



**TOWN OF SHERBORN**  
19 Washington Street  
Sherborn, MA 01770  
508-651-7850

Michael Giaimo, *Chairman*  
Paul R. DeRensis, *Vice Chairman*  
Charles Yon, *Clerk*  
Mark Brandon  
Sean Killeen

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## 2010 EXECUTIVE SESSION MINUTES

Board of Selectmen  
Executive Session  
April 14, 2010

Members Present      Ronald J. Fernandes, George X Pucci, Paul R. DeRensis  
Staff                     Daniel M. Keyes, Diane Moores, Police Chief Richard Thompson  
Others                    Brian Simoneau, Town Counsel

Attorney Simoneau presented to the Board a new agreement between the Town and the Police Union with regards to the FLSA.

Selectman DeRensis stated that he would like to review this a more extensively but agrees with the concept.

Motion

Move to accept the agreement in principal embodied in the MOU and CBA subject to final reading as to form

Moved                 Paul R. DeRensis  
Second                George X Pucci  
Approved             3-0-00

Roll Call:            DeRensis, Aye   Pucci, Aye      Fernandes, Aye

Motion

Move to return to Public Session.

Moved                 George X Pucci  
Second                Paul R DeRensis  
Approved             3-0-0

Roll Call:            DeRensis, Aye   Pucci, Aye      Fernandes, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen

Executive Session

10:05 PM

March 1, 2010

Members Present      Ronald J. Fernandes, Paul R. DeRensis, George X Pucci

Staff Present          Daniel M. Keyes, Chief Richard Thompson, Diane Moores

Others                  Attorney Brian Simoneau

The Board convened into Executive Session to discuss contract union negotiations for the Police Department.

Contract Union Negotiations

Attorney Simoneau brought before the Board an amended Memorandum of Agreement between the Town of Sherborn and the Sherborn Police Association, MASSCOP Local 168.

The Board discussed the Deletion of Article 5, Section 9 (Educational Incentive Pay) in its entirety and to be replaced with new language.

The Board discuss replacing the current 572 schedule with a 4&2 rotating schedule for personnel assigned to the day shift except the prosecutor.

The Board discussed removing the 6<sup>th</sup> week of vacation and single day accruals by the language from Article 12, Section 1.

The Board discussed the elimination of Tuition Reimbursement by deleting some language from the current Agreement.

The board discussed the elimination of "Triple Time" for forced overtime, by the deleting the language from the current Agreement.

The Board discussed the current base salary increases.

The Board discussed the new health Insurance Clean Up Language from Article 13 of the current Agreement.

The Board discussed the Fair Labor Standards Act

The Board discussed Accreditation/ Certification.

Motion

Move to authorize Attorney Simoneau to move forward with the Agreement brought before the Board tonight and to bring back for review of the Board a cost out of all the numbers and long term liabilities with respect to the new MOA.

Motion

Move to Adjourn – 10:50 PM

Roll Call

DeRensis	Aye
Pucci	Aye
Fernandes	Aye

Approved: November 16, 2016

Released: November 16, 2016

Executive Session  
Strategy on pending Litigation – Attorney Lenny Kesten-MIIA  
Police Union Contract Negotiations  
March 15, 2010

8:15 PM

Members Present: Ronald J. Fernandes, Paul R. DeRensis, George X Pucci  
Staff Present: Daniel M. Keyes, Diane Moores  
Others Present: Police Chief Richard Thompson, Attorney Brian Simoneau,  
Attorney Lenny Kesten, representing MIIA

Roll Call – Present

DeRensis Aye  
Pucci Aye  
Fernandes Aye

The Board of Selectmen convened into Executive session to discuss the possible strategy on pending litigation. Attorney Lenny Kesten appeared at the meeting to bring the Board of Selectmen up to date on the issue.

Chief Thompson informed the Board that Sgt. McLaughlin has been placed on paid Administrative Leave.

