

**BOARD OF SELECTMEN  
MEETING MINUTES  
JUNE 16, 2009**

Minutes of the meeting Board of Selectmen on Tuesday, June 16, 2009. In attendance were Acting Chairman Daniel L. Salvucci; Clerk Brian J. Bezanson; Members Lars W. Johnson and Margaret C. McGillivray; and Town Administrator Francis J. Lynam. Acting Chairman Salvucci opened the meeting at 7:00 p.m.

Acting Chairman Salvucci asked everyone in attendance to stand to recite the Pledge of Allegiance, which was followed by a moment of silence.

Miss McGillivray **MOVED** to approve bill and payroll warrants. Second Mr. Bezanson, so vote 4-0.

Mr. Bezanson **MOVED** to accept correspondence in the Read File. Second Mr. Johnson, so voted 4-0.

Acting Chairman Salvucci opened public forum, and no one in attendance came forward to address the Board.

Miss McGillivray **MOVED** to approve the Open Session minutes of the meeting held on June 2, 2009. Second Mr. Bezanson, so voted 4-0.

Mr. Bezanson **MOVED** to approve the Executive Session minutes of the meeting held on June 2, 2009. Second Miss McGillivray, so voted 4-0.

At 7:05 p.m., Acting Chairman Salvucci opened the public hearing in connection with the applications of McGuiggen's LLC (Richard and Kathryn Rosen), DBA McGuiggen's Pub, for a Common Victualler's All Alcohol Liquor License and an Amusement/Live Entertainment License on the premises located at 546 Washington Street (subject to the receipt of proof of Workers' Compensation insurance). Richard Rosen came forward to address the Board. Mr. Rosen recalled the history and location of the building, noting that it is in a general business district for which this proposal is an appropriate use. Mr. Rosen is intending an upscale Irish pub with liquor, a lighter fare of food and entertainment in the form of an Irish fiddler or single guitar player. He is requesting hours of 11:00 a.m. to 11:00 p.m. Sundays through Thursdays and 11:00 a.m. to 1:00 a.m. Fridays and Saturdays. Mr. Rosen advised that all servers will be TIP certified. The business will employ approximately 40-50 people both full and part-time and will be under the management of Kathryn Rosen, who was unable to be in attendance this evening. Mr. Rosen also bought and cleaned up the lot on the opposite corner of Legion Parkway and will encourage any smokers to use that area instead of the parking lot. The parking lot will hold handicapped spaces and will be paved at some point in the future. Mr. Rosen believes this proposal will help revitalize Whitman Center, and he has received nothing but positive feedback about it. In response to an inquiry from Acting Chairman Salvucci, Mr. Rosen advised that he anticipates opening toward the end of this year. Acting Chairman Salvucci asked if there was anyone in attendance to speak for or against this petition, and no one came forward. Miss McGillivray **MOVED** to approve the applications of McGuiggens LLC (Richard and Kathryn Rosen) for a Common Victualler's All Alcohol Liquor License and an Amusement/Live Entertainment License on the premises located at 546 Washington Street subject to the receipt of proof of Workers' Compensation insurance. Second Mr. Bezanson, so voted 4-0.

Miss McGillivray **MOVED** to approve the request of Department of Public Works' Superintendent Donnie Westhaver for a line item transfer in the amount of \$1,225.00 from line item #238 – Technical Services to Debit Issuance Expense in the Sewer Enterprise budget. Second Mr. Bezanson, so voted 4-0.

Fire Chief Timothy Grenno came forward to present his request for a line item transfer in the amount of \$14,000.00 from line item #97 – All Other Expenses to line item #99 – Expense. Chief Grenno explained that the department recently incurred unanticipated costs to Engine 1 and Engine 2. Engine 1 required maintenance work to the transmission,

new tires, etc., while Engine 2 went down with transmission and water tank issues. Mr. Bezanson **MOVED** to approve Fire Chief Grenno's request for a line item transfer in the amount of \$14,000.00 from line item #97 – All Other Expenses to line item #99 – Expense. Second Mr. Johnson, so voted 4-0.

