
NOTE: Some matters may have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

I. Call to Order:
Chairman McGrath called the meeting to order at 6:30pm with the pledge to the flag. He asked for a moment of silence for Norman Dugas who passed away. He was on the Conservation Commission and a very active member in the community.

II. Consent Agenda:
1. Minutes of Regular Meeting – April 9, 2019. Motion by Mr. Singer to approve, seconded by Ms. Spiewak, motion passes with Mr. Szafarowicz abstaining.

III. Community Relations, Announcements and Open Forum:
- Chairman McGrath said for Open Forum, we ask that it be kept under 2-3 minutes. Anything longer to please contact the office to set an appointment. He read the announcements. He also stated that due to our webmaster being on vacation, the Town Meeting warrant will not be posted on line until she returns.
- Anya Grondalski stated that April 26th & 27th at Shepherd Hill, the Drama Club is putting on the Real Inspector Hound by Tom Stoppard and a Mad Breakfast with both shows at 7pm and May 3rd is the Annual District Art Show.
- David Singer said that Fishing Day is coming up and Todd Girard, Conservation Agent does a lot for the town and asked him to come forward. Mr. Girard said Fish Day is May 4th at Snows Pond and Fay Mountain Farm opens that day as well. They will be stocking the fish on May 2nd as long as the weather is good. He said this Saturday is the Earth Festival and Road Cleanup. He would encourage all to go on line and look at the road sign up map. After your done with that, come up to the common where there will be earth centric stuff going on. Fay Mountain Farm will be there.
- Noreen Johnson-Smith from 136 Dresser Hill Road came forward. She wanted to take a moment during open forum to offer her opinion on the marijuana items on the agenda. She said we have a town election coming up and the last town meeting she attended, majority of the voters of the town rejected the idea of adult recreational retail sales in Charlton. She said it’s on the ballot. She would ask for the board’s consideration regarding the two retail licenses, it would make sense for the board to wait until we hear the disposition of the voters before approving anything.
- Kristen Kustigian from Carroll Hill Road came forward. She would echo what Noreen said. She asked Ms. Noble if she could shed some light on some things. At the last meeting she said she had pulled some call logs. Ms. Noble has no information to offer at this time. Ms. Kustigian said shortly thereafter, Ms. Noble voted against an investigation. Ms. Noble has no information to offer at this time.

IV. Appointments/Resignations:

1. Appointment – Conservation Commission – Alternate. At the Annual Town Meeting held on May 21, 2018, the town voted to petition for a legislative act to authorize the Board of Selectmen to appoint two alternate Conservation Commission members to serve staggered terms not to exceed three years which was approved January 1, 2019. Attached is a talent bank form from Bonnie Dunn Drake of Grandview Ave. seeking to be appointed as an Alternate member to the Conservation Commission. The Conservation Commission is recommending the appointment as well. This will need to be a joint appointment of both the Board of Selectmen and the Conservation Commission. Todd Girard, Conservation Agent and Mitch Dunn, Robert Hartwig and Ed Nowak, Conservation Commission members came forward. Mr. Girard said the Conservation Commission asked for an alternate to help with the process when they don’t have a quorum. **Motion by Ms. Noble that we appoint Bonnie Dunn Drake to the Conservation Commission as an Alternate, seconded by Mr. Szafarowicz, motion passes. Motion by Mr. Hartwig to approve Bonnie Dunn Drake as an Alternate Member to the Conservation Commission, seconded by Mr. Nowak, unanimous.** Joseph Spiewak, a member in the audience doesn’t believe the Conservation Commission is posted for the meeting tonight. Mr. Girard said they will just rescind this and he will double check to see if it was posted and do it the following meeting. Ms. Spiewak asked if it was appropriate for them to vote it and just ratify it at another meeting and the answer was no. Mr. Hartwig asked if they could be placed on the next selectmen’s agenda. Chairman McGrath said the Town Clerk is checking to see if they are posted. The meeting was not posted. Mr. Girard thanked the board. **Motion by Mr. Szafarowicz to rescind the vote, seconded by Ms. Noble, motion passes.**

Chairman McGrath said we have 10 minutes before our next appointment. He said that this is Joe Szafarowicz’s last meeting. He said from a young age, he has been very involved in the Finance Committee and the Board of Selectmen. He has always tried to do the right thing and he listens. He has done a great job for the town and thanked him. Ms. Noble said Mr. Szafarowicz is one of the people that will get up and do something and thanked him. Mr. Singer said that Mr. Szafarowicz has a lot to be proud of. Ms. Spiewak thanked Mr. Szafarowicz for his professionalism. Ms. Noble said there is cake in honor of Joe and everyone is welcome to join them.