Attorney Kesten has been retained by MIIA to investigate the MCAD. He informed the board that the allegations go back as far as 2003 and the a real investigation has never been done and that MIIA has retained the services of Terri L Pastori to head up the sexual harassment investigation. It seems that the past Chief looked into the allegations but was unable to substantiate any of the allegations being made by Mr. Fleming.

Mr. Kesten stated that the board has a legal obligation to investigate the past allegations even without any back up paperwork.

Attorney Simoneau stated that he spoke with the former Police Chief Gary who informed him that when he retired there were files on both Sgt. McLaughlin and Mr. Fleming. Attorney Simoneau stated that Sgt. McLaughlin denies shredding any documents.

The Board thanked everyone for coming before them to bring this issue up to date and has asked that another Executive Session be made when there is more to report.

Police Union Contract

Attorney brought before the Board an amended Union Contract for the Board's review. The Board reviewed the suggested changes to the agreement.

Selectman DeRensis stated that he was happy to see the health insurance language in the amended contract and that he has not signed a warrant in the past six months because the police union contract was illegal due to the wrong language in the Health insurance portion of the contract. Selectman DeRensis stated that he has repeatedly asked that this be corrected with a new signed copy with the proper language.

Selectman DeRensis stated that he is having difficulty with the calculations and would like to speak with the Town Accountant before he makes any decisions on the Amendments.

Motion

Move to defer action on the amended contract until Selectman DeRensis has reviewed the figures with the Town Accountant.

Moved	Ronald J. Fernandes
Second	George X Pucci
Approved	3-0-0
Roll Call	
DeRensis	Aye
Pucci	Ayes
Fernandes	Ayes

Motion

Move to adjourn and to return to Public Session.

9:03 PM

Moved	George X Pucci
Second	Ronald J Fernandes
Approved	3-0-0
Roll Call	
DeRensis	Aye
Pucci	Aye
Fernandes	Aye

Approved: November 16, 2016

Released: November 16, 2016

Executive Session  
Board of Selectmen  
July 22, 2010  
10:45 PM

Members Present Paul R DeRensis, George Pucci, Thomas Twining

Staff Present Daniel Keyes, Diane Moores

Others Present Frank Jenkins, Land Acquisition Committee,  
Chris Browne, Sherborn Housing Partnership

Chairman DeRensis informed the Board that he had a conversation with Mr. Posner at the airport in Hyannis regarding the Rising Tide Project in Sherborn.

Mr. DeRensis stated that Mr. Posner had shown an interest in opening up discussions again with the Town with regards to the 40B Project over at Whitney Farms.

The Board discussed various options they might explore such as having a negotiating team to meet with Mr. Posner to see what his intentions are.

After further discussions the general consensus of the board was to explore what might be done to resolve differences regarding the Sherborn project and to have Chairman DeRensis approach Mr. Posner and to report back.

The board also reviewed the Executive Session Minutes of June 10, 2010 and made various corrections to the minutes.

Motion

Move to approve the Executive Session minutes of June 10, 2010 with corrections as noted by the Board.

Moved George Pucci  
Second Paul DeRensis  
Approved 3-0-0

Roll call: DeRensis, Aye Pucci, Aye Twining, Aye

Motion

Move to adjourn 11:45 PM

Moved George Pucci  
Second Paul DeRensis  
Approved 3-0-0  
Roll Call: DeRensis, Aye Pucci, Aye Twining, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
September 16, 2010  
Executive Session - 10:00 PM

Members Present:

Paul R. DeRensis, George X. Pucci, Thomas Twining

Staff Present:

Daniel M. Keyes, Diane Moores, Walter Avallone

Others Present:

Attorney Allen Rubenstein

Meeting called to Order

Whitney Farms/Rising Tide

Attorney Allen Rubenstein informed the Board of the current status with regards to Whitney Farms. Mr. Rubenstein stated that he was aware Whitney Farms had recently filed for a building permit to renovate two dwelling units in the existing Farm House.

Mr. Rubenstein brought the Building Inspector up to date on the project. The Building Inspector informed all that he had received a application last week and that he has thirty (30) days in which to respond.

