

Town of West Boylston

140 Worcester Street, West Boylston, Massachusetts 01583

Select Board/Sewer Commission Meeting Minutes

Date / Time / Location of Meeting September 15, 2021; 6:00 p.m. Zoom

Members Present Christopher A. Rucho, Chairman Barur R. Rajeshkumar, Vice Chair Patrick J. Crowley, Clerk Michael J. Kittredge III, Selectman Kristina Pedone, Selectwoman

Members NOT Present:

Invited Guests:

Nancy Lucier, Town Administrator Faye Zukowski, Municipal Assistant Kevin Duffy, DPW Director

Others Present: Jones, John Scannell, Patrick Inderwish, Tom Cosgrove, Danielle's iPhone., Barry's Phone, iPhone, 508-450-4096.

Mr. Rucho convened the meeting at 6:00 p.m., roll call taken. Chairman's Statement was read by Mr. Rucho:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of West Boylston Selectboard is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to view this meeting while in progress may do so by:

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PUBLIC COMMENT: This fifteen-minute period is an opportunity for the public to address their concerns and questions regarding town operations and programs to the Board. Except in urgent circumstances, any matter presented for consideration by the Board shall not be discussed in detail

nor acted upon by the Board at this meeting. A scheduled time on a future agenda may be set at the Board's discretion. Complaints or criticism directed at staff, volunteers, or other town officials shall not be permitted. If we do not have Open Session items to discuss, other agenda items may be brought forward earlier.

APPROVAL OF MEETING MINUTES:

• September 1, 2021 Regular Session:

Motion Mr. Rajeshkumar moved to approve, Mr. Crowley second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

REVIEW AND VOTE TO APPROVE WARRANTS FOR THE PERIOD COVERING SEPTEMBER 2, 2021 TO SEPTEMBER 15, 2021: Town Payable Warrants FY2022-10 and 11; Town Payroll Warrant FY2022-05; Sewer FY2022 SE-05 & SE-06; MLP FY2022 #6; and School FY2022 S6.

Motion Mr. Crowley moved to approve; Mr. Rajeshkumar second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

John Scannell, Division Director, DCR – Update on Regional Recycling Center:

Mr. Scannell provided the Board with an annual update for the Regional Recycling Center, he stated the center has been extremely busy. He explained they have changed the hours due to the pandemic; Tuesday 9 a.m.- 11 a.m. and Thursday 4 p.m.- 6 p.m. and first and third Saturdays of the month 9 a.m.-12 p.m. He explained they have added storage containers for drop off of items two boxes at t a time, in July and August they collected an average of 1,000 boxes each month. He explained the hazardous collections this year has been reduced from four times a year to two and they will hold two shredding events annually. He stated the cost of recycling changes dramatically up and down.

Introduction of Kevin Duffy, Director of Public Works:

Ms. Lucier introduced Kevin Duffy; he previously worked for the Town of Watertown and began here on Monday, the Board welcomed him to town. Mr. Duffy thanked the Board and said everything was off to a good start and a busy week. Mr. Crowley welcomed Kevin and is happy the Town has a full time Director now. Mr. Rucho asked how long Gary will be working with Kevin, Ms. Lucier stated a few weeks of cross training as needed as there are many projects going on

currently. Mr. Rucho would like Kevin to be in contact with the Parks Commission as they will also work together a lot and possibly attend their next meeting.

6:30 p.m. Public Hearing: Policy for Social Media Guideline for Town Facebook Page and Twitter Account:

