

**Selectmen Meeting  
Minutes  
September 28, 2011**

Selectman Connolly, Selectman Sargent, Selectman LeBlanc, Selectman Dziokonski and Chairman Dickhaut were in attendance. Attendees were Town Administrator Ward and Town Solicitor Gibbons. Chairman Dickhaut opened the meeting at 7:00PM.

**Review of Minutes**

The board received minutes from the September 7, 2011 Selectmen's Meeting for review and approval. Selectman Sargent made a motion to approve minutes as presented. Selectman LeBlanc seconded the motion. The vote was unanimous.

**Common Victuallers License Hearing – 230 Sterling Street Continued**

Chairman Dickhaut invited the applicant to come forward before the board. Mr. Jason MacAlister of 230 Sterling Street d/b/a J Mac's Dog Attack was before the board. Chairman Dickhaut reviewed the hearing request was tabled at the September 7, 2011 meeting, the board was uncertain about the request and asked Mr. MacAlister to bring the board up to date on the request. Mr. MacAlister explained he knows the board had a question regarding the late night at the Depot Square from 10PM through 2AM on Thursday through Saturday. He had spoken to Police Chief Laverdure and there is no problem there. He explained he looked into to setting up at the soccer fields, he spoke with the Superintendent of Schools and was told there is no problem setting up he should set up where the walkers set up off of Rte. 110. Chairman Dickhaut explained she was in the area over the weekend and there is already a vendor who sets up in that area. Mr. MacAllister explained his request would be for the Depot Square location only. Selectman Sargent asked if the applicant is required to file a new application with the updated request. Solicitor Gibbons explained the application on file can be used, with specific location being approved. Selectman Connolly made a motion to grant approval of a Common Victuallers License to Mr. Jason MacAlister d/b/a J Mac's Dog Attack, for the location across from NAPA Auto at Depot Square for Thursday through Saturday from 10PM – 2AM, subject to the Police Chiefs approval. Selectman Sargent seconded the motion. The vote was unanimous.

**Common Victuallers License Hearing – 1175 Main Street**

Chairman Dickhaut invited the applicant to come forward before the board. Ms. Dimple Desai of 4 Joyce Circle Shrewsbury representing Subclinton d/b/a Subway Restaurant was before the board. Chairman Dickhaut asked Ms. Desai if she has worked in this type of business. Ms. Desai explained yes she has 6 locations over the past 7 years. Chairman Dickhaut opened the hearing for Public Comment in opposition, there was

none; in favor many residents expressed support. Selectman Connolly made a motion to grant a license to Subclinton d/b/a Subway Restaurant. Selectman Sargent seconded the motion. The vote was unanimous.

### **Class II Motor Vehicle License Hearing- 835 Main Street**

Chairman Dickhaut invited the applicant to come forward before the board. Mr. Michael Handlin of 228 Stone Street and Mr. Paul Leoni of Old Turnpike Road Hubbardston and owner of Paul's Collison & Auto Body of 88 Water Street were before the board.

Chairman Dickhaut asked the applicants for a business plan. Mr. Hanlin explained he is an agent with the Colonial Auto Group and will have the ability to offer new vehicles to this location in town, they will be quality vehicles. Financing will be offered on site. He explained he has held a license in town for over 15 years, and had no violations.

Selectman Dziokonski asked what type of license he has held. Mr. Hanlin explained he has held a Class II Dealers License. Chairman Dickhaut opened the hearing for Public Comment in opposition, there was none; in favor, there was none. Selectman Sargent made a motion to approve the license as requested for 20 vehicles. Selectman Connolly seconded the motion. The vote was 2/3 in opposition Selectman LeBlanc, Selectman Dziokonski & Chairman Dickhaut. Mr. Leoni asked for clarification Chairman Dickhaut explained the motion failed.