The Board thanked Mr. Rubenstein and Mr. Avallone for meeting with them.

Union Personnel

Others Present

Chief Richard Thompson

The Board reviewed correspondence from Town Counsel as it pertains to an MCAD issue surrounding a member of the Police Department.

Motion

Move to accept the recommendation of Town Counsel to deny the counterproposal presented and to authorize Town Counsel to find a more acceptable resolution.

Roll Call

Pucci	Aye
DeRensis	Aye
Twining	Aye

Motion

Move to adjourn

Roll Call

Pucci	Aye
DeRensis	Aye
Twining	Aye

Meeting Adjourned: 10:30 PM

Approved: November 16, 2016

Released: November 16, 2010

Board of Selectmen  
September 30, 2010  
Executive Session  
7:20 PM

Members Present: Paul DeRensis, George Pucci, Thomas Twining

Staff Present: Daniel Keyes, Diane Moores, Chief Richard Thompson,  
John O'Neil

Others Present Town Counsel Chris Petrini

Union Personnel -Sherborn Police Department

The Board reviewed a settlement letter presented by Attorney Petrini with regards to a union personnel issue surrounding the Sherborn Police Department. The following motion was made. Chief Richard Thompson also agreed with the recommended settlement agreement.

Motion

Move to approve the recommended settlement letter recommended by Attorney Petrini

Roll Call

Twining	Aye
Pucci	Aye
DeRensis	Aye

HKA – Litigation Issue

The Board discussed the issue surrounding the water pump issue at the new CM&D Garage. The Board reviewed a draft letter written by Attorney Petrini in response to a letter written by Warren Hutchinson, Attorney for HKA.

The following motion was made.

Motion

Move to authorize Attorney Petrini to send the proposed letter to Attorney Warren Hutchinson.

Pucci	Aye
Twining	Aye
DeRensis	Aye

Motion

Move to adjourn at 8:00 PM and to return to Public Session

Pucci	Aye
Twining	Aye
DeRensis	Aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
November 18, 2010  
Executive Session  
7:10 PM

Members Present: Paul R. DeRensis, George X. Pucci, Tom Twining

Staff Present: Daniel M. Keyes, Diane Moores, Chief Richard Thompson

Others Present: John O'Neil, Attorney Christopher Brown, Petrini Law

Attorney Chris Brown and John O'Neil, Chairman of the Building Committee appeared before the Board to update them on the lawsuit of HKA v Sherborn.

The Board discussed various options with regards to the settlement. Attorney Brown stated that in recent discussions with HKA's attorney they are now looking for a settlement figure of \$25,000. Attorney Brown stated that the town's legal fees would be somewhere in the vicinity of \$15,000 to \$20,000 to complete the discovery if that is the way the Board would like to move. Attorney Brown stated that if the town could prove breach of contract then the town could re-coup all expenses through litigation. The Board also discussion sending a demand letter to HKA's Insurance Company.

The following motion was made by the Board.

Motion

Move to reject the offer to pay a settlement figure of \$25,000 to HKA.

Moved: George X. Pucci  
Second: Paul R. DeRensis  
Approved: 3-0-0  
Roll Call: DeRensis, Aye Pucci, Aye Twining, Aye

Joint Defense Agreement

The Board also discussed the recommendation made by Town Counsel to enter into a Joint Defense Agreement with Merrikan Engineering. The Board stated that they would approve such a recommendation on the condition that Merrikan Engineering has their own legal counsel.

Motion

Move to approve the recommendation of Town Counsel to enter into a joint Defense Agreement with Merrikan Engineering with the condition that Merrikan Engineering provides their own legal defense.

Moved: George X. Pucci  
Second: Paul R. DeRensis  
Approved: 3-0-0

Roll Call: Pucci, Aye DeRensis, Aye, Twining, Aye  
Sherborn Police Department  
Chief Richard Thompson

The Board discussed the litigation issue surrounding Band V. Sherborn.

On the Recommendation of Town Counsel and with the concurrence of Police Chief Richard Thompson the Board made the following motion.