Ms. Lucier read the Public Hearing notice. Ms. Lucier provided the Board with an overview of the proposed policy and is one of the Boards goals. She stated they plan to launch the first Wednesday of October and will plan to do weekly Wednesday updates. Mr. Crowley asked for process for the development of the policy, Ms. Lucier responded. She stated the social media will all filter through the website and no comments will be accepted on the social media page. She stated they reviewed many policies from other towns with Ms. Pedone and she also added input. She stated this is another platform to inform residents. She stated the users will be the Town Administrator, Municipal Assistant and the Town Clerk but anyone can send information in to be posted. Mr. Rajeshkumar asked if this will be the only Facebook page for the town, Ms. Lucier stated other departments will keep theirs this is for the Town Hall. Ms. Pedone stated she reviewed other communities to see what they had for Facebook pages and it seems the towns have individual pages for departments not just one single page. She stated that if the town only had one page it would be very busy and people may not pay attention to the notifications because of the number of posts. Mr. Rucho asked if this policy is for all departments, Ms. Lucier stated departments have their own guidelines as they had discussed in the past. Mr. Rucho would like to develop a single policy for all departments, Ms. Lucier stated she can work on that. Ms. Pedone responded that one policy would be helpful but would take some work with all the departments as they each use social media differently. Mr. Rucho would like to have all the posts include contact information for residents.

Motion Mr. Crowley moved to close the Public Hearing; Mr. Rajeshkumar second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

Motion Mr. Crowley moved to approve the Policy as presented; Ms. Pedone second. Mr. Crowley stated as one of the Boards goals it is good to have a starting point and this policy will probably be reviewed often.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

James Pedone, Update on Playground:

Mr. Pedone stated the order for all the material, structures and poured in place. He stated they were notified the prices were going up so they decided to place the order to be guaranteed the prices in the quote. He explained the anticipated delivery is 12-14 weeks and that time may be too cold to install

this fall, so they will install the poured in place in the spring weather permitting. He stated in the mean time they would like to install the new structures that can be installed now and relocate the other ones within the park. He explained this will also allow for an easier schedule with the DPW. Mr. Rajeshkumar asked if this is for the Pride Park, Mr. Pedone stated correct for the school side only. Mr. Rajeshkumar asked if any of the equipment will be retired, Mr. Pedone stated they will not be retired just relocated to other areas of the park to allow for more area for new equipment with the exception of two swings will be changed out to bucket swings. Mr. Crowley stated when the meeting with CPC occurred the plan was to bring the entire area up to ADA standards with the first round of CPC funding and now, they are only completing the Major Edwards side. Mr. Pedone stated the quote they received from O'Brien and Sons did not include the poured in place for the entire area and also did not include additional things like walkways etc. He explained they asked for the \$250,000 to get everything completed. He explained Alice's estimate of the whole project was approximately \$600,000 to complete both sides. He stated Phase 1 came out to \$331,000 with cost savings by the DPW completing some of the work and good prices were received for the asphalt work. Mr. Crowley stated the park is not in compliance and will be shut down if it is not and now, they are only completing half of the park that will not bring them into compliance. Mr. Pedone, they park will be into compliance with the exception of during school hours as the school side will be used and closed to public and the other side will be open and is not in compliance. Mr. Pedone stated this park will be upgraded in phases and they plan to address the other phases in the future and in addition they plan to file for a variance with the State which will allow them to get by for now per Michael Edwards. He stated they will need to show progress is being made along the way. Mr. Crowley asked if the park is closed only during school hours, Mr. Pedone stated the park is not closed they are just not using it for recess. Mr. Crowley asked if the school is not using due to ADA issues, Mr. Pedone responded correct due to ADA and Inclusion issues. Mr. Crowley asked if they had a variance now would the park be open for recess, Mr. Pedone the issue with the school is different and would remain closed because every child in the school would not be able to use a certain portion or percentage of the playground therefore no children can use it and the school obtained a legal opinion. Mr. Crowley asked once this project phase is completed the school will have no issues and the kids will use at recess, Mr. Pedone responded that is his understanding. Mr. Pedone stated the Pride Park ADA Committee all agreed and they also added a few more things that they were asking for and able to get this completed within the \$250,000 budget. Mr. Pedone feels they are meeting the percentage of requirements as listed in Alice's plan. Mr. Kittredge explained that with this phase it will be helpful with variance. Mr. Rucho asked if the school received something that the playground must be ADA Accessible and Inclusive, Mr. Pedone responded that yes based on what a complaint would be. Mr. Rucho cannot believe the town is working on this based on "what we think the complaint will be". Mr. Pedone stated once the poured in place is in it cannot be changed and if an inclusion issue arises, they will not be able to add things and make the playground inclusive after the fact. Mr. Rucho would like to go with what the law says not the wants of certain groups. Mr. Pedone stated that according to Michael Edwards there is not law around inclusion but does not believe there will not be inclusionary issues brought up with the schools. Mr. Rucho stated this could be endless, Mr. Pedone stated is they have the correct percentages and equipment that all kids can use they should not be a debate on inclusion. Mr. Crowley understands the school's stance on the ADA issue but if there is no law on inclusion the request could be endless. He stated the laws are written so that it is fair to both the town and the residents with disabilities and a written to prevent all the specific requests and the threat of being sued as a factor on how we operate. He shares the same concerns as Chris in regards to the playground not being used because of inclusion issues but if they were ADA issues he understands. Mr. Pedone asked if the Board has any requests to modify the plan. Mr. Rucho thinks the town should adhere to what the ADA law states and not go above and believes this will create the need to go above on everything going forward and could be endless and cost the town millions of dollars.

