

## **MINUTES OF THE BOARD OF SELECTMEN MEETING**

October 27, 2014

Meeting held at Pine Grove School

**MEMBERS PRESENT:** Chairman Robert Merry, Vice Chairman Joseph Perry, Clerk Robert Snow, David Petersen, Jack Cook (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

**PUBLIC ATTENDEES:** Michelle Marshall – The Daily News

### **CALL MEETING TO ORDER**

Chairman Robert Merry called the meeting to order at 7:04 p.m.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **CHAIRMAN'S COMMENTS**

None.

### **GENERAL BUSINESS**

2. Request from Rowley Liquors, Inc. for a 10:00 a.m. Sunday opening time

Chairman Merry read the following:

*Effective October 23, 2014, the ABCC will permit off-premises retail alcoholic beverage licensees to sell alcoholic beverages beginning at 10:00 a.m. on Sunday.*

*Rowley Liquors has notified the Board of Selectmen that they wish to open at 10:00 a.m. on Sundays. The Board of Selectmen needs to approve the request and sign Form 43, which will be sent to the ABCC.*

Dave Petersen made a motion to approve this request and sign Form 43, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed Form 43.

1. Sign motions and discuss town meeting articles

Eagan said she assigned the Library motion to Joe Perry, but the Library Director is prepared to speak on the article for the sprinkler testing.

The Selectmen signed their motions.

## **NEW BUSINESS**

1. Discuss obtaining a legal opinion on appointing/hiring authority for boards and commissions

Petersen said this has been discussed a number of times over the years. He said the Personnel Department conducts background checks and performs computer assessments on applicants, and clarity is needed on the appointing authority of boards and commissions. He said the labor attorney should give an opinion on if the Board of Selectmen is the authority on hiring. Merry said he thinks it is time to find out. Petersen said Eagan and the staff have professionalized the personnel department and this is part of this process. He said it will be helpful to know who has the appointing authority.

Dave Petersen made a motion to get a legal opinion on the appointing authority of commissions and boards, Joseph Perry second, all in favor - aye (5-0).

2. Discuss Open Meeting Law Complaint against the Water Board filed by Water Commissioner Timothy Toomey

Petersen said after the last Water Board meeting adjourned, Timothy Toomey gave this complaint to Roy Ricker and walked out (COPY ATTACHED). Eagan said the complaint is for items discussed under Chairman's Comments. Petersen said the Chairman's Comments addressed various things that Toomey brought up previously and asked for motions. Eagan said it is a violation of the open meeting law to conduct business through an employee. Petersen said a board member can ask for an item to be added to the agenda or ask a direct question to the water superintendent. He said it is difficult when there is a three member board. Eagan said she recommends that these items be re-posted on an upcoming meeting agenda and any items that were previously voted on should be re-voted. Petersen said he doesn't remember any votes, but the minutes would show if votes were taken. Eagan said we have 14 days to respond and this will be scheduled on the Board of Water Commissioners meeting next Tuesday.

Bob Snow made a motion to allow Eagan to work on a response to this complaint and consult Town Counsel if needed, Joseph Perry second, all in favor - aye (5-0).

## **MINUTES**

- **July 28, 2014**

Dave Petersen made a motion to withdraw the vote on October 20, 2014 to accept the July 28, 2014 minutes, Bob Snow second, all in favor - aye (4-0). Joseph Perry - ABSTAINED.

Bob Snow made a motion to accept the July 28, 2014 minutes, Jack Cook second, all in favor - aye (4-0). Joseph Perry - ABSTAINED.

There being no further business before the Board, Chairman Merry called for a motion to adjourn to Town Meeting. Jack Cook so moved, Joseph Perry second, all in favor – aye (5-0).

Open meeting adjourned at 7:25 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

**ATTACHMENTS:**

1. Application from Rowley Liquors, Inc. for a 10:00 a.m. Sunday opening time
2. Open Meeting Law Complaint against the Water Board filed by Water Commissioner Timothy Toomey
3. Original and Revised agendas from Board of Water Commissioners meeting held on October 7, 2014