### **Clinton Lodge of Elks Bingo Permit Request- 128 School Street**

Chairman Dickhaut invited the applicant to come forward before the board. Ms. Ellen Gomez & Ms. Debra McMahon Cote members of the Elks and the Board of Directors were before the board. Ms. Gomez explained the Elks would like to host Bingo one night a week on the first and third Monday of the month. She explained they have spoken to Father Walsh regarding the use of the church parking lot and it was agreed the club will make a donation to the church. The plan is to start in the fall and continue throughout the winter into spring depending how busy it is. The Elks will sell refreshments snack food items and coffee. Selectman LeBlanc asked if the Bingo will be open to the public. Ms. Gomez explained yes the public is invited. Selectman Dziokonski asked if Bingo is hosted in any other surrounding communities on Monday night. Ms. Gomez stated no, Monday nights are available. Selectman Sargent made a motion to approve the Bingo permit as requested. Selectman LeBlanc seconded the motion. The vote was unanimous.

### **Water Bill Calculation Appeal- 291 Berlin Street**

Mr. Eugene Nici of 291 Water Street is before the board with an appeal request for the water bill calculation he received from the Department of Public Works. Mr. Nici presented the board with a spread sheet of water use for the property; he informed the board he is being overcharged by \$300.00. He explained he has been a resident for 14

years, and never had a meter he always paid a flat rate. Then he received a bill in the amount of \$147.00 which he paid, the second bill received was \$99.00 which he paid and the third bill was for \$147.00 again. At this time he contacted the DPW office to inquire about the bill. He met with Superintendent McGown who explained the bill was estimated based on the use of 500 cubic feet of water used because Mr. Nici had been notified a new meter needs to be installed. He explained the bill would be abated as soon as a new meter is installed. A new meter was installed. Superintendent McGown agreed everything Mr. Nici explained is true, there has been a meter missing on the property for years. The town has to meter the water usage, an estimated bill was calculated for the property based on similar properties and use. A new meter was installed but when the water department tried to read it a week ago they were unable to. The meter has been tampered with and this is a \$100.00 fine. Superintendent McGown explained he would not recommend the abatement. He issued Mr. Nici a letter requesting access to the property within 3 days to check the meter. He explained the town needs to get access on the property to check the meter or the water will be shut off. He explained there is no abatement due and he doesn't recommend the board approve the request. Discussion continued regarding the abatement request. Solicitor Gibbons explained this is an abatement hearing and the process is for the board to hear the request deliberate and decide to approve or not. There is an option for the applicant to exercise their appellate right if they do not agree with the decision made by the board. Selectman Connolly made a motion to deny the request for water bill abatement at 291 Berlin Street. Selectman Sargent seconded the motion. Under Discussion: Selectman Connolly explained he would like to confirm the sentiment of the board, if Mr. Nici disconnected the wire to allow the meter to be read remotely, he is still able to see the meter and monitor the use every day. He explained honor and integrity of the Superintendent have nothing to do with it. The vote was unanimous.

### **Park & Recreation Commission – Central Park Issues**

Chairman of the Parks & Recreation Commission Edward Verrier and Commission member Estabon Mendoza were before the board to review concerns regarding Central Park. Chairman Dickhaut thanked the Park & Recreation members for coming to the meeting with an update. Mr. Verrier explained he met with some teens who were in the park, and spoke with them about the use of the park. He explained he would like to see the park used by all, but there are some issues with certain groups preventing some from enjoying the park by loitering on the sidewalks preventing others from walking on them, ruining the benches and railings in the park and leaving a lot of litter in the park. Chairman Dickhaut explained she has been walking the park recently and there has been more than one occasion when the sidewalks are blocked by children. She reviewed on one occasion she called the Police Department; she is concerned she has never seen a Police officer on foot patrolling the park. Chief Laverdure responded that