Motion

Move to enter into a settlement agreement with Diane Band for an amount not to exceed \$60,000.

Moved: George X. Pucci  
Seconded: Tom Twining  
Approved: 3-0-0  
Roll Call: Pucci, Aye Twining, Aye DeRensis, Aye

Approval of Executive Session Minutes of October 28, 2010

Motion

Move to approve.

Moved: George X. Pucci  
Second: Tom Twining  
Approved: 3-0-0  
Roll Call: Pucci, Aye Twining, Aye DeRensis, Aye

Motion

Move to adjourn and return to Public Session at 7:50 PM

Moved: George X. Pucci  
Second: Tom Twining  
Approved: 3-0-0  
Roll Call: Pucci, Aye DeRensis, Aye, Twining, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
December 2, 2010  
7:10 PM

Present: Paul R. DeRensis, George X. Pucci, Tom Twining, Daniel Keyes, Diane Moores

Chairman DeRensis stated that all contracts will on June 15, 2011 so that all contract employees are in sync and would like to try and keep all employees, union and non-union on the same level.

The Board members discussed strategies as they applied to the contract for the Police Chief and a new contract for Ed Wagner, CM&D Director.

The Board invited Chief Thompson in for the discussion surrounding his current contract. The Board informed the Chief the annual evaluation showed that they were very pleased with his performance and would be willing to give him a new Contract.

Chief Thompson stated that he would like the Board to consider a 5 year contract and understands that this would need a Home Rule Petition. He is asking for that length of contract so that he will be back in sync with his own officers when their contract ends. Chief Thompson stated that he would be looking for a 1% increase the first year, 2% increase the second year and a 2-3% increase for years 3, 4 and 5.

The Selectman thanked Chief Thompson for meeting with them

The Selectmen then invited Ed Wagner in to discuss the possibility of a contract with the Town.

The Board informed Mr. Wagner the annual evaluation showed that they were very pleased with his performance as Director of CM&D and asked what he would like to see in his contract.

Mr. Wagner sated that he would like to be able to receive his vacation time in one lump sum to be used through the year rather than accrue time as stated in the current Personnel Bylaw. Mr. Wagner stated that he would like 3 weeks' vacation and would like to receive comp hours during the winter months when he could possibly be working a 16 hour day due to weather conditions.

Mr Wagner stated that he would like to see his contract structured like the Police Chief.

The Board then discussed with Mr. Wagner contract negotiations as it pertains to the CM&D Employees. Mr. Wagner stated that he is reviewing the current contract and would be recommended some changes to the working with regards to the managerial aspect part of the contract the breaks.

The Town Administrator suggested that the Board have George Shea negotiate the contract. Chairman DeRensis stated that he has misgivings about that seeing as Mr. Shea is so very involved with other aspects of the Town.

Minutes of November 18, 2010

Motion

Move to approve the Executive Session Minutes of November 18, 2010

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0

Roll Call: Pucci, Aye Twining, Aye DeRensis, Aye

Motion

Move to return to Public Session 8:07 PM

Moved George X. Pucci

Second Tom Twining

Approved 3-0-0

Roll Call Pucci, Aye Twining, Aye DeRensis, Aye

Approved: November 16, 2016

Released: November 16 2016

Board of Selectmen  
Executive Session  
December 16, 2010  
7:10 PM

Members Present:

Paul R. DeRensis, George X. Pucci, Tom Twining

Staff Present

Daniel M. Keyes, Diane Moores

Chairman DeRensis stated that because the winter months are upon us, rather than waiting until July 1, 2011 to implement a comp time program in Ed Wagner's contract, he would like to the Board to consider giving Comp time to Mr. Wagner now.

The Assistant Town Administrator stated that if the Board was going to grant Compensatory Time for one Exempt Employee, she feels that all Exempt Employees (including herself) should be granted compensatory time.

It was the general consensus of the Board to have a public discussion surrounding this issue and that all Exempt Employees and the Personnel Board should be present for this meeting.

The Assistant Town Administrator stated that she would arrange for such a meeting.