V. Scheduled Appointments:

7:00pm – Four Score Holdings, LLC – request to amend Host Community Agreement to allow for the inclusion of a recreational retail marijuana establishment. Attached is a letter received in our office on April 8, 2019 from Four Score Holdings, LLC formally requesting to amend its existing Host Community Agreement with the town to allow for the inclusion of a recreational retail marijuana establishment at its proposed Marijuana Establishment to be located at 144 Sturbridge Road. They are respectfully requesting that the Board of Selectmen take this request under consideration and allow the Applicant’s representatives to appear before the board. They have provided you with a set of plans identifying the portion of the building that will house the proposed recreational retail dispensary component of the Marijuana Establishment. Four Score
recently received approvals for its proposed marijuana cultivation and production uses at the property and intends to file applications for both licenses with the Massachusetts Cannabis Control Commission as soon as possible. We have scheduled them for 7:00pm. Attorney Dan Glissman and Kurt Smith came forward. Attorney Glissman said they are seeking to have their agreement amended to include recreational retail marijuana. They were told in the past that they would be the next one to receive a retail license if it became available and with an article on town meeting to change it from 2 to 3, they are just making it known that they would like it. They are here to seek guidance from the board on how best to move forward. They have been very transparent with the board. Attorney Glissman said they are here to request formally an amendment to their Host Community Agreement. Mr. Singer said they have been forthright and up front. He said the last town meeting said 2 and that is still the status quo. He would recommend that we see how the vote goes at town meeting to see if we get the 3rd license approved by the voters. He said during the interim, we should find out what are our obligations to other parties based upon what’s happened and what can we and what can we not do? He asked how long do we leave other parties in limbo while we wait for something else that may or may not happen. He would like to get some direction from counsel on that. Ms. Noble said that Four Score came to the most recent Marijuana Advisory Committee meeting and handed out blue prints with the proposed retail establishment which are available in the selectmen’s office. Based on the conversations at the meeting, it is her understanding even if recreational retail is not available they would still want to go with a medical model. Attorney Glissman agreed. He said the procedure for a medical facility is in limbo. Ms. Noble asked if they were still on track to open in 2020. Attorney Glissman said yes. The process has been significantly slower than people anticipated. Ms. Noble asked how would it affect their rollout if we wait until after town meeting to make a decision about amending the host agreement. Attorney Glissman doesn’t think it would have a major impact on their timeline. Ms. Spiewak agrees with Mr. Singer’s comments and would request that they do come back after the town votes. For clarification so everyone understands about the licenses, we have one coming in for Healthwise now known as Green Gold Group, that’s one. Number two is VGG. Chairman McGrath believes that is the question Selectman Singer raised. He said we have to find out what’s going on. Mr. Singer asked within the next two weeks, could we get some guidance from counsel on our obligation to something in limbo? Chairman McGrath said yes. The board thanked them for coming forward.

7:15pm – G3 Wellness LLC – Request to locate a retail and medical marijuana establishment at 6 City Depot Rd. Attached is a letter dated April 10, 2019 received by email on that date from G3 Wellness LLC respectfully submitting the attached letter of intent to apply for a Retail Cannabis License and Medical Marijuana establishment at 6 City Depot Road. G3 Wellness has an agreement with the lessor of the property at 6 City Depot Road and have asked to come before the board to discuss the required steps needed. Ms. Spiewak recused herself and in the spirit of transparency, she is very good friends with one of the owners of the building. Dan Adams, Manager of G3 Wellness LLC and Rob Lemansky came forward. Mr. Adams said they are here tonight to seek a license for a retail location for 6 City Depot Road. He said that G3 Wellness will be a locally owned company. Their board is all local as well. Mr. Adams gave a brief description of what he’s done in the realm of marijuana. The company was formed five months ago and he was encouraged to become an owner/operator business and manage this through. His understanding is that 6 City Depot Road is zoned for a marijuana business and there is a retail license available in town. He has worked with Mr. Lemansky to secure a 5,000 sq. ft. portion of the mill to operate within an approved HCA with the Town of Charlton. Chairman McGrath thanked him for coming forward. Mr. Singer always appreciates a local who wants to open a local business. He said for one of the comments is that we don’t have a retail license available but that
could change in the future. He explained that town meeting approved two with one in limbo. There is an article on town meeting to increase it to 3. Mr. Szafarowicz asked if there is no recreational, would they still be interested in a medical dispensary and the answer was yes? Mr. Singer asked if there are no sales available would they still consider grow and the answer was yes. Ms. Noble asked if they reached out to our Health Director and the answer was no, not yet. She would recommend sooner rather than later. Mr. Lemansky asked if a retail license for medical is different and the answer was yes. He asked if there are two retail licenses, two grow licenses and two medical licenses? Chairman McGrath said we can’t limit medical. Ms. Noble said you can’t put a limit on medical licenses in your town. Recreational is limited to two unless something happens at town meeting. Mr. Singer said there was a discussion before with this board that you can go down this road with medical and once they are in with medical you can’t stop them from going recreational. There was a lot of confusion with that at that time. Ms. Noble said the way it was, if someone got a license for a medical dispensary and it was before a certain date which she thinks was April 2017, they were automatically grandfathered in for retail but she doesn’t think that’s the case now. She will get clarification. Mr. Lemansky asked about Green Gold. Are they a medical or a medical that’s going to be turned into retail? Ms. Noble said they are both. The roll out is medical first and then gradually phase in the retail after they go back to the Planning Board. Mr. Lemansky said if we had multiple CVS and Walgreens and they were going to sell medical cannabis, then there’s no cap on that? Ms. Noble said she hasn’t heard of that yet. Mr. Lemansky thought the first step is through the CCC. He said he’s recorded there as of March 26th as applying for marijuana retail. He asked if that mattered to anyone. Chairman McGrath said the rules at the state level have changed numerous times. The Department of Public Health used to be in charge of those licenses and now have gone to the Cannabis Control Commission and some things have changed. Mr. Lemansky said when presentations were made back in March to the Planning Board, Four Score had no intent of doing retail. He said there needs to be some fairness of who put the stake in the ground and whose stake is first. Chairman McGrath said if it was him, the people that negotiated a host agreement with the town are probably at the front of the line. He said we need to talk to counsel as stated before and we also need to wait for town meeting. Ms. Singer said that Four Score has from the beginning, has expressed their desire to have retail from day one. Mr. Lemansky said this is a process that not only goes to the Selectmen with the Host Agreement but it has to go to the Planning Board to determine what they are going to do and is it safe for the community, then back to the state. Ms. Spiewak returned to the table. Ms. Spiewak wanted to make a point of clarification. She said that Mr. Lemansky brought up the box stores like CVS, etc. One of the reasons they cannot sell marijuana is because and she looked into this a long time ago, the state would have to reclassify cannabis. She said she had also attended an MMA conference and they talked about the town’s responsibility when picking or selecting who they want in their town. What they recommended was it’s not about who got there first, it’s what’s the best fit for your town.

