

The Board reviewed the proposed 2011 Warrant. After the recommendation of Webster's representative at the Department of Revenue, Selectman Hashem made a motion to remove Article 11 relative to raising \$40,000 for the new roof for the Town Hall, which was to come from the Capital Reserve; seconded by Selectman Cummings and unanimously approved. This was done as the Board is the agent to expend from this Capital Reserve and can do so at any time. Article 23, relative to the authorizing the Board to put a recommendation and a tally vote on all budget articles, was discussed. Mrs. Jones noted that the Statute has been revised, thereby allowing the Board to take the initiative to do so anyway without the need of a tally vote on each recommendation. The final decision was to leave the Warrant Article on. The Board reviewed Article 22 relative to the sale of Town owned lots in the Pillsbury Lake District. After review, the Board decided to offer only three lots for sale to abutters only with the stipulation that those lots must be merged with the abutter's lot. The Warrant will be revised and renumbered appropriately.

The Board reviewed the proposed budget and projected revenues. Selectman Hashem made a motion to accept the proposed budget and revenues as revised tonight; seconded by Selectman Cummings and approved.

Selectman Hashem made a motion to put the Board of Selectmen's Recommendation on all the 2011 proposed articles, starting with Article 8; seconded by Selectman Cummings and unanimously approved.

Chairman Klumb recommended that a registered letter be sent to the owner of property with an apartment that is believed to be in violation of the Town's regulations and request that the owner meet with the Board. It was agreed to have Mrs. Jones send a letter.

There is currently a new home being occupied without the benefit of a Certificate of Occupancy or payment of the Impact Fee. The Board discussed solutions, i.e. a lien on the property. A certified letter will be sent to the owner with a two week time frame to respond and with a cc to the Mortgage holder. If there is no response to the letter the Board will seek the advice of Town Counsel.

Correspondence regarding an Order of Notice for Lemay's received from Town Counsel will be mailed per instruction in the cover letter and Town Counsel will be advised of this action.

Peg Foss, Food Pantry Coordinator, sent an e-mail requesting a decision regarding her earlier request for an additional \$2,000 from the Isabel Anderson Fund for the Food Pantry next two phases of the project. There was discussion on how the fund had been used in the past, how the money was left and its purpose, any potential reimbursement, etc. Selectman Cummings made a motion to give the \$2,000 to the Food Pantry Project; seconded by Chairman Klumb. The vote was two to one. There was further discussion on the possibility of having any stipulation written into the deed of the property that the fund be replenished by proceeds of any sale of the property. Carol Creighton advised that the building belongs to the UCC and not the Church itself. There was continued discussion on possible reimbursement to the fund. Selectman Hashem made a motion to reconsider the above motion with no second. There were no other decisions made.

The Board was reminded of the Public Hearing for the proposed 2011 Budget and Warrant will be February 8, 2011 at 7:00 pm.

Arriving late due to a call, Fire Chief Colin Colby advised that there were 17 calls to date, the same as last year at this time. He advised that the heart monitor bought from the Town of Hopkinton is out of service. He contacted Zoll and was sent an extended warranty at a cost of \$2,600. After talking with Sally Becker, Medical Director, and Deputy Chief Adam Pouliot it was decided to send out the unit for repairs at this time at an estimated cost of \$495. The ambulance has a leak in the air springs and two new ones were bought for \$585 with plans for Mr. Bean to replace them as soon as possible. The Tanker is having air brake issues as well with Mr. Bean advising that he has purchased the needed canisters and will repair that as well. Chief Colby noted that because Mr. Bean is doing the work, it saves the Department a considerable amount of money. Chairman Klumb advised Chief Colby of Mr. Bean's plan to use the steamer on the roof of the Public Safety Building.