Motion

Move to authorize compensatory time for Ed Wagner and that Ed Wagner will fill out the Compensatory Time Form (as attached).

Moved George X. Pucci

Second Tom Twining

Approved 3-0-0

Roll Call: Pucci, Aye DeRensis, Aye, Twining, Aye

Motion

Move to return to Public Session

Approved: November 16, 2016

Released: November 16, 2016



**TOWN OF SHERBORN**  
**19 Washington Street**  
**Sherborn, MA 01770**  
**508-651-7850**

Michael Giaimo, *Chairman*  
Paul R. DeRensis, *Vice Chairman*  
Charles Yon, *Clerk*  
Mark Brandon  
Sean Killeen

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## 2011 EXECUTIVE SESSION MINUTES

Board of Selectmen  
Thursday, February 3, 2011  
8:00 PM – Executive Session

Members George X Pucci, Paul R .DeRensis, Tom Twining

Staff Daniel M .Keyes, Ed Wagner, Diane Moores

Subject Union Contract Negotiations

The Town Administrator and Ed Wagner, Director of Community Maintenance Development presented to the Board contract proposal being requested by AFSCME Local 335.

The Board also reviewed proposal that will be presented to AFSCME Local 335.

The discussed the negotiating team for the Town and the following motion was made.

Motion

Move to designate the Town Administrator and Selectman Tom Twining as the negotiating team for the Town of Sherborn.

Moved George X. Pucci  
Second Paul R. DeRensis  
Approved 3-0-0

Roll call: Pucci, Aye DeRensis, Aye Twining, Aye

Motion

Move to return to Public Session.

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0

Roll call: Pucci, Aye DeRensis, Aye Twining, Aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
Executive Session  
February 3, 2011

The Town Administrator presented to the Board of Selectmen changes that are being requested by the CM&D Union.

It was the consensus that Selectman Twining should join the negotiating team

The Board made the following motion

Motion

Move that the negotiating team should consist of Tom Twining and Daniel Keyes

Moved Paul R. DeRensis  
Second George X. Pucci  
Approved 3-0-0

Roll Call Twining, Aye DeRensis, Aye Pucci, Aye

Motion

Move to return to Public Session

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0

Roll Call Twining, Aye DeRensis, Aye Pucci, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
March 24, 2011

Present:

Paul R. DeRensis, George X. Pucci, Tom Twining

Staff:

Diane Moores

Town Counsel:

Barbara St. Andre

Police Union Local 158

Pittman Schedule

Police Chief, Richard Thompson, Sergeant David Bento and Office Luke Tedstone reviewed a letter from labor counsel, Brien E. Simoneau with regards to the implementation of the Pittman Schedule.

Sergeant Bento stated that on the new Pitman Schedule officers would work twelve hour shifts instead of eight hour shifts. Currently officers are scheduled to work 1,947 hours annually. Switching to the proposed schedule officer will be schedule for 2,184 hours per year, thus working an additional 237 hours per year by adopting the new schedule.

Chief Thompson stated that currently the department is down by 2 officers and would like to hold off on implementing the Pitman Schedule.

Chairman DeRensis stated that he would like to see the framework in place and would not take effect until the Police; Board of Selectmen decides that it is the right moment.

The Board asked the Chief to import a "standby" Pittman Schedule and to inform Labor Counsel to finalize and amend the collective bargaining agreement.

Contract Negotiations – Police Chief

Chief Richard Thompson discussed the changes to his contract with the board such as the term of his contract which currently is a two year contract. The Chief would like to see the Board consider a 5 year contract, beginning July 1, 2011 and ending June 30, 2016.

Under compensation he would receive a 1% increase the first year, a 1.5% increase the second year, third year a 2% increase, fourth year a three percent increase, fifth year 3% increase.

Chairman DeRensis stated that there is a Warrant Article that will be presented at Town Meeting and will then need to be approved by the legislature. Chairman DeRensis suggested that a 3 year contract and a 2 year contract be instituted until legislation is passed.