Mr. Kittredge stated they were trying to get something started as they were not in compliance at all and by doing some of the park would be in the best interest of the town. Mr. Pedone stated once this project is completed this will satisfy the schools need. Mr. Pedone stated if the law changes in between phases it may make the plan obsolete. Mr. Rucho asked what the cost is for the under 5 section that is not being updated, Mr. Pedone stated the school side is \$240,000 according to quote from O'Brien and Sons with having the DPW complete the work. Mr. Rucho asked about the state funding that the town is receiving, Ms. Lucier stated it is for \$150,000 and she was in contact with Representative O'Day about the status of receiving the funds but has been approved. Mr. Rucho stated the \$150,000 can complete the under 5 section of the playground, Mr. Pedone stated the \$150,000 is going back CPC funds allocated. He explained they would have to ask the CPC for additional funds for that phase of the project, Mr. Crowley agreed. Mr. Crowley clarified that he believes any invoices over \$100,000 will not be paid out of the CPC funds due to the town received the \$150,000 stated funds for the project. Mr. Crowley stated if the funds are not approved than it can all come out of the CPC funds. Ms. Lucier clarified that the \$150,000 is in a line-item budget that has been approved by the Governor but not yet released.

Mr. Rucho texted Representative O'Day about the funds and the response was it was approved but not yet release from A&F and he will follow up tomorrow, Ms. Lucier will follow up.

Patrick Inderwish, Update on Mixter Field:

Mr. Inderwish stated the committee approved a contract with the Architect and is in process of working with Town Counsel on the contract for signature, Mr. Crowley stated the Architect chosen is Warner Larson Landscape Architect of Boston and they also worked on the tennis and basketball project and was quality work. Mr. Inderwish explained the Architect recommended to hold off on placing the project out to bid until winter in order to get a better price and plan to break ground end of spring.

OLD BUSINESS:

- Consider approving date for October Semi-Annual Town Meeting:
 - o Saturday, October 16 10:00 a.m. outside ball field Middle/High School
 - o Monday, October 18 7:00 p.m. inside auditorium Middle/High School
 - o Saturday, October 23 10:00 a.m. outside ballfield Middle/High School weather date

Mr. Crowley asked if the meeting will be inside or outside and what was the deadline for the mailer. Ms. Lucier stated she would prefer a decision so that the Warrant prepared for next week's special meeting will be complete with date on it. Mr. Crowley suggested having the meeting outside as it has been held in the past with no issues. Ms. Pedone cautioned that Fall Fest is also scheduled for the 23rd and thinks a lot of residents will be attending. Mr. Rajeshkumar would like to see the meeting held outside; Mr. Rucho stated the weather is the only concern. Mr. Crowley shares the concern as Ms. Pedone with the Fall Fest but it may also be a good thing. Mr. Rajeshkumar stated fall fest is 12 p.m. to 6 p.m. and town meeting should not be an issue.

