

# Board of Selectmen Minutes 07/18/2016

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| Board of Selectmen | July 18, 2016                       |
| Regular Session    | Selectmen's hearing room, Town Hall |

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| Present: | Philip Crawford, Chairman      |
|          | Christopher Barrett, Selectman |
|          | Richard Dalton, Selectman      |

Chairman Crawford called the meeting to order at 7:00 p.m. Chairman Crawford announced that the meeting was being recorded for transmission by cable television. He led those assembled in the Pledge of Allegiance.

### Proclamation for Jon and Jean Procurot

Chairman Crawford said that the Board wishes to honor Jon and Jean Procurot, who serves as animal control officer and assistant animal control officer, respectively, for 28 years before retiring on July 1. He and his fellow Board members thanked them for their service. Police Chief David Breen also recognized the Procurots for their dedication.

Chairman Crawford read the below proclamation, which was signed by the Board members.

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| <b>WHEREAS:</b>   | <b>Jon and Jean Procurot have served as the Town of Lynnfield's Animal Control Officer and Assistant Animal Control Officer for a period of 25 years, commencing in October of 1991;</b>  |
| <b>WHEREAS:</b>   | <b>Jon Procurot also served the Town of Lynnfield as a call firefighter for 46 years, rising to the rank of Lieutenant;</b>   |
| <b>WHEREAS:</b>   | <b>During their terms as Animal Control Officer and Assistant Animal Control Officer, Jon and Jean Procurot worked diligently to protect the health and safety of Lynnfield's population, making themselves available around the clock to respond to calls for assistance;</b>                                      |
| <b>WHEREAS:</b>   | <b>In their service to the Town of Lynnfield, Jon and Jean Procurot showed a commendable concern and compassion for both Lynnfield's citizens and Lynnfield's animal populations, working diligently with both pet owners and complainants to ensure fair outcomes for both Lynnfield residents and their pets;</b> |
| <b>THEREFORE:</b> | <b>We, the Board of Selectmen of the Town of Lynnfield do hereby offer our deep gratitude, and convey to them the thanks of the citizens of Lynnfield, for their decades of dedicated service.</b>  |

Chief Breen mentioned that the Police Department has received an outpouring of public support following the recent police shooting tragedies around the nation and thanked the public for its support.

### Interview for Historical Commission

Roy Sorli of Main Street appeared before the Board to interview for a vacant position on the Historical Commission. He told the Board he is a lifelong resident of Lynnfield and grew up as a neighbor of, and now resides in the former home of, the late Katherine Ross, the Town's longtime unofficial historian. He said he has long had an interest in the Town's history and has been following the work of the Historical Commission for a decade. Board members said they are aware of Mr. Sorli's interest in the Town and its history. Mr. Sorli said he would like to work with the School

Department on including Lynnfield history in the curriculum and work on the project in which local historic sites would be marked with a granite post which would link to a website from which information about that site could be obtained.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to appoint Roy Sorli to the Historical Commission for a term expiring on June 30, 2017.

#### **E. Seavey Bowdoin**

Chairman Crawford said that he wanted to recognize the recent passing of E. Seavey Bowdoin, longtime resident and member of the Board of Library Trustees for over three decades. Board members remembered Mr. Bowdoin's dedication to the Town and the library and Selectman Barrett said that the plans for a new library will be part of his legacy. Board members expressed their condolences to his family and friends.

#### **Application for an amended weekday entertainment license, Legal C Bar, Market Street**

Chairman Crawford said that the Board agreed to allow Legal C Bar to have live acoustic music one day per week as part of a one-month trial.

John Archambault, general manager, said that the restaurant has had acoustic performers a few times during that trial period. He said he wanted to be courteous to the neighbors and that he measured the sound volume during performances. He said that the performances have been on Wednesdays so not to conflict with other live performances such as concerts and movies. Chairman Crawford said he was on hand for a recent performance and said it went well, and that the sound was not of a volume to disturb the neighbors.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to amend the weekday entertainment license for Legal C Bar to allow the performance of acoustic music by not more than three musicians one day per week.