the department does monitor the park, over the summer the department had received 80 calls for various matters regarding Central Park. Chairman Dickhaut explained the board has received a letter from a resident regarding issues in the park. Many do not want to get involved or give their name. Chief Laverdure explained he read the letter and wanted to remind the board there are 14,000 citizens and only 3 Police Officers per shift to cover the community needs. He explained it is important for residents to call and report an issue. Chairman Dickhaut informed the Chief the last time she reported an issue it took 15 minutes for the Police to respond and by that time the teenagers had left the park. Chief Laverdure explained he has made recommendations to the Park & Recreation Department to try to resolve the issues. The recommendations are to remove the benches in the Walnut Street & Church Street corner, remove the Cocoran House parking signs and stencil in the road. He explained the department tries to keep a close eye on the area but they cannot arrest people for swearing. Chairman Dickhaut asked why the by-law of not blocking sidewalks can't be enforced. Chief Laverdure explained he cannot enforce a loitering policy because one doesn't exist, there is no enforcement mechanism. Selectman Dziokonski explained the Central Park Committee has discussed establishing a subcommittee to propose some new by-laws for regulations in Central Park. Chief Laverdure explained there are times when Officers are trying to resolve the issues with teens in the park and they are challenged by the parents, recorded on their cell phones and spoken to with vulgarity. Discussion continued regarding possible resolution to the continual issues in Central Park. The board suggested the committee work on the recommendations proposed.

## **Department Head Meetings**

### Police Department- Chief Laverdure

Chairman Dickhaut invited Police Chief Laverdure to come forward before the board. She explained the board used to hold Department Head Meetings to have an opportunity to speak with the Department Head and allow them to speak with the board. Chief Laverdure explained it has been a very busy summer at the department, two new officers completed the academy and working patrol, one officer didn't make it so the alternate Jeff O'Toole will fill the position. He will hopefully begin at the academy on November 12. Detective Brescia will retire on Friday September 30. Officer Baird and Dispatcher O'Loughlin will be leaving the department to join the State Police. Sergeant Stevens will retire at the end of the year and Lutenient Cassasanto will be retiring on March 1, 2012. He explained he will work with Town Administrator Ward on replacements. He informed the board he will need about \$60,000.00 for the sick time buy back cost. He explained the department has received a grant of \$28,000.00 which will cover some of the dispatchers salary, a grant was received for medical training for dispatch as well. Chairman Dickhaut asked if there were any staff members out on long

term leave. Chief Laverdure explained no, the overtime account is at about 50%. Selectman Connolly asked if the hiring process was the same as the Fire Department, or can you request a list. Chief Laverdure reviewed he can request a list around November 11 and from there the candidates are notified and have 15 days to sign, this starts the process. Discussion continued with Fire Arms Training, Chief Laverdure explained the department is due to begin annual training. He explained last year the department used town owned property behind the landfill. A mobile trailer unit cost \$3200.00, he had budgeted \$5000.00 for training to cover this expense but it was cut from the budget. Selectman Connolly explained there would be no costs to qualify at the same site that was used last year. Selectman Sargent agreed where the Chief had the officers qualify last year is more than suitable. Chairman Dickhaut reviewed the board should give direction on where the department should qualify. Chief Laverdure explained the department would save money if they were to use the same area as last year. Selectman Dziokonski asked about the area being used, is it a safe area to qualify. Chief Laverdure stated yes it is safe and gave a description of the area. Selectman Connolly made a motion to direct the Chief to conduct the annual qualifications at the same location that was used last year. Selectman Sargent seconded the motion. Under Discussion: Selectman Dziokonski explained it is all or nothing, if the board voted no, where is the \$3200.00 expense coming from to cover the cost. Chief Laverdure explained there is no overtime expense for the department to qualify. Chairman Dickhaut reviewed there are a lot of communities that use the mobile trailers for training, like Berlin. Selectman Connolly stated he feels it is a bad idea to rent the trailer for training due to a whole host of reasons. Discussion concluded with the Chief explaining the qualifying would take 5 days maybe plus one to complete for the whole department. Selectman Dziokonski amended the motion to qualifying for Police department only the use is not intending to encourage or condone target practice. Selectman Connolly seconded the amendment. Under Discussion: Selectman LeBlanc expressed he has concerns about the lead that will be left on the property and if town property is being used why not use Rauscher Farm. He asked what was required for qualifications. Chief Laverdure explained there is a course followed, typically shooting at a silhouette. Selectman Dziokonski explained he supports the amended motion because the town does not have the \$3200.00 for the expense, next year the funding will have to be found. The vote was 3/2 in opposition Selectman LeBlanc and Chairman Dickhaut. Selectman Dziokonski made a motion to have the certification for the Police Department be done in a trailer not up at the range. Selectman LeBlanc seconded the motion. Under Discussion: Selectman Sargent explained this should be reviewed next year. Selectman Connolly expressed he will vote against this motion, it is foolish to require this when there is no funding available to support. The vote was 3/2 in opposition Selectman Connolly and Selectman Sargent.