Tom Mullins addressed the Board in hopes of smoothing out issues between the Selectmen and the Planning Board. He noted the minutes of 1/10/11 re: Selectman's Cummings reference that the Planning Board had not given the petition articles related to the campground sufficient consideration. He advised that at the PB meeting a letter from Town Counsel was read into the minutes, which played a part in the PB's decision to not recommend the petition articles. He also alluded to a rhetorical question asked by Selectman Cummings as to whether or not the applicants would be treated fairly if they came forward again. He was surprised that a sitting Selectman would attend a land use board and suggest strongly that the board is not acting fairly and wondered how the applicant/attorney would regard this. He then alluded to a second letter received by the Selectmen from Town Counsel relative to this subject that he had not seen, nor did he believe that the rest of the PB had seen it. He then requested that the Board consider adopting the following:

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- Establish a policy that any Counsel letter that relates directly to an issue before a land use or any other Town board, that isn't involved in a lawsuit, be given to that board. He gave further explanation for the request; and
- That the Board take the position that opinions expressed at the PB meeting did not necessarily reflect those of the entire Board.

Selectman Cummings responded by clarifying his reference to the rhetorical question, believing that he asked the Board that if the petition articles to amend the Zoning Ordinance failed, as they do not carry the PB's recommendation, whether the PB would work towards crafting an amendment that would cover the same ground in the coming year and improve on those amendments that needed improvement. His concern was that the PB had no time to properly consider the petition articles carefully. He advised that the letter referred to by Mr. Mullins was not released beyond the Selectmen, noting that portions of that letter would be considered privileged. Selectman Cummings advised that two weeks ago, after talking to the Selectmen, he had contacted Attorney Mayer to inquire about any ground rules regarding the sharing of Attorney letters and the answer was that it would be up to the Selectmen. He referenced the letter and advised that it was a letter to Luke Glavey, Counsel for the campground concerning additions, and not a letter addressed to the Selectmen. He then shared portions of the letter regarding the two Petition Articles noting that they deal with additions and the overwintering of recreational vehicles. He felt that the petitions were clear and would not convert any RV's into residential use as some seemed to fear and felt that the articles written made it clear that could not happen as RV's would be behind locked gates during the off season. He had prepared a statement, which he chose not to read at this time. He then held up a copy of a letter from Town Counsel that Mr. Mullins did not have nor does any member of the PB. He advised that it was a letter dated December 7, 2010 that the Board decided was privileged until the Board said it wasn't, advising that there were portions of which should be released especially to the PB as Town Counsel did express some opinions in the letter. Selectman Cummings highlighted those portions he felt that any prudent person would consider privileged legal information that should be redacted. This letter contained an attached letter from Attorney Glavey along with the text for the petition warrant article amendments and a few pictures and diagrams to make things clear. Selectman Cummings felt that this letter raised issues as to what affect Attorney Mayer thought the petition articles had on leaving RV's on site during the winter would be and only mentioned the additions in passing. He did think that the PB should have had the letter earlier, noting that they were struggling with their own changes to the Zoning Ordinance and the writing thereof, explaining how the PB had progressed with this in December. It was at the end of one of their meetings that PB/ZBA Secretary Mary Smith had advised the PB of the petition articles. After review of these articles, he indicated that Mr. Mullins said that one of the petition articles would turn the campground into a trailer park. It was at the December 30, 2010 meeting that the PB made the recommendation to not recommend the petition articles after reviewing them for 15 to 20 minutes, without the benefit of the above mentioned letter. He further commented on the letters and thoughts from that meeting. He then suggested that the Board should meet with Attorney Mayer and take some leadership in resolving the difficulties between the Town and the campground owners and, regardless of how the petition articles are voted, to involve the PB in the discussion.

Mr. Mullins noted one of the first things in the amendment, stating that there were other issues, read "no RV stored or parked in a State or local campground shall be allowed to be converted into a dwelling unit." He then referred to the Zoning Ordinance definition of Dwelling Unit which is "a unit that contains eating, sleeping and bathing facilities", noting most RV's have those features and asked how would one determine when one morphs into the other.

After much discussion on the November and December letters from Town Counsel, Selectman Cummings made a motion to release portions of the 12/7/10 letter with portions redacted to the PB and Zoning Board. There was no second at this time. Referencing Selectman Cumming's comments made at a PB meeting, Selectman Hashem expressed concerns over future lawsuits, noting that sometimes statements made create bias, further explaining his objections regarding comments about the PB not doing their job or being fair, noting he felt that the PB is independent of the Board and should be respected.