Motion

Move to accept the revised items for Police Chief Richard Thompson, subject to Counsel preparing the necessary contract.

Moved: Tom Twining  
Second: George X. Pucci  
Approved: 3-0-0  
Roll Call: DeRensis, Aye Pucci, Aye Twining, Aye

Contract –  
Prior Town Administrator-Daniel M. Keyes

Motion

Move to approve payment of remaining 19 vacation days claimed by Daniel Keyes.

Moved George X. Pucci  
Second Thomas Twining  
Approved 3-0-0  
Roll Call: DeRensis, Aye Pucci, Aye Twining, Aye

Fire Department  
Potential Litigation

The Board of Selectmen discussed with Acting Fire Chief, Jon Dowse and Town Counsel a current complaint issued by a Fire Department Personnel.

Chief Dowse stated that he had received the complaint in January 2011, notified the Town Administrator and reached out to the Personnel Board for an investigation.

Town Counsel also stated that an investigation had been done and the conclusion is the same as the Personnel Department that this does not rise to a Sexual Harassment complaint.

Town Counsel recommended that a town-wide sexual harassment training take place for all employees. The Board asked Town Counsel to implement a town wide sexual harassment training program.

Chief Dowse stated that he has handed out to all fire personnel a copy of the Town's email and computer policy.

Motion

Move to adjourn and return to Public Session @ 9:05PM

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0  
Roll Call: DeRensis, Aye Pucci, Aye Twining, Ayes

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
March 31, 2011  
Executive Session – 7:05 PM

Members Present: Paul R. DeRensis, George X. Pucci, Tom Twining

Staff Present: Diane Moores, Ed Wagner, Director of CM&D

The Board reviewed with Ed Wagner the ongoing negotiations with AFSCME Council 93, Local 335. Mr. Wagner informed the Board that they are very close to closing the gap on a few discrepancies and that those differences will be resolved and he will bring forward a contract for the Board to review and possibly vote on for the Board April 4, 2011 meeting.

Contract – Ed Wagner

The Board reviewed a proposed contract between the Town and Mr. Wagner.

Motion

Move to accept the salary of \$80,500, second year the Director shall receive the same salary plus a percentage cost of living increase equal to that given to the Town's non-union personnel, plus

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0

Duties

Add language that reflects if the Job Description increases and have this language written by Town Counsel.

Motion

Move to accept the section under DUTIES with changes forthcoming from Town Counsel.

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0  
Roll Call: DeRensis, Aye Pucci, Aye Twining, Aye

Performance Evaluations

The Board inserted the words "prior to the delivery of the evaluation for the approval of the Board of Selectmen and asked that this language be reviewed by Town Counsel.

Resignation/Termination

Strike second paragraph

Moved George X. Pucci

Second Tom Twining  
Approved 3-0-0

#### Laws Governing

Send to Town Counsel for the insertion of Laws governed by Massachusetts.

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0  
Roll Call: DeRensis, Aye Pucci, Aye Twining, Aye

#### Indemnification

Removed "in the performance of" and replace with "within the scope"

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0  
Roll Call: DeRensis, Aye Pucci, Aye Twining, Aye

#### Motion

Move to return to public session at 7:55 PM

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0  
Roll Call: DeRensis, Aye Pucci, Aye Twining, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
March 31, 2011

Members Present

Paul R. DeRensis, George X. Pucci, Tom Twining

Staff

Ed Wagner, CM&D Director

Diane Moores

Contract Negotiations

ASFSCME Council 93 Local 335

Ed Wagner presented to the Board a draft contract for review by the Board.

The Board discussed the various discrepancies. Selectman Twining stated that he feels the discrepancies have been resolved.

The Board asked Ed to send this contract to Town Counsel and then to the Selectmen for review so that it can be voted on at the next Board of Selectmen's meeting of April 14, 2011.

Draft Agreement between the Town of Sherborn and Ed Wagner

The Board reviewed with Ed Wagner the Draft Agreement. The Selectmen asked Mr. Wagner to leave the Executive Session while they deliberated the draft Agreement.