7:30pm – Northeast Energy Center, LLC – Reschedule to a later date

VI. New Business:


   **Special Alcoholic Beverage License request**: attached is a request for a special alcoholic beverage license for Wine & Malt Beverages from Spartan Race/Peter Murphy to be used for an athletic race on May 11 and 12, 2019 from 8am – 8pm at 508 International, 219 Brookfield Rd., Charlton, MA. The number of persons expected to attend is 5,500 on Saturday and 2,000 on Sunday. The Police Department, Fire Department and Building Commissioner have all approved the request with the following stipulations:
Fire – Two means of egress out of beer garden

Police – 3 officers for traffic on Brookfield Road for the duration of event Saturday; 2 officers on the grounds for the duration of the event both days; 1 officer present inside fenced in area serving alcohol both days and 2 officers for the traffic on Brookfield Road on Sunday for the duration of event.

Per the Board’s policy, the license, if approved, should be issued for two additional days which is to allow delivery the day before the event and for pick up the day after the event with no sales allowed. The dates on the license should be May 10 – May 13, 2019. Curt Meskus and Lauren Cray came forward. Mr. Singer asked if the applications are complete and Mr. Meskus said yes. He explained there are two different permits for two different events with different requirements. Motion by Mr. Singer to approve the Special Alcoholic Beverage License Request Wine & Malt beverages for the Spartan Race/Peter Murphy for a race day of May 11 and 12 from 8am – 8pm at 508 International, Charlton, MA with a. the stipulations listed for Police, Fire and Building with the dates of the license to be May 10th – 13th conditional upon the Traffic and Crowd Management permit being approved, seconded by Mr. Szafarowicz, motion passes. Mr. Szafarowicz asked for an update after the event.

Traffic and Crowd Management Permit:

Attached is a request for a Traffic and Crowd Management Permit from Jeffrey Connor on behalf of Spartan Race, Inc. for a 3 mile obstacle course race to be held on May 11 and 12, 2019 from 6:30am – 9:30pm Saturday and 6:30am – 7:30pm Sunday at 508 International, 219 Brookfield Road, Charlton MA. The number of persons expected to attend is 5,500 Saturday and 2,000 on Sunday. The Police Department, Fire Department and Building Commissioner have all approved the request with the following stipulations:

Fire – none

Building – tent and canopy need building permit. He also notes that possible parking in Sturbridge.

Police – detail officer is required as per liquor license application (6 officers on Saturday and 4 officers on Sunday)

It is recommended the board approve both requests. Motion by Mr. Szafarowicz to approve the request as stipulated and pending building permit, seconded by Ms. Spiewak. Mr. Singer said with neither chief here he can’t ask about six officers vs 5500 people. Chairman McGrath said he was here when they had their pre-event meeting and everyone was sitting in here, the Chief, Lieutenant Dowd, the Fire Chief, Mr. Meskus, people from 508 and people from Spartan. One of his questions to both chiefs was is everybody in agreement with what they need to take place and they said yes. Mr. Singer said his second question is it says possible parking in Sturbridge. Mr. Meskus said he put that note down because what we discussed was indicated early on that there might be parking there. We have no jurisdiction over Sturbridge but he is just making the board aware and they have been made aware as far as he knows from the Police Chief that if they were going to use that, that they should consult with the Sturbridge Police Chief for any requirements. Ms. Cray said she has spoken with Sturbridge about using that lot as an overflow lot if the lot adjacent to the property would fill up and they will have detail officers from Sturbridge on that lot. Ms. Noble asked if there were any presale tickets for this and the answer was yes. She asked how many and Ms. Cray said about 5,000 for Saturday and about 1,600 for Sunday. Ms. Noble asked if there is a limit on the number of tickets sold for this event. Ms. Cray said yes, the limit would be 9,000 on Saturday and she
doesn’t think it will be anything near that and projected on Sunday is 2,000. Ms. Noble said if the ticket sales go over that could they let the police and fire know and Ms. Cray said she would. Mr. Meskus said there is a lot of stuff including signage before the event down by the mill and at Rt. 49. They delivered maps of the whole race course which is within 508 property and is a permitted activity. They provided all the information on their tenting and bathrooms. These are staggered times so all the people will not be there at the same time. Oren Cisco, 38 N. Sullivan Road and an abutter to this property came forward. He said they have had events there before and he’s had a problem with trash blowing onto his property. He asked if anything is going to be done for those concerns? Chairman McGrath said we’ll address that with the venue. Mr. Cisco said they also trespassed on his property during these running events and desecrated on his property. He took pictures of it. He went to the Planning Board and the Board of Health and nobody seems to care.

