

MEETING MINUTES  
BOARD OF SELECTMEN  
October 24, 2013

At 6:30 p.m., Chairman James P. Dawley, Jr. called the meeting to order with members Carol Lisbon and Robyn Hunter present. Also present were David W. Ramsay, Town Administrator, and Greer Pugatch, Assistant Town Administrator

ATTENDANCE: Mark Ghiloni, Assistant Park and Recreation Director, Chris Boland, Parks and Recreation Commission; John Cone, Maureen Arkle, Warrant Committee; Elisha Lee, Historical Society; Bob Springett, Capital Budget Committee

PRESS: Maureen Sullivan, Dover-Sherborn Press

**Park & Recreation Commission re: Revolving Fund Policy & Acceptance of Gift Monies for Proposed Dugouts Project at Caryl Park**

Mr. Boland explained the funding categories used by Parks and Recreation, and answered questions, in order to bring more transparency and a better understanding of the Parks and Recreation operating budget, capital budget and revolving fund expenditures. Mr. Boland clarified that the Recreation activities generate the revenue that should cover the expenses of those activities. The Parks section on the spreadsheet would be all capital budget items. All monies for maintenance and replacing of equipment for Town Parks would be paid for by the Town through Capital Budget. There was some discussion of exactly how that statement translates to particular expenses.

Mr. Ghiloni spoke about new programming which Parks and Recreation sees a need for and would like to develop: Senior programming with the Council on Aging. Currently there is no no summer program for the Middle School group, so he would like to develop one, as well as summertime community events.

Mr. Ghiloni was complimented on the energy and professionalism he brings to the Town as Assistant Director of Parks and Recreation.

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Mr. Dawley stated that Massachusetts General Law requires the Board of Selectmen to approve revolving fund expenditures; the Board does not want to get involved in how programs are run. It was determined that FY15 capital budget requests from Parks and Recreation are needed before the Board can vote on revolving fund expenditures. Capital Budget requests for FY15 cannot be taken from Revolving Fund monies. Mrs. Hunter suggested a different way of presenting requests from Parks and Recreation to the Capital Budget Committee in order to give historical perspective on how monies are spent. It was also recommended that in future years the capital budget requests and revolving fund approvals be presented together.

Mr. Dawley spoke about the baseball dugouts with respect to the Historical Society and the Caryl House property. The Historical Society does not want baseball fields to encroach on the Caryl House land. A draft of a Memorandum of Understanding for Historical Society, Parks and Recreation Commission, and the Board of Selectmen to execute is currently being worked on. Until the final document is signed by all parties, any conversation on the dugouts should be held off, as well as acceptance of any gifts towards this project. There is already \$13,000 – \$15,000 in a gift fund for the purpose of creating the dugouts. There has been an additional \$5,000 offered. Mr. Boland assured the Selectmen that it is not Park and Recreation's intention to pay for any costs relating to the dugouts ( including preliminary design work) from their operating of revolving funds, but to use only gift funds received for this specific project.

Once the Memorandum of Understanding has been executed, Park and Recreation will come up with plans, consult with inspectors, abutters, and the Planning Board. No gift monies are to be spent unless and until the Board of Selectmen approve the expenditure.

**Discuss Articles 11, 12 & 18 on May 2013 Town Meeting Warrant**

Mr. Dawley read the following statement:

2013 Town Meeting Update

At the May 6, 2013 Town Meeting, three special Warrant Articles regarding By-Law changes were passed and, by state statute, are then automatically forwarded to the Commonwealth's Attorney General for review before becoming local law.

They were:

**Article 11**, submitted by the Planning Board, was a petition to add an associate member to serve on the Planning Board. This associate member position would serve to help in the educational process if they were to seek election to the Board and additionally would vote in an emergency situation if a proper quorum was not met.

**Article 12**, submitted by a Citizens Petition, was a petition to supersede the Massachusetts General Laws regarding the local authority of the Board of Selectmen and the Park and Recreation Commission by requiring Town Meeting approval specifically for projects on Town-owned land in the custody of the P&R

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Commission when the total project development cost is \$150,000 or more, but less than 50% of such total project development cost has been or will be subject to appropriation by the Town.

Additionally an amendment to the main motion was passed which would require the sponsor of a project to make certain reports to the Town Clerk for donations greater than \$5,000 of value in support of the project, including future pledges.

**Article 18**, submitted by the Board of Selectmen, was a petition to Temporarily Place a Moratorium on Medical Marijuana Treatment Centers. In 2012 the voters of the Commonwealth approved a law authorizing up to 35 facilities.

Unfortunately, as of the Town Meeting date the Commonwealth had not provided rules and regulations so that communities could adopt legal zoning by-laws, if they wished, to not permit this use, hence the Moratorium.

The Attorney General has opined on the three Warrant Articles as follows; Article 11 and 18 were approved on September 19, 2013 and presently are idle waiting for the mandatory 90-day appeal process to expire.

In a letter dated October 8, 2013 regarding Article 12 the Attorney General's office issued a split decision. It disapproved the recommended by-law change Chapter 5-12.1C and D requiring Town Meeting approval of projects described above and upheld the Massachusetts General laws specifically as they relate to the authorities the Board of Selectmen and the Park and Recreation Commission have without the need of a explicit vote at a Town Meeting, specifically sighting MGL Chapter 44, 445, Section 2 and 5, 53A and the Town's by-laws, Article XII, Section 4-18.