Motion Mr. Crowley moved to hold Semi-Annual Town Meeting on Saturday, October 16th 10 a.m. at the Middle/High School Ballfield with same location same time October 23rd as a backup date; Mr. Kittredge second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes
All in favor
Approved

NEW BUSINESS:

• Discussion of services provided to the town by KP-Law (PC):

Mr. Crowley discussed his discontent with recent responses from KP Law were vague in response to a question on open meeting law violation. He feels the advice given is always a yes-but answer. He explained the town received a copy of the Attorney Generals findings for an open meeting law violation in another community with same case of incorrect meeting agenda for COVID discussion. Mr. Crowley stated he hire town counsel to give the town advice and does not feel the town is getting this. Mr. Kittredge asked when the contract is up, Ms. Lucier stated they are not under contract but on appointment and will expire April 30, 2022. Mr. Rucho stated a change could be made at any time. Mr. Crowley would like to do some research on who other communities use for town counsel, Mr. Rucho stated he agrees and has stated this in the past and would like to start the process of looking for new town counsel. Mr. Pedone had concern with the draft response which was opposite from what the Attorney General's Office states she would like the Board to review before it gets sent. Ms. Lucier stated they could issue an RFP (Request for Proposals) from other law firms, Mr. Rajeshkumar asked to include request for fees. Ms. Lucier stated they can request a fee structure in the RFP. Mr. Rajeshkumar asked if the main person at KP Law is aware of the concerns of the Board, Ms. Lucier stated she told Shirin Everett and Lauren Goldberg is the President. Ms. Lucier requested to keep Brian Maser as labor counsel due to him having knowledge for personnel issues of the past which they had done in the past. Mr. Rajeshkumar would like to give KP Law a chance to respond and correct concerns of the Board. Mr. Crowley would like Nancy to speak with Lauren Goldberg and invite to a future meeting and he has no issue with them addressing the situation, Ms. Pedone shared the same opinion and would like to discuss with them before putting out a proposal. Ms. Lucier asked for specifics that they would like to mention prior to having them in to a meeting.

 Notification of request for Extension of Premises for Outdoor Dining Area for The Manor/Draught House – Approved by the Town Administrator per June 10, 2020 vote – opened for business on September 14th:

Ms. Lucier explained the Board gave her the approval on June 10, 2020 when extension of premises guidelines was allowed, she was to report back to the Board.

Motion Mr. Crowley moved to acknowledge notification of the extension of Premises for the Manner Draught House; Mr. Kittredge second.

Mr. Crowley stated this approval is acceptable under the COVID Guidelines from the state and hoped these businesses that have made changes will be applying for an alteration of premises in the near future, Ms. Lucier stated they are in the works.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

• Update on Town Hall Project (CR):

Mr. Rucho gave an update to Town Hall; the painting is almost completed on the first floor; they are working on final electrical on both floors. He explained the week of September 20-24 they plan to install flooring on first floor and September 27- October 1st for completion of first floor and preparation for move in. He stated the week of October 4th they will clean and begin the move of first floor back to offices. He stated the week of the October 11th they are hopeful to begin flooring on second floor but the carpet is currently on back order but are hopeful to have the second floor completed by October 18th.

• Acknowledge receipt of Town meeting Articles:

Mr. Crowley discussed the Article for Line Striping for \$80,000 for the other half of the town and would like clarification on the cost and details. He stated he believed the whole town was 300,000 linear feet for a cost of \$90,000 approved at a prior town meeting and now Gary stated that is for half of the town, Ms. Lucier would like to defer to the Director for that information and will get information for the next meeting. Mr. Duffy stated he is not completely up to speed but the total linear footage is 600,000 and is split between two years but can check and come back to the Board. Mr. Rucho stated they were understanding that it would cost more but did not think it was going to cost this much more. Mr. Rajeshkumar requested to add Juneteenth to the Holiday list now that the State has approved, Ms. Lucier stated it would be town meeting as this is a Personnel Bylaw which is part of the General Bylaw. Mr. Crowley asked if this gets referred to the Bylaws Committee and then they hold a public hearing then to town meeting, Ms. Lucier stated Bylaw Committee will meet before town meeting and vote to recommend or not to recommend articles.