The Board made the following motions:

**Performance Evaluations:**

Strike the second sentence and add after the word finding **"prior to the delivery of the evaluation for the approval by the Board of Selectmen"**

Delete the words "if so desired"

Moved George X. Pucci

Second Tom Twining

Approved 3-0-0 Roll Call: Pucci, Aye Twining, Aye DeRensis, Aye

**Compensatory Time:**

Remove the last two words "upon request"

Moved George X. Pucci

Second Tom Twining

Approved 3-0-0 Roll Call: Pucci, Aye Twining, Aye DeRensis, Aye

**Resignation/Termination**

Delete the Second paragraph.

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0 Roll Call: Pucci, Aye Twining, Aye DeRensis, Aye

**Indemnification:**

Remove the words "in the performance of" and insert in its place "**within the scope of**"

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0 Roll Call: Pucci, Aye Twining, Aye DeRensis, Aye

**Law Governing**

Delete the whole section and have town counsel insert the language that is governed by the laws of Massachusetts.

**Automobile Policy**

Have reviewed by Town Counsel and asked that it be amended to state that when the town has a finalized Town Vehicle Policy that it will be amended.

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0 Roll Call: Pucci, Aye Twining, Aye DeRensis, Aye

**C compensatory Time**

Strike the words "upon request"

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0 Roll Call: Pucci, Aye Twining, Aye DeRensis, Aye

The Board then asked Ed Wagner to return to the meeting to review the revisions. The Board asked that the changes be made and the Agreement be sent to Town Counsel for review.

Motion

Move to return to Public Session 7:50 PM

Moved George X. Pucci  
Second Tom Twining  
Approved 3-0-0 Roll Call: Pucci, Aye Twining, Aye DeRensis, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
April 14, 2011

Police Chief Employment Agreement

The Board reviewed the Employment Agreement between the Police Chief and the Town of Sherborn with Town Counsel.

The Chief was called into the meeting to discuss a few changes to the contract as suggested by Town Counsel.

The Board asked the Police Chief to think about the suggested changes and get back to the Board.

Ed Wagner Employment Agreement

The Board reviewed with Ed Wagner some the changes that were suggested by Town Counsel. The Board asked Mr. Wagner to review the contract and to discuss with Town Counsel if the suggested changes are agreeable to him.

Union Contract Negotiations

CM&D

The Board and Mr. Wagner discussed the status of the negotiations between the Town and the CM&D Union.

The Board informed Mr. Wagner that they would like to see this settled before Annual Town Meeting.

It was discussed that there are a few sticking points that still need to be ironed out. It was the consensus of the Board that they stand on the issue surrounding the signing of all Town policies.

Motion

Move that the Board stand on the issues surrounding the signing of all Town Policies

Moved        Tom Twining  
Second      Paul R. DeRensis  
Approved    3-0-0

Roll Call      Twining, Aye      DeRensis, Aye      Pucci, Aye

Motion

Move to return to Public Session

Moved      Tom Twining  
Second      George X. Pucci  
Approved      3-0-0

Roll Call:      Twining, Aye      DeRensis, Aye      Pucci, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
April 28, 2011- Annual Town Meeting  
Executive Session

Members Present: Paul R. DeRensis, Tom Twining

Staff Present: Chief Richard Thompson, Diane Moores

The Board convened into Executive Session to discuss with Chief Richard Thompson his contract. The Board informed Chief Thompson that some minor revisions had been made and they would like for him to review the contract and get back to them if it meets with his approval.

The Board stated that once it meets with the approval of the Police Chief that they will bring it forward for signature at the next public Board of Selectmen's meeting.

Motion

Move to go back into Public Session

Moved Tom Twining  
Second Paul R. DeRensis  
Approved 2-0-0

Roll Call Twining, aye DeRensis, aye.