At 7:15 p.m., Acting Chairman Salvucci opened the public meeting in connection with the application of Chin Management, LLC, DBA McDonald's, for a Common Victualler's License on the premises located at 323 Bedford Street (subject to completion of the application package in accordance with the M.G.L. and approval of the Board of Health and Building Commissioner). Franchisee Vern Chin came before the Board. Mr. Chin gave a brief summary of his 20 year relationship with McDonald's and informed the Board he hopes to open the restaurant in mid-July. Miss McGillivray **MOVED** to approve the application of Chin Management, LLC, DBA McDonald's, for a Common Victualler's License on the premises located at 323 Bedford Street subject to completion of the application package in accordance with the M.G.L. and approval of the Board of Health and Building Commissioner. Second Mr. Bezanson, so voted 4-0.

In accordance with the approval of Article 20 at the Annual Town Meeting on May 4, 2009, Miss McGillivray **MOVED** to authorize Vice Chairman Daniel L. Salvucci to sign a Lease With Option to Purchase Agreement with All American Investment Group, LLC in connection with a new E-One 1500 GPM Custom Pumper, and to approve the Lessee Resolution. Second Mr. Bezanson, so voted 4-0.

Chief of Police Christine May-Stafford came before the Board to recommend they approve the request of Sergeant Harry Bates, Safety Officer for the Town, to engage an engineering study by Old Colony Planning Council for the purpose of installing four-way STOP signs and flashing red lights in all directions at the intersection of Washington Street, West Street and Park Avenue. To that end, Mr. Bezanson **MOVED** to approve Sergeant Bates' request as outlined. Second Mr. Johnson. Acting Chairman Salvucci and Mr. Lynam advised they have heard from members of both the Police Department and Department of Public Works in favor of this petition. Mr. Lynam advised that he would make a request to OCPC to do an engineering study as preparatory submission to MassHighway, as the state's permission is required for a four-way STOP. Mr. Bezanson noted that in the absence of STOP signs at said intersection, motorists have traveled Washington Street in "runway" fashion for many years. If this petition is approved at the state level, he inquires as to any potential repercussions as a result of sudden changes. The parties went on to discuss steps that could be considered to warn motorists in advance of the intersection of the changes made. Acting Chairman Salvucci called for a vote; so voted 4-0.

Miss McGillivray **MOVED** to approve the FY2010 annual appointments as listed in a document on file in the Board of Selectmen's office. Second Mr. Bezanson, so voted 4-0.

The Selectmen next met with members of the Recreation Commission and Recreation Director Michelle Winnett to discuss conflict of interest issues. Mr. Lynam advised that in the course of hiring for the Park Program this year, one of the young persons hired as a lifeguard is the son of the Recreation Director. This creates a direct conflict of interest for the Director in that she will not be able to sign payroll, supervise or do the scheduling of lifeguards at the pool. There is a provision under the Ethics rules that permits the Board of Selectmen, if they so choose, to accept the conflict and make a determination that the conflict is not so great as to affect the Director's objectivity in scheduling employees. Ms. Winnett would still be unable to sign payroll and have direct supervision over her son. Recreation Commission Chairman Jack Hatfield came forward. He advised that he was unaware of the provision in the Ethics rules until now. Prior to this, the Recreation Commission had voted to hire Gina Hover, the Pool Supervisor for the last few years, to be in charge of the pool again this year. Mr. Hatfield advised that it was further voted that Mr. Hatfield and Ms. Hover would do the scheduling in order to avoid a conflict for the Director. Based upon these actions, Mr. Hatfield doesn't see why the Board of Selectmen should put themselves in potential jeopardy and address the issue of accepting the conflict. Mr. Lynam concurred and said there appears to have been some confusion about this issue. If the Recreation Commission voted to segregate

responsibilities, then no conflict exists; therefore, no further action is necessary by the Board of Selectmen. The Board of Selectmen considered what was presented this evening and determined no conflict exists beyond what was voted by the Recreation Commission at their last meeting.

With reference to the proposed Town Investment Policy Statement submitted by the Town Treasurer, Mr. Lynam advised that this document is intended to provide safety and security for Town funds. The Town's financial advisors suggest, and the bond market requires, that the Town have a formal policy. In response to an inquiry from Acting Chairman Salvucci, Mr. Lynam advised that to his knowledge, the Town has not previously had a formal policy in place. Mr. Lynam recommends that the Board of Selectmen accept this policy. To that end, Miss McGillivray **MOVED** to accept the Town Investment Policy Statement as proposed by the Town Treasurer. Second Mr. Johnson, so voted 4-0.