Chairman McGrath said we will caution the venue operator and the licensees to make sure they take special pains to make sure people stay on their 508 property and that the litter issue is taken care of. Mr. Cisco said last year they put up barbed wire fence to control the people but only for a small portion of the boundary line. He asked if the town was ok with using barbed wire fence to contain people? Chairman McGrath said that’s not our decision. We can’t answer anything on that. He said we will address it with the owner and venue and ask for an after event report. Mr. Cisco said he will be up there with cameras again taking more pictures. Mr. Singer said it would be nice to ask and there is no obligation by 508 to do so, if they could figure out ways of notifying participants maybe with additional signage and that trespassers will be arrested. With no further discussion, vote on motion – motion passes.

2. Fishing Day – Traffic & Crowd Management Permit. Attached is a request for a Traffic and Crowd Management Permit from the Charlton Conservation Commission/Fay Mountain Farm to hold a Family Fish event on May 4, 2019 from 10:00am – 2:00pm at Fay Mountain Farm, 12 Cemetery Road, Charlton, MA. The Police Department, Fire Department and Building Commissioner have all approved the request with no stipulations. It is recommended the board approve the request. Todd Girard and Curt Meskus came forward. Motion by Mr. Singer to approve the request, seconded by Mr. Girard, motion passes.

3. Legal Fees for FY19. Selectman Spiewak asked for this item to be on the agenda. Ms. Spiewak thanked Chairman McGrath for putting this on the agenda and Donna and Ashley for the information. She wanted to start more of a high level conversation about legal fees and the model that we use right now. Right now we pay as we go vs. putting an attorney on retainer. When she attended the MMA conference, she was able to speak with a lot of other boards and they were happy using the retainer model. With that comes more accessibility, more transparency. Some had it written into the agreement that they would come to the town hall one day a month or every couple of weeks and be available to answer questions. She said our goals & objectives are coming up in a few months and if we could put that on the radar and examine the pros and cons of both models. Chairman McGrath said we’ve had discussions on that and it’s a good subject for the goals & objectives. Mr. Singer asked if we could put this on our town’s website. Staff to talk to the Finance Director to see where she would like it posted on the website.

4. Technology – Town email system (Reschedule to a later date)

VII. Old Business:
1. Planning Board Counsel – Subdivision Site Plan. The Planning Board is here to discuss their recommendation for counsel for the appeal of the Valley Green Grow definitive subdivision plan decision. Patsy Rydlak and Jean Vincent came forward. Mr. Singer recused himself from the meeting. Ms. Vincent said she would like to ask the Board of Selectmen to appoint David McKay of Mirick O’Connell as a Special Municipal Employee. Chairman McGrath said he and Ms. Vincent had a conversation. Attorney Cosgrove had some reservations about that. He said currently Mr. McKay is representing Southbridge in a mediation with the Town of Charlton on the Sewer and Water retained earnings. It’s not a court issue right now but if the mediation fails, it could go to court and that was Attorney Cosgrove’s cautionary note. The other item that he brought up was that Mr. McKay would still have to go seek the Town Manager in Southbridge’s approval. Ms. Vincent said he is doing that. Ms. Noble asked if Attorney McKay was recommended by Attorney Cosgrove and Ms. Rydlak said no. It was just a random search from Mirick O’Connell. Ms. Noble asked if Attorney Cosgrove was able to give them any recommendations? Ms. Vincent said he did and she contacted two of them. One flatly said no they didn’t want to do it and the other firm didn’t get back to her after repeated calls. She said there was another attorney she contacted who was given to them by another attorney and that person also did not return the calls. Mr. Szafarowicz said if a conflict does come up, he imagines there are ways to remedy that to find new counsel. Ms. Spiewak is comfortable with moving forward and said it would be the same as Attorney Bobrowski to make him a Special Municipal Employee. Chairman McGrath said first we would have to hire him and have him make sure that Southbridge says ok then at our next meeting, we can appoint him as a Special Municipal Employee. Ms. Vincent thought he had to be designated a Special Municipal Employee first. Chairman McGrath said not until you hire him. Mr. Szafarowicz said you make the position special municipal employee not the person. Motion by Mr. Szafarowicz to designate that position as Special Municipal Employee and authorize Mr. McKay as Special Legal Counsel, seconded by Ms. Spiewak. Ms. Noble would ask to amend the motion to include confirmation from the Southbridge Town Manager. Mr. Szafarowicz amended his motion. Ms. Spiewak amended her second. Vote on motion: motion passes. Ms. Vincent asked if we have a standard contract to use. It was suggested to have Attorney McKay reach out to the office.

