi suggested the Board go back to them to reconsider. Mr. McNabb commented the library union is looking for a number to work from. Mr. Sergi stated he wants to unions to agree to a wage freeze.

Library Director Deb Spratt stated she is not speaking for the union, but she is looking at a level funded budget and is concerned that if the union agrees to a wage freeze that money will be pulled out of her budget, the Board will be looking for the library to cut its hours, and they risk losing accreditation. Ms. Spratt indicated they can not drop below 41 hours per week. A wage freeze will drop her budget below the state's minimum; her current budget has only \$4,000 to work with before that happens, and a wage freeze would result in an \$8,000 reduction.

Mr. Johnson remarked he doesn't want to cut services back to the 1980's without giving people the option to vote for a partial override.

Item #2 – Any Other Old/New Business: Discussion was had regarding the survey, and the fact that the draft survey contained language relative to the library's certification. Ms. Spratt stated the Finance Committee didn't want that mentioned in the survey because they don't believe it's true. Mr. Smith commented he thought the Finance Committee felt it was too threatening, and not that they weren't supportive. Mr. Johnson stated that people need to be fully informed, which is why he's an advocate for an override to let the people decide on service cuts. Mr. Sergi stated he agrees to a certain extent; if the Board does its job and the departments tighten their belts we have a chance for a partial override to pass.

Mr. McNabb suggested we go to Town Meeting with two options for each budget – reduction in services, funding from available funds, or override. He felt the survey was a good idea but has its limitations, and questioned how valuable it would be.

Mr. Sergi stated he would like the board to reach out to our State Representative and Senators to enact legislation to not require the Town to fund the unfunded retirement liability, which would result in a \$400,000 savings. Mr. Hanson stated this issue is in the lap of the retirement board, they are initiating this action and will ask our representatives to support.

On a motion by Mr. Sergi and seconded by Mr. McNabb, it was unanimously voted to have Mr. Hanson send correspondence to our state representatives regarding the retirement issue.

Mr. Sergi remarked that it was his understanding the Finance Committee would be presenting a plan regarding the budget at the March 23rd meeting. Ms. Spratt asked if she could get a copy. Mr. Hanson stated this is the Finance Committee’s information, but he will inquire.

Mr. Hanson suggested the Board look at the survey and send comments or suggestions to him by noon tomorrow. The Board agreed they would also like a paper survey for those who don’t have access to a computer. Mr. Hanson suggested the survey not be limited to one response per IP address. Nashoba Publications Report Don Eriksson will ask his editor if they can print the survey in the newspapers.

NEXT MEETING: Monday, March 23, 2009, 7:00 PM at the Senior Center.

ADJOURNMENT: On a motion by Mr. Sergi and seconded by Mr. McNabb, it was unanimously voted to adjourn at 9:45 PM.

Respectfully submitted,

Peggy Mazzola, Administrative Assistant

APPROVED:

Lyndon B. Johnson, Chairman

Joseph A. Sergi, Clerk

Patrick J. McNabb