Jere Buckley, a Planning Board Member, referenced the letter read by PB/ZBA Secretary Mrs. Smith at the December PB meeting; she did not identify the date of that letter. Selectman Cummings noted that it was read after he made a comment about the Town's Attorney and the campground's Attorney working together on the petitions. Mr. Buckley noted that the petitions did not come in until much later than the letter read; therefore Town Counsel's letter could not have been in response to the actual petitions as referenced earlier by Mr. Mullins. Chairman Klumb stated that the December letter advised the petitioners that there was only one more day to get the petitions in, which indicated that there was no data about the amendments until they came in at the "eleventh hour." Mr. Buckley inquired if the letter gave more positive input from Attorney Mayer. Chairman Klumb advised that it did not, it only talked about the limited number of campsites and then alludes to whether or not the articles/amendments pass that there was only one day in which to present the petitions. Mr. Mullins felt there was some misunderstanding, noting that he didn't believe there was much in the letter, other than changing the "State or locally approved" phrase that Attorney Mayer found objectionable. Attorney Glavey, in his letter, states that he helped his clients phrase the amendments. Mr. Mullins acknowledged that the Town did not see the amendments for some time, but that the wording had been seen by both attorneys. Mr. Buckley inquired why Mr. Mullins had the letter and not the entire PB with Chairman Klumb stating that Mr. Mullins had requested the November letter from Mrs. Smith. Mr. Buckley inquired as to how Mr. Mullins had knowledge of the December Attorney letter as Mr. Mullins referenced at the last PB meeting. Selectman

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Cummings explained that during the Site Plan Review, Mr. Mullins mentioned the 69 sites referenced in a letter from Attorney Glavey to Attorney Mayer, whereby he asked Mr. Mullins at the end of the site plan review if he had a copy of the letter. Mr. Mullins indicated that he did not, with Selectman Hashem advising that the 69 sites were on the plan presented. Selectman Cummings indicated that Mr. Mullins said he knew of the 69 sites because Attorney Mayer had told him. Chairman Klumb recommended releasing the December letter with portions redacted that refer to the campground owner's private information. Selectman Hashem preferred to wait. After further discussion and Board agreement on that portion to be redacted, Mrs. Jones was requested to make copies to be released to all members of the PB and ZBA.

Selectman Cummings again requested to meet with Town Counsel and to include the PB.

Barbara Corliss, Zoning Board Alternate, inquired as to how often that the PB and ZBA did not receive information germane to those boards' discussion and questioned if there was a way to fix the process. Selectman Cummings questioned how often there are petition articles of any type that the PB didn't craft. Chairman Klumb explained that during discussion generated over the past few years with the previous and current campground owners that there has been significant conversations between the Town's Attorney and the owners Attorney's with the owners being advised to come to the Board of Selectmen with requests and proposals. He felt that it was the owners' responsibility and not the Boards to lead the procedures, at which time the PB and ZBA got what they needed from the applicant, advising that the only reason the Board was involved was because of the prior litigation. Selectman Cummings noted that part of the issue is that the campground is pre-existing and petition articles were presented with little time to review, which he himself thought was unprecedented. He would like to be proactive and would like to meet with Town Counsel to seek advice as to what authority the Board may have in light of all the evidence. Mr. Mullins referred to earlier petition articles i.e. growth management in the Pillsbury Lake District and envisioned more in the future. He reiterated that he was asking the Board to adopt a stated policy that when there is something that doesn't deal with a lawsuit, that the information promptly be given to those Boards concerned. Selectman Hashem noted that the PB and ZBA have a legal budget line, whereby they can seek legal advice themselves. Mr. Mullins noted that it would not be prudent if information were already available.

Jaye Bowe, a member of the Zoning Board, reiterated what Mr. Mullins has stated, that information be shared with the other boards whenever possible.

8:57 P.M. Selectman Hashem made a motion to adjourn; seconded by Selectman Cummings and approved.

David E. Klumb, Chairman

George K. Hashem

George C. Cummings

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