#### **Application for beer and wine and cordials restaurant license, Sugarloaf Concepts, LLC, dba Fat Biscuit, 600 Market Street Suite 335, R. Dale Broach, manager**

At the advertised time of 7:15 p.m., Chairman Crawford declared open the public hearing on the application for beer and wine and cordials restaurant license, Sugarloaf Concepts, LLC, dba Fat Biscuit, 600 Market Street Suite 335, R. Dale Broach, manager. The hearing was duly advertised and posted.

Mr. Broach said the restaurant would serve breakfast, lunch and dinner, with fresh ingredients. He said the menu would have a "Southern feel." He said that the restaurant seeks to offer beer and wine as well as liqueurs. Chairman Crawford said the Board is always concerned that restaurants do not over-serve patrons who are ordering alcoholic beverages.

In response to questions from the Board, Mr. Broach said that he is ServSafe certified and is a TIPS trainer, He said while working at TGI Friday's, he was in charge of training servers on alcohol service. He said everyone handling alcoholic beverages at Fat Biscuit will be ServSafe certified. He said there are no plans to serve patrons outside the restaurant. He confirmed that there are two principal partners in the restaurant.

Chairman Crawford asked if anyone wished to speak on the matter. No one came forward.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the application for a beer and wine and cordials restaurant license of Sugarloaf Concepts, LLC, dba Fat Biscuit, 600 Market Street Suite 335, R. Dale Broach, manager, contingent on receipt of the affidavit of mailing to abutters of the public hearing notice.

#### **Application of Sugarloaf Concepts, LLC, dba Fat Biscuit, 600 Market Street Suite 335, for common victualler and weekday entertainment licenses**

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the application of Sugarloaf Concepts, LLC, dba Fat Biscuit, 600 Market Street Suite 335 for a common victualler license.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the application of Sugarloaf Concepts, LLC, dba Fat Biscuit, 600 Market Street Suite 335 for a weekday entertainment license. The license is for recorded music only.

#### **Declaration of a portion of the Reedy Meadow Golf Course property as surplus for the purposes of transferring control and custody of the land to the Board of Library Trustees**

Russell Boekenkroeger, chairman of the Library Building Committee, appeared before the Board along with fellow Board of Library Trustees member Faith Honer Coakley and Library Director Holly Mercer to request that the Board declare the portion of the Reedy Meadow Golf Course property surplus. He said that this would pave the way for town meeting to transfer control and custody of that portion to the Board of Library Trustees for use as a building site for the proposed new Lynnfield Public Library.

Mr. Boekenkroeger explained that in order for the library building project to qualify for state grant funds, the Board of Library Trustees must control the proposed building site. He said that the site concept was approved at the annual town meeting in April and that if the state grant is not approved or if a future town meeting did not approve funding for the project, the Board of Library Trustees would plan to transfer the property back to the Board of Selectmen. He said Town Counsel Thomas Mullen crafted the proposed motion.

Mr. Mullen agreed that since the Board of Selectmen holds the property currently for golf purposes, the transfer is necessary. He said the next step after this declaration by the Board would be putting an article before the fall town meeting that would transfer the land from the selectmen to the trustees. A two-thirds vote would be required for approval.

Chairman Crawford asked about the timeline after the town meeting vote. Mr. Boekenkroeger said that the application would be filed by the end of January, and the Town will learn if it received the grant by July of 2017, after which the Town would have to vote to approve the funding. He said a vote at the fall 2017 town meeting on project funding would be "very optimistic" in terms of timeline. He said the grant would not be a lump sum, but reimbursements to the Town on payments made on the project.

In response to questions, Town Administrator James Boudreau said that the only way the Town would move ahead on the grant funding list is if another community refused to appropriate the funds for its library project. After a discussion of the best method to return the property's control to the Board should the library project not go forward, Mr. Mullen said the cleanest approach would be to have the Board of Library Trustees declare the property surplus and have town meeting transfer the property back to the Board for golf purposes. Mr. Boudreau said that while the library would control the property after the town meeting vote to transfer it from the Board to the trustees, the golf course will be allowed to use the property until the building project is underway. Mr. Mullen suggested that a Memorandum of Agreement between the Board and the library trustees could memorialize these understandings.