2. Investigation – Planning Board matter. Ms. Vincent asked about the attorney for Ms. Rydlak. Ms. Rydlak said she is waiting to see if the board is giving her an attorney for the defamation stuff is the answer she needs so she knows what route she needs to take. She said there was a new memo. Chairman McGrath said we just received it. It’s dated April 12, 2019 but Mary was out last week and opened it on Monday. Ms. Rydlak said in their March 28th letter they talked about an alarming event and their whole accusation clearly says she committed a crime and in the new letter they quote, “we have not made and do not now make any accusations or claims that Ms. Rydlak violated any laws. Ms. Rydlak is hoping the board can clarify for her, the same attorney signed it and one statement says it accuses her and the other says they never have accused her. Chairman McGrath said there are a couple of things that he has found out. He said if it was something to do with the subdivision site plan, she would be covered by the attorneys we have whether it’s Cosgrove or Bobrowski. If it was a claim that she had done something wrong to violate civil rights or something like that, that would go through MIIA which is our insurance company and they would supply an attorney. According to Attorney Cosgrove, because no one has filed suit against her in that manner, there is nothing legal going on against her, that if she wants to go after someone for defaming her character or any of those type
things, she has to hire her own counsel for that because no legal action has been taken against her as a town employee. Ms. Rydlak said in her elected capacity, she was accused of this, it’s all over legal documents. So any town employee who this may happen to, they are on their own? It seems like quite a risk. Chairman McGrath said because there has been no action taken, there has been no court case filed, is the way Attorney Cosgrove put it. If someone filed suit in court against Ms. Rydlak, then his guess is that MIIA would take it but because no one has filed a formal complaint in court against her, there is nothing that the town does legally. If she feels she has personally been defamed, then she would have to go the route to take them personally to court. Ms. Rydlak said if she accused someone of making an anonymous complaint because she thinks they did, an elected official, could she start spreading that in social media, that person wouldn’t get assigned, they would have to hire their own attorney to defamation. Chairman McGrath said correct. Ms. Rydlak said what if she accuses someone of modifying emails in the building or something like that, she just wants to know in the future what she could do to people on social media.