**It is very important to remember that even though the ruling allows the Board of Selectmen to act independent of Town Meeting the Board of Selectmen have pledged that they would seek Town Meeting approval on such a project as defined in the main motion.**

The Attorney General's office did approve the portion of the petition (Ch.5-12.1B) whereby a project as defined in the main motion would be subject to the Board of Selectmen's review of all plans, budgets, etc. and would provide such information to the public.

**Again the Board of Selectmen has taken a very aggressive stance and inserted our position that projects as defined in the main motion are subject to the rules and regulations that exist in Dover, regardless of the funding source. As an example, the Board of Selectmen submitted a non-binding ballot question on the May 2013 Town Election asking the Town if there was a need for a project as defined in the main motion and in a collaborative effort sought and received the Park and Recreation Commissions vow to abide by the results of the vote.**

Lastly, the Attorney General's office approved the amendment to the main motion regarding publicly identifying donations greater than \$5,000 but noted that it may implicate the Public Records Laws and the privacy rights of those listed. The Attorney General's office strongly urged the Town to consult with Town Counsel regarding this issue. We shall and their opinion will be forthcoming.

As stated above the ruling from the Attorney General's office is subject to a 90-day appeal process.

Thank you.

**Request by Council on Aging to Accept/Expend Gift Fund Monies for Ongoing FY14 Activities**

The Council on Aging has ongoing programs such as Chi Gong, yoga, exercise, JFK transportation and luncheons. They are requesting a blanket approval to expend gift fund monies for these ongoing expenses.

The Board of Selectmen would like to see the COA move to a revolving account system in order to systematize these types of expenses. This will be brought to the 2014 Town Meeting.

Mr. Dawley moved to expend gift funds for ongoing activities as approximated in the Council on Aging memo of October 24, 2013, seconded by Mrs. Hunter; it was unanimously voted.

**Appointments**

Mr. Ramsay requested that Jack Walsh be reappointed to the Board of Registrars, as MGL requires three Registrars plus one ex-officio member on that Board.

Mr. Dawley moved to appoint John Walsh to a three-year term on the Board of Registrars, seconded by Mrs. Hunter; it was unanimously voted.

Mrs. Lisbon moved to appoint Jack London to a three-year term on Emergency Management, seconded by Mrs. Hunter; it was unanimously voted.

Mr. Dawley moved to appoint Walter Avallone to a one-year term as Building Inspector, seconded by Mrs. Hunter; it was unanimously voted.

Mr. Dawley moved to appoint Kevin Malloy to a one-year term as Wiring Inspector, seconded by Mrs. Hunter; it was unanimously voted.

Mr. Dawley moved to appoint James Naughton to a one-year term as Deputy Wiring Inspector; seconded by Mrs. Hunter; it was unanimously voted.

Mrs. Lisbon moved to appoint Anderson and Krieger to a one-year term as Town Counsel, seconded by Mrs. Hunter; it was unanimously voted.

Mr. Dawley moved to appoint Gerard Lane to a one-year term as Treasurer/Collector, seconded by Mrs. Lisbon; it was unanimously voted.

Mr. Dawley moved to appoint Jeffrey Carter to a one-year term as Deputy Water Operator, seconded by Mrs. Hunter; it was unanimously voted.

**Approve FY15 Selectmen's Capital Budget Requests**

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Some of the items on the Capital Budget requests do not yet have figures attached. Various items being requested were discussed, and it was determined that although there were costs missing for some items, they should be presented to the Capital Budget Committee with further information to come as it is available.

CMAC has requested that two of the public restrooms on the first floor be renovated in FY15, and two more in FY16. Costs are to be developed, including an analysis of the pros/cons of breaking the project into 2 and 2 rather than all 4 at once..

The current configuration of the Police Department Dispatch area is not viable; it is noisy and there is no privacy. This area requires renovation. Costs had been obtained when this was first proposed. Discussions are being held with the architect regarding updating costs for this project. Although it is not part of this original plan, it would seem to make sense to get a price for replacing carpeting at the Police Department at the same time as the renovation is being done.

Fire Department overhead doors will be discussed at the next Selectmen's meeting with Chief Hughes.

The Whiting Road building cannot be painted entirely through the Building Maintenance operations budget, but the front of the building will be done.

**Vote on Early Closing the Day before Thanksgiving**

Mr. Dawley moved to approve early closing at 2:00pm on the day before Thanksgiving, seconded by Mrs. Hunter; it was unanimously voted.

**Other Business:**

**Boston MPO Election**

Mrs. Lisbon moved to appoint Joseph Curtatone of Somerville and Dennis Giombetti of Framingham to the Metropolitan Planning Organization, seconded by Mrs. Hunter; it was unanimously voted.

**Special Licenses**

Three special licenses were delineated: November 1 at the Connors Center, November 12 at the Connors Center, and December 5 at Elm Bank.

Mr. Dawley moved to approve the special licenses delineated above, seconded by Mrs. Lisbon; it was unanimously voted.

**Approve September 30, 2013 Meeting Minutes**

Mr. Dawley moved to accept the meeting minutes of September 30, 2013, seconded by Mrs. Lisbon; it was unanimously voted.

**Citizen's Comments**

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Mrs. Hunter said GO SOX!!

**Adjournment**

At 7:34 pm, Mr. Dawley moved to adjourn, seconded by Mrs. Hunter; it was unanimously voted.

DOVER BOARD OF SELECTMEN

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Carol Lisbon, Clerk