• Consider voting to release Executive Session Meeting Minutes for 2020 through August 2021:

Ms. Lucier stated all 2020 and 2021 minutes will be released with the exception of March 3, 2021 redaction of the ongoing litigation, May 12, 2021 incomplete and June 30, 2021.

Motion Mr. Kittredge moved to approve for release minutes of 2020 and 2021 with the exception of March 3, 2021 redaction, May 12, 2021 and June 30, 2021; Mr. Rajeshkumar second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

APPOINTMENTS & RESIGNATIONS

• Concurrence on the appointment of Kevin Duffy to the Upper Blackstone Water Pollution Abatement Board of Directors effective September 15, 2021 for a term to expire on September 12, 2021:

Motion Mr. Rajeshkumar moved to approve; Mr. Kittredge second. Roll Call Vote

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Mr. Kittredge, yes

Mr. Rajeshkumar, yes Ms. Pedone, yes Mr. Crowley, yes Mr. Rucho, yes All in favor Approved

TOWN ADMINISTRATOR'S REPORT

• Update on Town Clerk Search:

The Town Clerk's position was posted in house on September 1. No internal candidate submitted an application. On September 10th the position was posted on the Mass Municipal website and on the Town Clerk's Association website. Deadline to apply for this position is October 4th. The anticipated start date for the position is November 29th. We built in the budget a 3-week training period. Our current Town Clerk's last day will be December 17th.

• Update on Facility Manager:

At our last meeting the Board discussed this item. The first issue is what that person would do for 15 hours a week. I forwarded the job description for the position for your review. The job description, which was approved by the Personnel Board on August 28, 2018, has 13 bullet points of essential duties and responsibilities. The individual will complete small repair or maintenance projects, as appropriate and as time allows. They will also schedule and oversee necessary repair projects. The senior center director has already contacted me to see if the weekly testing of the pump house can be included in the Facility Manager's duties. The current custodian performing this function was a pipe fitter with some knowledge of the engine is planning on retiring. She will be without someone to perform that duty. In addition, the senior center has had ongoing gutter and downspout issues yet to remedied. We have been discussing the need for this position since January 17, 2018 and funds were included in the budget. Also keep in mind, all of our municipal buildings, with the exception of the school, are cleaned by municipal custodians who work less than 20-hours a week.

Mr. Rucho asked if the custodians will be supervised by the Facilities Manager, Ms. Lucier stated that was not the job description and there was a discussion on the custodian staying under the supervision of the department heads. Mr. Rucho feels the custodians should fall under the Facilities Manager. Mr. Rucho discussed the ongoing downspout issue at the Senior Center and look into going back to contractor for them to repair.

As Mr. Crowley preferred the position to be opened longer and for outside candidates, on September 3rd I posted the 15-hour a week position on the MMA website with the verbiage, 'preference given to applicants who replied prior to September 14th.' I received one inquiry as to whether the job would become a full-time benefited position. I did receive a second inquiry from an individual who was a stay-at-home father looking to start a new career path. Unfortunately, that individual has no experience in this type of work and does not meet the minimum qualifications of three years in a facility management or construction supervisory role, or any equivalent combination of education, training and experience which provides the required knowledge skills and abilities to perform the essential functions of the job. There was also a suggestion that perhaps the new DPW Director could take on this role. The position of DPW, as we advertised, did not include the duties of Facilities Manager, the job description does not include those duties and the employment contract negotiated and signed

with the new Director does not include those duties. With all the new wastewater requirements and MS4 permitting, and the addition of the Cemetery Division under the umbrella of the DPW, our position of DPW Director has many responsibilities.