Chairman McGrath told Ms. Rydlak if she had questions about this, the best one to call is Jim Cosgrove and talk to him. He’ll explain to her what he explained to him. Ms. Rydlak asked if she has permission to reach out to Jim and Chairman McGrath said yes. Ms. Spiewak said what just happened should have happened a long time ago. This is not necessarily about giving someone an attorney, it’s about providing immediate access to our public officials who are accused and in this case of a felony, it’s about the access to provide guidance to prevent things like this from happening in the first place. Mr. Szafarowicz thought the policy that we have in place is if any official can reach out to the Selectmen’s office and we refer them to counsel. Ms. Spiewak said he is correct but what was missed is that you have to go through the chair or town administrator and that was not granted in this case. Chairman McGrath said there were two questions when this came up at the last meeting and there was some confusion as to what would be covered and that’s when he reached out to Attorney Cosgrove to ask him what to do. Ms. Rydlak said ok, so she doesn’t get an attorney. Her next question is. Ms. Spiewak interrupted and apologized and said we are allowing the Planning Board Chairman to access counsel to provide guidance if she has questions and Chairman McGrath said absolutely. Ms. Rydlak said what about to send the letters saying you defamed the chair of our board. Chairman McGrath thinks that is a question for Attorney Cosgrove to ask him. That’s what he’s there for. Ms. Rydlak said there was a vote on an investigation to figure out how a comment went from being a legal document in court, was any investigation conducted yet to figure out who took this information and ended up feeding it to the VGG attorneys who ended up putting it on all these documents in front of her. It was voted on to do that if she is correct. Chairman McGrath said yes, that’s what on the agenda. Ms. Spiewak said we did vote to do that, two for, one against. She thinks we could save a lot of time and this town possibly a decent amount of money if we just got some answer to questions regarding to Ms. Rydlak’s point, how did this happen? This is her opinion or interpretation from comments that were made at our last meeting, it would appear that it may have been Attorney Silverstein because he’s, what did you call him Selectmen Noble, he’s required to report things. It’s important because if he’s a mandated reporter, she thinks they have to go through the courts then they send it out to all the attorneys. Her question is who instructed him if it was him to do that or did he take it upon himself to do it? If anyone else had encouraged him to do so that would be very important. She said it’s important so history doesn’t repeat itself. We learn how it happened so it doesn’t happen again. With that being said she has to voice her concerns and frustrations yet again and it doesn’t please her to do
so, she has requested information from our last meeting, legal updates, correspondence so she could get a better handle on what's going on. She still feels like she is not privy to that maybe the chairman and others are. It's impeding her ability to do her job as a selectperson. She's embarrassed to say she made that request and he didn't even extend her the courtesy of I'm not even going to give you the answer, no one answered her. Does she have to make it a public records request. Chairman McGrath said when Ms. Spiewak asked him about that he didn't have an update and he just got the update from Jim this morning on what to do. On the McKay issue, he didn't know if the Planning Board was going to bring McKay up or not. They were looking at other lawyers at the time. That was his last conversation with Jean Vincent. He said Ms. Spiewak is as up to date as anybody on the board and probably a few hours later than the chair. Ms. Spiewak said this is the only communication that's gone back and forth because he knows her request. Chairman McGrath said yes it is. Ms. Rydlak asked if it's determined that Jonathan Silverstein acted on his own and he decided that he was going to go to VGG and say this is what the Planning Board chair said, actually the Planning Board chair committed a crime without any instruction from Charlton, she would ask that he be dismissed as an attorney because that's a huge integrity, that's malice. Chairman McGrath said we will determine what happened and that's for the board to determine how we are going to do that. Ms. Vincent and Ms. Rydlak thought that's what this was all about. Ms. Spiewak asked do we know what happened. Was it Jonathan who sent? Chairman McGrath said he doesn't know. Ms. Spiewak asked if anyone sitting around this table encouraged Jonathan or took it upon themselves to do it. This is just the basic things that could save time and money. Chairman McGrath thinks the first thing is to have Mary reach out or himself to Attorney Silverstein and ask him for a statement. Ms. Rydlak asked if he could come here in person because attorneys tend to be really interesting with their statements? Ms. Spiewak said she asked a question. Did anyone around this table encourage Jonathan or anyone or took the information. What's really twisted and bothers her is the fact how this information got to the entity whose suing us actually multiple lawsuits. Chairman McGrath said since he didn't do it, he can't answer for anybody else. Ms. Spiewak asked Ms. Noble, you can't answer. Ms. Noble said it's an interesting question. Ms. Spiewak said be truthful. It's like this is what it's all about. Ms. Noble said it's her understanding that there were public posts on social media and asked if that's correct. Ms. Rydlak said there was a comment 4 days, 5 days after. Ms. Noble said if she had to guess, she would say they were probably monitoring social media. Chairman McGrath said this is all speculation right now. He thinks the best thing is to get a statement from Attorney Silverstein on how he was involved in that whether he comes and makes a statement here or a written statement and we'll go forward from there. Ms. Rydlak asked if we were going to get someone in here to do a formal investigation to go through the email system. Chairman McGrath said probably not. Ms. Rydlak said so pretty much your saying it's ok that applicants come in here and defame elected officials. Mr. Szafarowicz thinks this is the first step. He doesn't think it's fair to say what we are going to do next. Ms. Vincent and Ms. Rydlak said the board had two weeks. Two weeks went by and nothing was done at all. Ms. Vincent said we were here two weeks ago and pleaded for Patsy to be allowed an attorney. Nothing happened. The board didn't even tell them at that time to contact Jim. You didn't give her permission to contact Jim directly on that. Chairman McGrath said no because he talked with Jim first. Ms. Vincent said which was today. They sat here two weeks ago and nothing happened. She said to Ms. Noble, talking about two weeks, did you get an answer back from your tele communicator? Ms. Noble said it's a work in progress. Chairman
McGrath said we are off topic. Ms. Vincent said no we are not. This is part of the
investigation. Ms. Rydlak said Ms. Noble started with the investigation herself. Ms.
Spiewak said, and apologized to Ms. Rydlak for so many things, she said as a matter of
fact you could call it a demand, she would like in writing from Jonathan what happened
and whatever he sent, she wants to see the actual document that he sent, where he sent it, to
whom he sent it and she will also ask because she believes lawyers cannot tell fibs, if
anyone from our office or any of us had anything to do with giving him permission,
because her understanding, she knows we didn’t take any kind of vote publicly to
encourage him to take such action so she wants it in writing as soon as possible and what
happened. Ms. Rydlak asked if we could get that not within two weeks, could we possibly
get that within the next couple of days. It’s important for her to know. Ms. Devlin said she
would do her best. She was off last week and couldn’t get a lot done. Ms. Spiewak said
Mary has been doing a great job and thanked her but she has always said she is more than
willing to help if we want someone to reach out to Jonathan as long as we have approval
from the board that’s really very important. She said they can help, they are here to help
expedite the matters and she would also like to know from Attorney Silverstein, he was
supposed to be at the last meeting. It started where he was supposed to be here at 7:15 then
