

Selectmen Present: Edwin Carr, Chairman
Paul Carlson
Frederick Koed
Ralph Dormitzer
Karen Quigley

Absent: William Griffin, Town Manager

Others Present: Jennifer Oram, Selectmen's Clerk

Chairman Edwin Carr called the meeting to order at 7:00PM.

Selectmen's Comment Period

Selectman Paul Carlson stated that he had been contacted by the Boston Globe about whether or not the Town was planning on implementing stricter bylaws in regard to registered sex offenders. Selectman Carlson spoke with Chief Hussey and the Chief stated that at the present time, no sex offenders are registered within the Town. The Chief stated that this is obviously monitored very closely and would inform the Board should the status change.

Selectwoman Karen Quigley asked if there was any update on the curbing issue for the Common. Other members of the Board stated that there had been none.

Selectwoman Quigley also reminded the community that on Monday, June 16, 2008, there would be another open forum discussing the Flood Control Master Plan, with this one focusing on the Atlantic Avenue/Treat's Pond area of Town .

Selectwoman Quigley moved that a goal setting meeting date be set when Mr. Griffin is present at the next meeting. Selectman Ralph Dormitzer stated that he had emailed the older list to the Board. Chairman Carr agreed that a time and date should be set for this meeting. Selectman Carlson seconded the motion and the vote was unanimous (5-0).

Chairman Carr suggested that the Board schedule a meeting with all Boards and Committees to discuss the Open Meeting Law. He suggested that the Board invite the Attorney General to speak.

Chairman Carr also asked the Board to review the rules for Town Meeting that Town Moderator, Daniel Evans, has printed in each warrant for the town meetings. Chairman Carr stated that not all of rules would apply to the Board, but that many would, and it may be beneficial to set guidelines for the Board's meetings. He suggested that after all of the input is given, Mr. Griffin and his office could create a final set of meeting guidelines.

Public Comment Period – Roger Hill of 19A Highland Avenue addressed the Board. Mr. Hill stated that while towing a boat through Elm Street, he had difficulty passing through due to the fact that there were illegally parked cars on either side of the street. In addition, he stated that cars were parked half on the street and half on the sidewalk. Mr. Hill approached an officer about the illegally parked cars, and he states that the officer told him that they were instructed not to ticket cars on Elm Street. Chief Hussey asked to speak and stated that due to the lack of parking in the village, his officers do try to not ticket cars parked on the side where Flemings is located. The Chief stated that a rolled curb was actually

installed to allow additional parking on that side of Elm Street. However, he added that if people are parking their cars on the sidewalk and obstructing people as they try to get by, they should be ticketed. He added that if people are parked in such a way that people can't drive through the streets, those cars blocking the way should be ticketed as well. Chairman Carr asked the Chief to look into this and get back to the Board. The Chief agreed to do so.

Minutes – Selectman Frederick Koed moved to approve the minutes of May 19, 2008 as amended. Selectman Dormitzer seconded the motion and the vote was unanimous (5-0).

Housing Partnership Committee Appointment – Mary Grayken of 49 Highland Avenue addressed the Board and expressed her interest in being appointed to the committee. She reviewed her background and the skills she felt she could add to the group. **Selectman Dormitzer moved to appoint Ms. Grayken to the Housing Partnership Committee. Selectman Koed seconded the motion and the vote was unanimous (5-0).**

Police Department Awards – Chief James Hussey addressed the Board and gave a presentation for each award presented. The Chief gave detailed descriptions of the events and reasons each of these members of the Police Department were receiving these awards. The Chief presented the following awards: The Excellence Award, presented to Sergeant John Conte, Police Officer Francis Yannizzi, Lieutenant Gregory Lennon (not present) and Detective Garret Hunt; The Meritorious Service Award, presented to Police Officer Regen Steverman and The Community Service Award presented to Dispatch Supervisor Thomas Wigmore.