Chairman Dickhaut thanked Chief Laverdure for the update on the department. Chief Laverdure thanked the board.

#### Department of Public Works- Superintendent McGown

Superintendent McGown was before the board. He reviewed the department is busy there is a lot of work planned and emergencies come up. The Chapter 90 paving is due to be completed. He provided an update on the water sewer capital improvement plan which will be funded through the Department of Environmental Protection. He explained it is a 20 year plan which will replace any water mains older than the 1950's, funding would be about \$700,000.00 per year. The town needs to send notice to the state, a draft letter was included in the packet. Selectman Connolly made a motion to support the capital improvements plan on the town's water system to be funded by the Department of Environmental Protection. Selectman LeBlanc seconded the motion. The vote was unanimous. Superintendent McGown explained to the board he would like to put together an advisory committee to review the issues with the Wekepeke property. There are decisions to be made regarding the property management, the dam safety, and environmental recommendations. Chairman Dickhaut stated Town Administrator Ward will appoint the committee; Superintendent McGown should meet with him to review the best direction to move forward. Superintendent McGown informed the board a draft resolution was in the packet that allows the Town Administrator to file for a low interest loan from the State Revolving Fund (SRF), in the amount of \$285,000.00 for mapping and drainage system as approved by Town Meeting. Selectman LeBlanc made a motion to approve the resolution to be filed for SRF funding. Selectman Sargent seconded the motion. The vote was unanimous. Chairman Dickhaut asked if there are any upcoming retirements in the department. Superintendent McGown reviewed there are 3 or 4 in the age group, but possibly Buddy McRell. Discussion continued regarding the Reservoir Pines Cemetery and the need for the second phase, Superintendent McGown explained there is a lot to be used in phase one before the second phase will be needed. The board reviewed the Public Works monthly reports submitted for July & August of 2011. Selectman LeBlanc made a motion to approve the reports as submitted. Selectman Sargent seconded the motion. The vote was unanimous. Administrator Ward explained an Executive Session has been added to the agenda to discuss union negotiations, he asked Superintendent McGown to attend.

#### **ADMINISTRATIVE BUSINESS**

##### **Late Night Closings**

Town Administrator Ward reviewed the following establishments are requesting late night closings for Saturdays in the month of October 2011: Clem's Liberty Tavern,

Clinton Turn Verein, Crystal Café, Old Timer, Ringside Café, The Simple Man Saloon & Spruce Street Tavern. Selectman LeBlanc made a motion to approve the requests as presented with the Police Chiefs review and approval. Selectman Sargent seconded the motion. The vote was unanimous.

### **Town Hall Use Commission Events**

Town Administrator Ward reviewed Town Hall Use Commission recommended use on the following date:

12/10/11	Comedy Show Fundraiser	Clinton Firefighters 7:00 P.M.
05/12/12	Wedding Reception	Quill & Reid

Selectman LeBlanc made a motion to approve the dates presented. Selectman Sargent seconded the motion. The vote was unanimous.