all of a sudden he can’t make it till executive session, and then he couldn’t attend at all.
Chairman McGrath said he ended up with the Westford Board of Selectmen longer than he
thought he was going to be. Ms. Spiewak did request for him to be here tonight. Chairman
McGrath said he’s tied up again tonight. Ms. Spiewak asked if he asked him and the
answer was yes. Ms. Vincent thanked the chair for asking. Ms. Rydlak asked if the board
could tell her what the next step is. Chairman McGrath said it’s what Ms. Spiewak asked
for. Mr. Szafarowicz said between today and tomorrow to send the email to Attorney
Silverstein to request it. Ms. Spiewak said there is one other thing through the chair, she
was hoping and we went back and forth about having the IT person here, but she wanted to
ask some questions about the email system and one of the members should know if not all
of them. Her understanding is years ago this town invested in a very expensive software
that archives all email. Chairman McGrath believes so. Ms. Spiewak said if that’s the case
can she suggest that maybe we want to see if there are any emails over the last month. She
said to Chairman McGrath you are confirming that we do have that and he is pretty
positive. He believes it’s a requirement of the Secretary of State. Ms. Spiewak asked for
any communications that have gone back and forth to Attorney Silverstein and anyone
from our office. Ms. Rydlak said since March 14th. Ms. Spiewak said or from any of us.
Ms. Rydlak and Ms. Vincent said and anything that has to do with VGG. Ms. Devlin said
she will reach out to our IT but what she had asked Ms. Spiewak earlier was if she would
send her the questions she has, he would have to do the research because she isn’t sure
how much he knows yet about the system. He knows a lot about it but he’s fairly new and
he would have to find out what we need to do. If Ms. Spiewak could email the questions of
what she wants him to do because she doesn’t think he can just go in and do a search and
she can look into that. There’s a process for it and she has to figure that out. If he had the
questions ahead of time he would have had the answers. Ms. Spiewak said she did have a
conversation with him offline. Ms. Vincent didn’t think we were using him anymore. Ms.
Devlin said we still have our computer company and we also have the IT Technician to
help us. Ms. Spiewak thinks the board would have to make a motion to make it more
cohesive. Mr. Szafarowicz said why don’t we send the email tomorrow and make the
request for a statement from Attorney Silverstein. Ms. Vincent said the other thing about
having questions prepared ahead of time, sometimes you have a question for somebody
and you have another question based on their answer, preparing questions ahead of time doesn’t make any sense to her. Chairman McGrath said this was one of our agenda items. He said we had a technology email system item that Ms. Spiewak asked for. Ms. Vincent said right but Mary wanted the questions presented prior to the meeting and that’s not realistic. Ms. Devlin said it is realistic so he has an idea of what he needs to answer and any others questions you can ask him that aren’t on the list but anybody that comes in front of the board gives us a brief synopsis of what it is they are looking for so we can either do the research or they can provide it to us. Chairman McGrath said this is for an agenda item that Karen has asked for and what Mary was saying to Karen is if you can tell us in advance what your questions are we can have him prepared to at least answer those questions and then afterwards whatever comes up. Ms. Spiewak goes back to through the chair to Selectman Noble, did you have any involvement with this? Ms. Noble asked her why she was asking her this? Ms. Spiewak said because it’s part of the investigation. Ms. Noble said she guessed it would come up in the investigation then won’t it. Ms. Spiewak said again, it would really kind of save time. Ms. Rydlak said during that meeting there were two people that lectured her. It was Jonathan and Ms. Noble. They both lectured her on how bad it was for whatever she had done. That’s what the thought process immediately goes to the people that would have shared the information but she assumes there will still be depositions and stuff and will eventually get to the answer. She is very disappointed. She said we were on the board for years and years and she’s pretty amazingly disappointed that a public official could be accused of something, affect work and everything else and to not have the Board of Selectmen because they didn’t agree with the project that you wanted. It’s actually very sickening. Chairman McGrath said to Ms. Rydlak that he’s afraid that’s very incorrect. This has nothing to do with any project or anything else. As he told her when she was here before, this has to do with what town counsel will cover. Town counsel will cover the things he told her about. They will not cover something if you feel you have been defamed, that is something civilly you have to take up with your own lawyer. Ms. Rydlak said so we have an applicant, we have a site plan and a subdivision, in our subdivision appeal, the whole appeal is just an insult to her so we now have our subdivision attorney that’s able to now go after them as part of the response to their appeal? Chairman McGrath said they would have to talk to that attorney. Ms. Rydlak said if that’s something he can do then that’s appropriate. Chairman McGrath would say that they probably cannot do that. Ms. Vincent said if he’s answering the appeal. Chairman McGrath said what is being defended there is what you did in your actual official capacity for the Planning Board. Ms. Rydlak said the actual appeal states that she committed a crime. In the appeal to the judge it actually says that she committed a crime. Chairman McGrath believes her best recourse is to talk with Jim Cosgrove and he will check in with him later. When you call him tell him you have the authority to talk to him about it and have him explain it to you. Ms. Rydlak thinks Jim is a wonderful man but he is also under the order of you and the town administrator. Chairman McGrath said Jim is a very independent lawyer and he’s been doing this for a long long time and you can have complete faith and trust in him. He is unbiased. He will tell you exactly what to do. Anything that we agree with up here or whether the town administrator agrees with it or who agrees with it, he will give you the absolute best advice. Mr. Szafarowicz asked to also reach out to Attorney Silverstein tomorrow. Ms. Devlin asked is that all they want is just a statement on how it happened? The answer was no, if anyone instructed him at all to share this information with VGG. Ms. Spiewak wants to see exactly what he sent and to whom he sent it, the original document and she’ll see the date on it and if anyone else was
involved. She said just so we are all on the same page, the Planning Board chair, she can ask Cosgrove questions and the answer was absolutely. She also said to Ms. Noble who asked her something earlier, this is important, her answers to these questions and her involvement are important because time and time again, your actions and your words have demonstrated what you are accusing others of which is biased. An ability to kind of set things aside and make a personal, in her opinion, so if indeed you are guilty of something she would ask her from one professional selectperson to another, to recuse yourself from anything to do with VGG. You don’t have to, it’s just an observation and a recommendation. She also said to Ms. Rydlak for what it’s worth, she is sorry, to the Planning Board she is sorry. She thinks what they are going through and what she hears out there from people, why would you want to run for office if no one is going to step up and defend you, it’s terrible. She said Ms. Rydlak made some requirements or demands. Ms. Rydlak said no one apologized. She said she truly just wanted apologies. She did get a letter, she guesses Attorney Kroft told another lie, we didn’t accuse her of anything which is quite interesting when she can pull the letter from a month ago saying that they did and she thought attorneys couldn’t lie. Ms. Spiewak also wanted to make it very clear that any communication we get, the Board of Selectmen and the Planning Board, we are on the same side, we are all defendant’s in the case against VGG. Anything our office receives she is making a statement that as a courtesy, the Planning Board should receive. Chairman McGrath said absolutely.