Last week I actually attended a meeting with Margaret Nartowitz the Town Administrator from Berlin. You may recall that previously we were discussing a regional approach to filling this position with the Town of Berlin. When COVID hit they decided not to move forward with filling that position. They are interested if the Board wishes to restart those discussions, but keep in mind that we would then be sharing the cost of the wages and the benefits associated with that position, including retirement.

As mentioned at the last meeting, Gary Kellaher has over 20 years of experience in the position of Facilities Manager. He actually worked with Margaret in Rutland and she tells me that he did a great job in that role.

Mr. Rajeshkumar would like to keep the posting open and does not feel there is an immediate need and see if they get a good candidate. Mr. Rucho believes changes can be made to the Directors contract or an add on to the contract and feels it could be a good thing or possibly look in the future look at maybe adding a part time person to assistant the Director if this gets added to the department. Mr. Rucho would like to discuss regionalizing with Berlin again. Mr. Rucho stated this position was posted with qualifications for a person who is currently employed and is designed for that person to fit into this position. Ms. Lucier clarified the job description was approved back in 2018 and is not designed for the person currently employed. Mr. Crowley stated creating and filling this position has been a Board goal and established at a goal setting meeting that they do need this position, Mr. Rucho agreed it was a goal. Mr. Rucho would like to stay involved with this and contact Berlin. Mr. Rajeshkumar would like to find someone that plans to stay longer than a year. Mr. Rucho stated it may be impossible to find someone under these qualifications and wanted to keep the job open. Mr. Kittredge did like the idea of having the Facilities Manager oversee the custodians to be sure that everything is getting done and will be helpful. Ms. Pedone stated in the job description the person hired would do small repairs in the job description and that the role would have assist with the oversight of custodial staff. Mr. Rucho stated items not listed in job descriptions may come up and he is hopeful employees will do work outside of job descriptions.

MEETINGS, INVITATIONS & ANNOUNCEMENTS:

- September 17, 2021, 1:00 p.m. Safe Driver Refresher Course at the Senior Center presented by AAA.
- September 22, 2022, 6:00 p.m. Special Selectboard Meeting Review, Close and Vote to Approve Warrant for Town Meeting
- Long-time Adopt an Island Participant Eagan Plumbing will no longer be maintaining the island at Kings Mountain Drive/ Yorktown Road. We thank them for their dedication to the island, which is now available. Other islands include Thomas/Crescent Street and the cement island at Maple Street/Shrewsbury Street.
- The Friends of the West Boylston Senior Center would like to build a Bocce Ball Court here! If you know of anyone who knows how to build one or of a landscaper/group that is available, please contact Lisa at the center.

FUTURE AGENDA ITEMS/SELECTMANS REPORTS:

- Mr. Crowley updated the Board that the CPC will meet on September 20th to discuss a proposed Article for town meting regarding the request from Affordable Housing Trust for \$25,000.
- Mr. Crowley requested to add to the October 6th meeting a discussion and possible vote on a change of the makeup of the Board of Health and if it requires a public hearing, he would like that posted in the next two weeks to meet the requirements for the agenda.
- Mr. Rucho discussed the island at the High School at Thomas Street and Crescent Streets and asked if the DPW maintains if there is no one that has adopted this island, Ms. Lucier stated the best they can with mowing but will not be weeding and that location and it has a lot of perennials.
- Mr. Rucho would like to add to a future agenda item the Catch Basin truck that was brought back to town and discuss the cost and how this truck was handled.
- Ms. Pedone would like to discuss at a future agenda item adding GPS tracking and cost into new trucks purchased in the future.
- Ms. Pedone would like the status of the road repairs in front of CVS from a previous water main break.

Respectfully submitted,

Faye D. Zukowski, Municipal Assistant

Christopher A. Rucho, Chairman

Barur R. Rajeshkumar, Vice Chairman

Patrick J. Crowley, Clerk

Michael J. Kittredge III, Selectman

Kristina Pedone, Selectman

Motion Mr. Crowley moved to adjourn at 7:55 p.m. Mr. Kittredge, second all in favor.