### **Police Chief Monthly Report**

Town Administrator Ward reviewed Police Chief Laverdure has submitted a monthly report relative to the operation of the Clinton Police Department for the period August 2011 for the Selectmen's review. Selectman LeBlanc made a motion to accept the report as presented. Selectman Sargent seconded the motion. The vote was unanimous.

### **OLD AND NEW BUSINESS**

#### U.S. Flags on Town Property

Town Administrator Ward presented the board with a listing of the survey results provided by the Veterans Agent relative to the proper display of flags on town property. Administrator Ward explained a lot are not in compliance and he is working with Department Heads to get into compliance. He explained the schools remove the flags at night. Selectman Sargent thanked Administrator Ward for all of the work he has put into this issue, he would like to see all of the flags in compliance.

#### Proposed Administrative By-Law Change

Town Administrator Ward reviewed the board has received a proposed administrative by-law change regarding prohibiting smoking on all town properties from Nick Anderson of 289A Chace Street. Chairman Dickhaut explained this should be saved for town meeting. Administrator Ward agreed stating he wanted to inform the board the office received it.

#### Director of Community & Economic Development Director Position

Town Administrator Ward reviewed 28 candidates applied the interviews were conducted; the candidate recommended for the position is Philip Duffy. Administrator Ward explained he will do the best job for the town, he will offer Mr. Duffy the position.

### Litigation Town of Lancaster vs. Town of Clinton

Selectman Dziokonski reviewed the board addressed shooting with the Chief, the lawsuit should be dropped. The board has told the Police no practicing at the old rifle range. The Chief is aware the board is not in favor of use of the old rifle range. Solicitor Gibbons explained the lawsuit involves multi parties, the town of Lancaster issued a cease and desist order, the town of Clinton appealed to the town of Lancaster ZBA, the ZBA did not hold a hearing within the time allowed so as a result town of Lancaster initiated lawsuit. Recently action was taken to file a motion for a summary judgment. Selectman Dziokonski stated the present law suit is regarding the timeliness of the ZBA hearing. Solicitor Gibbons agreed so if the town prevails and it is determined the town did not follow the correct procedure it will be back to status quo. Selectman Dziokonski expressed if the town wins the lawsuit it would not be in the best interest of the town to go through the process again. Selectman Dziokonski made a motion to drop the lawsuit with the town of Lancaster. Selectman LeBlanc seconded the motion. Under Discussion: Selectman Connolly stated he disagrees, the board cannot decide to settle a lawsuit, and it is up to the law committee. Solicitor Gibbons agreed it is up to the law committee to decide if the town withdraws from a suit. The vote was 3/2 opposition Selectman Connolly & Selectman Sargent.

### *Committee Reports*

#### *Senior Building Needs Committee*

Selectman LeBlanc updated the board the committee is working with the architect to negotiate a contract, at this time it is under review. Selectman Sargent asked if the foundation will be painting the building before the takeover. Solicitor Gibbons explained the closing is on the agenda, he has received the paperwork from the Foundation's Attorney there are a few minor changes needed. Under discussion is the caretaker for the interim, the closing will take place within the next 30days.

#### *Holiday Lighting Committee*

Selectman Dziokonski updated the board they are developing a letter to solicit donations, the committee is researching new lights and decorations.

#### *Public Comment*

There was none.

### **Executive Session Article 3 Union Contract Negotiations 9:30PM-9:46PM**

Selectman Dickhaut made a motion to enter Executive Session under Article 3 Union Negotiations at 9:30PM. Selectman Sargent seconded the motion. Roll Call Vote: Selectman Sargent "aye", Selectman LeBlanc "aye", Selectman Connolly "aye", Selectman Dziokonski "aye", Chairman Dickhaut "aye".

Selectman Connolly made a motion at 9:46PM to adjourn. Selectman LeBlanc seconded the motion. The vote was unanimous.

Meeting adjourned.

Respectfully submitted,

Joyce A. Corbosiero  
Administrative Assistant  
Clinton Board of Selectmen