Approval of Land Acquisition for Water Supply Protection - **Selectman Carlson moved to approve the order of taking by eminent domain. Selectman Koed seconded the motion, and the vote was unanimous (5-0). Selectman Carlson moved to approve the resolution regarding damage awards for taking by eminent domain. Selectman Koed seconded the motion and the vote was unanimous (5-0). Selectman Koed moved to approve the release and indemnification agreement for Assessor Map 65, Parcel 7 and Map 66, Parcel 4. Selectman Koed seconded the motion and the vote was unanimous (5-0).**

Treat's Pond and Sandy Cove Access – Selectman Dormitzer recused himself and moved to a seat in the audience. Attorney Lou Ross of Deutsch Williams joined the Board. Chairman Carr reviewed the history of the Town's access to the pipe in Sandy Cove. For nearly 40 years, the Town has driven down Lothrop Lane and across the beach to dig out the pipe to help alleviate flooding in the Atlantic Avenue area. Recently access via Lothrop Lane has been denied when Mr. Charles Higginson of 159 Atlantic Avenue, placed a lock on the gate. It is Mr. Higginson's desire that the Town gain access to the pipe via an existing easement that runs from Treat's Pond. The easement was granted to the by Mrs. Bigelow in 1964 when she owned the land surrounding the pond. The Town then asked Attorney Ross to confirm that the Town does in fact have legal access via this easement. Attorney Ross reviewed the extensive deed research, in great detail, that he has conducted and his conclusion is that the wording in the deed is far too vague for the Town to say the Town is allowed access. He suggests the Town approach the neighbors whose land the Town would need to cross to gain access to the pipe and draw up a new document with more definitive language. Attorney Ross explained that the easement ties to the land, even if the land has been subdivided. However, even if the intent was to allow the Town access to clean out the pipe along this easement, the language does not clearly state that. Also, the only way to know what properties the pipe actually crosses would be to have the land surveyed. Selectwoman Quigley stated that Mr. Wayne Sawchuck, the person who subdivided and developed the Bigelow parcel, does

have some plans that are stamped by engineer Neal Murphy. There was discussion amongst the Board and the audience about why Lothrop Lane was used for the forty years instead of the Bigelow easement. It seemed that logistically speaking, Lothrop Lane was “easier” to gain access to the drainage pipe. Ralph Dormitzer, of 111 Atlantic Avenue and speaking as a citizen from the floor, stated that he felt accessing the pipe via the Bigelow easement would prove to be costly to the Town both economically and environmentally. He felt that the land owners on Lothrop Lane, if asked, would allow occasional access the pipe via Lothrop Lane. Mr. Higginson then stated that he felt it made more sense for the Town to gain access to the pipe with the easement it actually has. Mr. John Connolly of 85 Atlantic Avenue stated that he placed a lock on the gate on the Bigelow side in 1997 to discourage access from trespassers. He stated that the Town has always used Lothrop Lane and that he feels that to go across his property, along the easement in questions, would damage a lot of vegetative and fowl life in the area. Selectman Koed asked Mr. Connolly if he would allow the Town to cross his property to access and clean out the pipe in Sandy Cove. Mr. Connolly said no. Others spoke in regard to this issue, including, James Drysdale of 4 Cedar Acres Lane, Peter Whittemore of 47 Elm Court, Wayne Sawchuck of 432 Beechwood Street, Mr. Wilms of 123 Atlantic Avenue, Priscilla Houghton of 91 Atlantic Avenue, Leila Hill of 40 Atlantic Avenue, and Melinda Evans of 36 Sohier Street. Michael Sceery of 95 Atlantic Avenue stated that he feels the Town has done a great job maintaining the pipe for the residents of Atlantic Avenue. He said that when and if a survey is done he feels it will show that the Town does have the right to access the pipe via the Bigelow easement, and that it will show the pipe on his or Mrs. Houghton’s land. He added that when this is shown, he will be glad to allow the Town access. There was then a lengthy conversation about the stormwater that comes out of the pipe and the bacteria that comes into Sandy Cove, as well as options of how to improve and extend the pipe.

Selectman Koed then summarized the meeting stating that for the past 40 years the Town has had a pattern of access via Lothrop Lane which is now being denied. In addition, the Town does have an easement along the area of Treat’s Pond, however due to the ambiguity of the language, the Town can not enforce it until a more descriptive document is drafted and signed by all affected land owners. He added that he felt that Engineer Neal Murphy should be talked to about any surveys he may have of the property that once belonged to Mrs. Bigelow. Chairman Carr added that it seemed to him that there were many residents, along both ways of access who would be willing to work with the Town.

Selectman Koed said that he would contact Mr. Murphy and Chairman Carr stated that he would contact the affected residents. In addition, Chairman Carr said the Town will continue to work with Town Counsel on this matter.

Selectman Carlson moved to adjourn the meeting. Selectman Koed seconded the motion and the vote was unanimous. Meeting adjourned at 9:20PM.

Respectfully submitted,

Edwin G. Carr
Chairman