Resident Mary Stewart asked if the entire golf course would be used for the library project. Chairman Crawford said the portion of the property to be transferred would be the front section along Summer Street containing the shed and the Danforth House, both of which would be razed. The nine-hole golf course and the clubhouse would remain in operation.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to determine, pursuant to G.L. c. 40, § 15A, that the land on Summer Street shown on that certain plan of land entitled "Plan of Land 175 Summer Street, Lynnfield, MA" and dated July 8, 2016, consisting of s149,146 square feet, more or less, according to such plan, which is currently held by the Board of Selectmen for the purpose of a golf course, is no longer needed for such purpose, and that the Board seek the approval of Town Meeting to transfer the care, custody, management and control of such land to the Library Trustees for the purpose of constructing and operating a new library building.

#### **Request for stop signs on Hart Road and Juniper Road at their intersections with Candlewood Road**

The Board took up a request for the installation of stop signs on Hart Road and Juniper Road at their intersections with Candlewood Road. Resident Gary Mendes said that stop signs exist on Candlewood Road at those intersections, but not on Hart and Juniper. He said the drivers often travel at excessive speeds through those intersections, and that the streets are used as cut-throughs. Chairman Crawford said he previously lived on Juniper Road and is familiar with the issue. He said that the problem is found more on Hart than Juniper. Mr. Mendes agreed. Selectman Barrett thanked Mr. Mendes for bringing this issue forward and said he spoke to neighbors with the same concern, especially among parents of young children. He suggested Mr. Mendes gather signatures from the neighborhood to demonstrate the support for the change. Chairman Crawford suggested asking for the stop sign on Hart and not on Juniper.

The Board agreed to defer action until its next meeting.

#### **Signing of September 2016 state primary warrant**

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve and sign the September 8, 2016 state primary warrant as presented by Town Clerk Trudy Reid. The election will be held on a Thursday instead of the customary Tuesday. Voting will be from 7:00 a.m. to 8:00 p.m. at Lynnfield High School.

#### **Memorandum of Understanding with Lynnfield Police Association**

Mr. Boudreau presented for the Board's approval the Memorandum of Understanding between the Town and the Lynnfield Police Association, Massachusetts Coalition of Police Local 414, AFL-CIO, for approval. Mr. Boudreau said the agreement, which would run from July 1, 2016 to June 30, 2019, would include a 2.5 percent increase in base pay for each of the three years, and the union agreed to carry Narcan in all cruisers. It also carries a fitness benefit which is tied to the Cooper standards of physical fitness. Officers who meet the fitness standard receive a stipend. It also memorializes the two detective positions and the canine officer position which were added.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the Memorandum of Understanding between the Town and the Lynnfield Police Association, Massachusetts Coalition of Police Local 414, AFL-CIO, for the period July 1, 2016 to June 30, 2019.

#### **Disclosure under Massachusetts General Laws Chapter 268A, Section 19 (B) by Town Counsel Thomas Mullen**

The Board took up the disclosure filed by Town Counsel Thomas Mullen, which stated that he is a Director and Corporator of The Savings Bank and performs legal services for and is an account holder at the bank, which has a branch office on Main Street. He is working with the Board of Health on a septic issue at the shopping center property on which the bank is situated, and that the actions taken on the septic system could conceivably cause an interruption of business at the bank and, depending on the structure of its lease, require the bank to bear a portion of the costs related to the action required on the septic system.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to find that this financial interest disclosed was not so substantial as to affect the integrity of the services which the Town would expect from the employee.

**Renewal of agreement with Town of Wakefield for shared inspectors**

Mr. Boudreau presented proposed agreements between the Town of Lynnfield and the Town of Wakefield for a shared electrical inspector and a shared gas and plumbing inspector. He said that these agreements renew the existing relationship.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the agreements between the Town of Wakefield and the Town of Lynnfield for a shared electrical inspector and for a shared gas and plumbing inspector, and authorized the town administrator to sign the agreements.