Mr. Lynam announced ratification of a one-year contract with S.E.I.U., Local 888 (Whitman Public Library). Basically, S.E.I.U. membership has agreed to forego a raise in FY2010 and to defer step increases until June 30, 2010. As a result, the only increase Library employees will see in FY2010 is one day of pay at approximately 3% in relation to a step increase.

Acting Chairman Salvucci announced board/committee vacancies for FY2010.

Acting Chairman Salvucci announced the retirement of Stephen J. Langenfeld, Sr. from the position of Auxiliary/Special Police Officer after 36 years of service. Chief of Police Christine May-Stafford came forward to publicly thank Officer Langenfeld for his many years of service providing training and volunteering his time for many Town events. She noted that Officer Langenfeld has agreed to continue assisting the department after retirement. Miss McGillivray **MOVED** to acknowledge with deep gratitude the retirement of Stephen J. Langenfeld, Sr. from the position of Auxiliary/Special Police Officer after 36 years of service. Second Mr. Bezanson, so voted 4-0.

The Board set their July meeting schedule for Tuesday, July 7, 2009, at 7:00 p.m.

Mr. Lynam reported that the Building Projects Committee has engaged an OPM, with whom they are negotiating contract language. An architect has been selected, and they have begun preliminary work for the schematic design. Mr. Lynam continues his conversations with State Representative McCarthy regarding stimulus monies. Representative McCarthy indicates that is still a possibility, but the committee forges ahead in the meantime.

Regarding Verizon FIOS, Mr. Lynam recalled that several months ago, he had a preliminary meeting with Verizon and expressed an interest in Whitman becoming a fiber optic community. He, along with a third party negotiator who bargains on behalf of the Town, set a meeting two weeks from that date. Mr. Lynam has neither seen nor heard from the Verizon representative since that time. He has talked to the Town's bargaining representative and a senior person at Verizon in an effort to get an idea of where this is going. He has been told informally that Whitman is not on the agenda for 2009, but might be on the agenda for calendar year 2010. Mr. Lynam then made a firm request that Verizon's telemarketing people be directed to stop telling customers that Whitman residents do not have access to Verizon FIOS because the Board of Selectmen will not issue a license. He made it clear he feels this statement is deceptive and a disservice to both the community and Verizon. Mr. Lynam wants people to understand that the failure to bring fiber optic to Whitman lies solely with Verizon.

Mr. Johnson provided an update regarding work being done in the Town Park. He also recalled comments made at the Board's last meeting regarding vandalism in the Park and noted he observed several patrols while working there. Mr. Johnson stated he would like to feel that the patrols will be ongoing in the summer and into the evening hours. Chief of Police May-Stafford advised that patrols in the Town Park are stepped up in the summer months and assured Mr. Johnson he will continue to see this.

In connection with discussions held at the Board's last meeting, Acting Chairman Salvucci reported he brought forward at the Old Colony Planning Council – Joint Transportation Committee meeting the concern that a crosswalk on Route 18 for elementary school children had been paved over during a MassHighway repaving project. Acting Chairman Salvucci heard from a District 5 Supervisor for MassHighway the following day that they will begin marking crosswalks on Route 18 this week, weather permitting.

Acting Chairman Salvucci further reported on concerns expressed by Miss McGillivray about the intersection of Routes 14 and 18. He advised that the Old Colony Planning Council – Metropolitan Planning Organization has developed a Route 18 Corridor Steering Committee to look at sections of Route 18 to determine problem areas and make recommendations for correction. Acting Chairman Salvucci will be a part of this group and will bring the concerns of the Board forward.

At 7:55 p.m., Mr. Bezanson **MOVED** to go into **EXECUTIVE SESSION** in accordance with the M.G.L., Chapter 39, Section 23B, (1) to discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual; (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body; and (6) to consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation. Second Miss McGillivray. Roll call vote revealed: Mr. Bezanson – yes; Mr. Johnson – yes; Miss McGillivray – yes; Acting Chairman Salvucci – yes. So voted 4-0. The meeting will reconvene in Open Session for the purpose of adjourning the meeting.

At 9:45 p.m., Mr. Bezanson **MOVED** to adjourn the meeting. Second Miss McGillivray. So voted 4-0.

---

Brian J. Bezanson, Clerk