

Town of Dudley

Board of Selectmen
Highway Commissioners
Cemetery Commissioners

May 23, 2016 @ 6:00pm
Shepherd Hill Regional High School
68 Dudley-Oxford Road, Dudley, MA 01571
Approved 6/6/2016

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

1. Call to Order, Pledge of Allegiance

Steven Sullivan called the meeting to order at 6:12pm. In attendance were Peter Fox, Paul Joseph and John Marsi. Also in attendance was Greg Balukonis, Town Administrator and Michelle Jervis, Administrative Secretary. Jonathan Ruda was absent.

2. Acceptance of Minutes:

John Marsi motioned to approve the minutes of May 9, 2016 as printed. Peter Fox seconded. Unanimous 4-0.

Paul Joseph motioned to approve but not release the Executive Session minutes of May 9, 2016. Peter Fox seconded. Unanimous 4-0.

3. Appointments:

4. Public Comments/Citizens Comments:

5. Public Hearings:

6. Licensing and Permits:

7. Public Business:

Pat Flynn, Moderator, acting as citizen and attorney, came before the Board to clarify Article 20. He stated that he reached out to Town Counsel and the Town Administrator today regarding the wording in this specific article as it relates to the land acquisition on Corbin Road. He stated that Article 20 is subject to two points: 1) authorize the Board of Selectmen to use the powers of Right of First Refusal under Chapter 61A and 2). Funding the debt exclusion. He stated that the debt exclusion section should be stricken since the applicant has not come forth with the Purchase and Sale Agreement and we do not have a price for the land. Regarding the Right of First Refusal it gives the Board of Selectmen authorization under Chapter 61A. He stated that the law already gives the power to the Selectmen. Attorney Gary Brackett, Town Counsel, stated that under a case law that came before the SJC, any conversion of land under Chapter 61a, that is not agricultural can have the Board act upon it as a Right of First Refusal. After discussion all agreed to reaffirm the Selectmen's right of first refusal as an option and all agreed they do not want any due process taken away from the applicant.

The Board reviewed each Article and put a hold on any questions. Article 16 required an amendment striking the first sentence of Section 3.12.02 and replacing it with "this bylaw applies to large-scale ground-mounted solar photovoltaic installations, as defined herein, proposed to be constructed with special permits and site plan review which are applied for after the effective date of this bylaw". **Paul**

Joseph motioned that the Board of Selectmen approve the amended as drafted by Town Counsel. Peter Fox seconded. Unanimous 4-0.

Article 20 – Land Acquisition – After discussion all agreed to strike all wording regarding the debt exclusion (everything after the word Selectmen in line 11). **John Marsi motioned to amend Article 20. Peter Fox seconded. Unanimous 4-0.**

Article 27 – Acceptance of Tobin Drive, Nellies Way and Stebbins Drive – Notification that the developer did not follow through with the appropriate paperwork in the timely manner was discussed. **Paul Joseph motioned to pass over Article 27 and defer it to the Planning Board. Peter Fox seconded. Unanimous 4-0.**

Article 31 – Petition Article regarding changing of bylaw regarding cemeteries – Since it is a petition article it was suggested to amend Section 3:13:02 on town meeting floor.

John Marsi motioned to approve the spring town warrant. Peter Fox seconded. Unanimous 4-0.

b. Election Warrant – Approve and Sign – **Paul Joseph motioned to approve the Election Warrant for the June 13, 2016 town elections. Peter Fox seconded. Unanimous 4-0.**

c. Establish a K9 Gift Account – **Paul Joseph motioned to establish a K9 gift account (0210-000-4701 –00- revenue) (0210-000-5794-00 expenses). Peter Fox seconded. Unanimous 4-0.**

d. Establish new agenda item – “Around the Town” – **Paul Joseph motioned to approve the new agenda item “Around the Town” that will have local business owners briefly speak at Selectmen’s meetings about their businesses. John Marsi seconded. Unanimous 4-0.**

8. Town Administrator’s Report

9. Board of Selectmen Comments/Department Head Comments:

10. Adjournment/Executive Session:

Paul Joseph motioned to adjourn at 7:00pm and enter into town meeting and not to reconvene into public session. John Marsi seconded. Unanimous 4-0.

Respectfully submitted,

Michelle Jervis, Administrative Secretary