**Amendment to town administrator's contract**

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve an amendment to the town administrator's contract as presented. The contract amendment addresses compensation levels after January, 2016, as provided for in the original employment agreement. Chairman Crawford said Mr. Boudreau is doing a tremendous job and asked if in a future agreement, it would make sense to have compensation addressed at intervals that coincide with the fiscal year. Mr. Boudreau said that he agreed and would discuss such a provision in the next contract amendment.

**Resignation from Personnel Board**

Chairman Crawford read a letter of resignation from Personnel Board member Denis Ritchie, who has moved out of Town. He thanked Mr. Ritchie for his work in this role and past efforts as a member of the Recreation Commission and the many other activities he has been engaged in on behalf of the Town and its residents. He asked those interested in serving on the Personnel Board to submit a letter of interest to the selectmen's office, and said the Board will take applications for at least a month before making an appointment.

**Union Hospital update**

Chairman Crawford said that he attended a recent hearing in Salem of the state Public Health Council on the proposal of Partners Healthcare to expand Salem Hospital, which is part of a plan to close services at Union Hospital in Lynn, which is also part of the Partners Healthcare network. He and others spoke on the effect this expansion would have on Union Hospital and the communities that rely on its services. He said the Public Health Council was sympathetic to the need to continue services at Union Hospital during the construction period of the Salem Hospital project. He said the biggest concern was about the provision of emergency services at Union Hospital, and that Partners Healthcare agreed to consider providing a satellite or additional emergency room in this area. Chairman Crawford suggested using the Union Hospital location. Partners will have one year to review the proposal and response to the Public Health Council.

Resident Mary Stewart thanked the chairman and current and past Board members for their support on this issue. She also said Police Chief David Breen had submitted a strong letter, and many residents and local businesses had supported keeping Union Hospital open. She said the Public Health Council seems to view the Union Hospital matter as a Lynn issue rather than a regional issue, and ignored the concerns expressed by officials and residents in Lynnfield, Saugus and other communities. She thanked all the elected officials and the town administrator and all residents and businesses who supported this effort. She also said that if Partners does not wish to continue to operate Union Hospital, she hopes that another party buys it and continues to operate it. She said the hospital would have strong support from the area.

Chairman Crawford thanked Ms. Stewart for her efforts and said he wished there had been more support among political leaders for this effort. He said that only Lynn and Salem will be represented on the planning committee, despite his request that officials from Lynnfield and Saugus be included.

Mr. Boudreau said that due to a recent electrical problem at Union Hospital, emergency calls were diverted to other hospitals. The Fire Department is tracking those ambulance runs to measure the time it takes to reach Salem Hospital.

Chairman Crawford said that the Board will continue to keep an eye on this issue.

**Needham Road zoning issue update**

Chairman Crawford announced that the Board of Appeals will hear the case of the Needham Road house being offered for short-term rentals on August 2 at 7:30 p.m. at the Lynnfield Middle School auditorium. He said that residents have expressed much interest in this issue.

**Public comment period**

Resident Wayne Perry said he attended the same Public Health Committee meeting attended by Chairman Crawford, and urged that any agreement made by Partners Healthcare be made in writing. He said that when Lynn Hospital was closed, North Shore Medical Center made certain promises, but since they were not in writing they could not be enforced.

**Use of public facilities**

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the use of the common on July 22 from 9:00 a.m. to 12:30 p.m. and on July 29 from 9:00 a.m. to 3:30 p.m. for a fitness program run by the Lynnfield Public Library.

The Board of Selectmen deferred to its August 15 meeting a request from Kitchen and Kraft to hold a farmers' market on the common on the following dates in 2017: May 21, June 8, July 23, August 20 and September 17. Mr. Boudreau noted that while the common is generally not

reserved for for-profit entities, farmers' markets have been very popular in other communities, and the person proposing it is a Lynnfield resident. The Board asked that the applicant attend the next meeting to discuss the matter.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve a request to use the South Fire lot on September 18, 2016 by the Lynnfield High School hockey team for a car wash.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve a request to use the South Fire lot on September 25, 2016 and October 2 by the Lynnfield High School boys' soccer team for a car wash.

**Administrative matters**

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the minutes of the meeting of June 7, 2016 as presented.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the minutes of the meeting of June 21, 2016 as presented.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to adjourn at 8:13 p.m.