3. Notice from Attorney General regarding Robert Lemansky’s request. At the Board’s March 26, 2019 meeting, Rob Lemansky came forward during open forum to give the board notice that the open meeting law request he had sent in some months ago was answered back on February 28th of this year. He was seeking reconsideration from the Attorney General’s office relative to the board being found in violation of the open meeting law. He stated that the original complaint he sent in, the state gave it consideration to the first part but they didn’t consider the last two parts and that’s why he’s asking for reconsideration. On April 11, 2019, we received a letter from the Attorney General’s office in reference to Mr. Lemansky’s complaint and they reviewed his request and declined to reconsider or amend their determination and consider the matter closed.

4. FY20 Annual Town Meeting – Warrant for posting. Attached is the Annual Town Meeting Warrant for May 20, 2019. You are asked to review and approve if you have no changes. It has been reviewed by Town Counsel and Department Heads and any changes they requested have been made. We need to post it with the Town Clerk by Thursday, April 25, 2019. Motion by Mr. Szafarowicz to approve the warrant for posting, seconded by Ms. Noble. Ms. Spiewak has one change where it says The Human Resources Director shall be a Department Head and shall report to the Town Administrator. She would like to insert after that, Issues arising pertaining to the Town Administrator shall be adjudicated by or taken to the Board of Selectmen. Ms. Devlin said it is sponsored by the Personnel Board and she will ask them. If they are ok with it she can make the change but asked what if they aren’t ok with it. Ms. Spiewak said we can talk about it on town floor. Mr. Szafarowicz if there is a policy in place anywhere else that says if a person has a direct conflict that there is recourse and the ability to go to the board to handle it? Mr. Szafarowicz amended his motion to include the change as requested. Ms. Noble amended her second. Ms. Spiewak has a housekeeping item regarding the posting when it has to go to print, she knows the Planning Board is going to be meeting tomorrow and what if we approve this and they meet and they make changes to their articles, how do they
do this? Chairman McGrath said that’s the same as if there were transfers. The motions will include any changes. **Vote on motion: motion passes.**

VIII. **Committee Reports:**
Marijuana Advisory Committee update. Ms. Noble said they don’t have any draft minutes yet to share. She can say there is a delay for Green Gold Group to open due to a stormwater issue and DOT has delayed it.

IX. **BOS Policy Review:**

X. **Student Selectperson Report:** Anya Grondalski provided an update on Shepherd Hill activities. She stated that Charlton’s Mock Town Meeting is scheduled for May 30, 2019 from 9am – 10:30/11:00.

XI. **Town Administrator Report** – Not present

XII. **Other Business:**

1. Mr. Singer would like to request an executive session for our next meeting for our board to meet with HR regarding some personnel issues. He said we don’t need to have any personnel here for that meeting it won’t be required for that conversation. He would like to have the opportunity to talk about some things with HR in executive session.

2. Ms. Spiewak said we have been getting a few emails about stormwater runoff and asked the chair if he can tell people what they can do. Chairman McGrath said they can either reach out to the Board of Selectmen’s office or they can reach out to Cheryl at the Highway and she will give it to the Highway Superintendent. If it’s a problem on the state road which is Rt. 20 or I90, they would contact the district office which is 508-929-3800. Ms. Spiewak asked if we could put that on the web.

3. Ms. Spiewak asked Ms. Devlin who created an excel spreadsheet with action items that are pending. Ms. Devlin said the to do list. Ms. Spiewak said yes, she would like to get that after every meeting and it can even be put on the agenda.

XIII. **Next Meeting Announcement:**
Annual Town Election – Saturday – May 4, 2019 – 8am – 8pm – Heritage School
Regular Board of Selectmen’s Meeting – May 7, 2019 – 6:30pm – Selectmen’s Meeting Room

XIV. **Adjourn/Executive Session:** Motion by Mr. Szafarowicz to enter executive session at 8:36pm under MGL c30A, Sec. 21(a) – to discuss strategy with respect to collective bargaining or litigation – Insurance with unions and non-union, if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, seconded by Ms. Spiewak. The Chair declares that an open meeting may have a detrimental effect on the bargaining or litigating position of the public body. **Roll call vote taken: Ms. Spiewak – aye, Mr. Singer – aye, Ms. Noble – aye, Mr. Szafarowicz – aye and Chairman McGrath – aye.**

The Chair thanked Mr. Szafarowicz for everything he has done for the town and he will be sorely missed.

Submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:

John P. McGrath, Chairman
Karen A. Spiewak, Clerk

Deborah B. Noble, Vice-Chairperson
David M. Singer, Member

Joseph J. Szafarowicz, Member