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
May 12, 2011  
Police Station  
Executive Session

Members Present Paul R. DeRensis, Tom Twining, George X. Pucci

Staff Present Diane Moores

Real Estate

Chairman DeRensis informed that Board of the possibility a real estate transaction with regards to our cell tower site. Chairman DeRensis stated that he has spoke with the Chair of the Advisory Committee and has asked them to convene an Executive Session that the BOS can attend to further discuss this issue.

The Board then spoke with Russ Posner, principal of Rising Tide. Mr. Posner and the Board spoke about the unique situation that needs to be preserved, which is the protection of the aquifer.

The Board was in agreement that that the most important aspect of the plan is the protection of the Aquifer. Mr. Posner agreed.

The Board informed Mr. Posner that they would meet with our Town Counsel at another night to discuss what was presented tonight.

Mr. Posner thanked the Board for their time.

Motion

Move to adjourn Executive Session and return to public session.

Moved Tom Twining

Second George X. Pucci

Approved 3-0-0

Roll Call Twining, Aye

Pucci, Aye

DeRensis, Aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
May 23, 2011  
Executive Session

Members Present

Tom Twining, Paul R. DeRensis, George X. Pucci

Staff Present

Diane Moores, Chief Richard Thompson

Chief Thompson informed the board [REDACTED] that he has placed Sergeant Bento in charge as Acting Chief and Luke Tedstone as Acting Sergeant.

Allen Rubenstein  
Whitney Farms

Mr. Rubenstein appeared before the Board to discuss Rising Tide and to bring the Board up to date.

Mr. Rubenstein stated that Josh Posner is proposing that the litigation be dismissed and that he will submit a new plan to the ZBA and DEP.

The Board asked that Chairman Twining approach Josh Posner and inform him that they will not move forward with an appeal if Mr. Posner will agree to the concept that he convey a portion of the land to the town for a well and access to the land.

Motion

Move to adjourn

Moved	Paul R. DeRensis
Second	George X. Pucci
Approved	3-0-0

Roll call		
Pucci, Aye	DeRensis, Aye,	Twining, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Approved:

Board of Selectmen  
Executive Session  
June 9, 2011

Present: Tom Twining, George X. Pucci, Paul R. DeRensis  
Staff: Diane Moores

The Board review a letter from Josh Posner dated June 8, 2011 outlining four (4) summary points that he would like the Board to review and agree to.

After the review the Board asked the Chairman Tom Twining to send the letter to Town Counsel and to review some of the points made by the Board in Executive Session.

Motion

Move that under basic point #4, Town Counsel prepare appropriate language for the conveyance of land to the Town of Sherborn and to return to the BOS for further review.

Moved George X. Pucci  
Second Paul R. DeRensis  
Approved 3-0-0  
Roll Call DeRensis aye, Pucci Aye, Twining, Aye

Motion

Move to return to public session

Moved George X. Pucci  
Second Paul R. DeRensis  
Approved 3-0-0  
Roll Call DeRensis, Aye, Pucci, Aye, Twining, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
July 20, 2011  
Town Hall – 11AM  
Executive Session

Members: Tom Twining, George X. Pucci, Paul R. DeRensis

Staff: Diane Moores

Whitney Farms Discussion

Reading of the Agenda

Motion

Move to approve Agenda and to go into Executive Session for the purpose of discussing Whitney Farms as it pertains to litigation. The Chairman of the Board determined that discussing this in Public Session could have a detrimental effect on the town.

Moved Tom Twining  
Second George X. Pucci  
Approved 3-0

Roll Call: DeRensis, Aye Twining, Aye Pucci, Aye

The Board discussed how to proceed with regards to Rising Tide.

It was the general consensus of the Board to not move forward with an appeal but to work towards a settlement agreement.

The following motion was made

Motion #1

Move to authorize Barbara St. Andre to execute a settlement agreement as it pertains to her email of June 17, 2011 to discuss with the Rising Tide lawyer and to have a settlement agreement that the Board of Selectmen can sign at their meeting of July 21, 2011., that the settlement agreement must include the following as it pertains to counsel's email and letter from Josh Posner dated June 8, 2011.

#1 Delete last sentence that states no board, department or other instrumentality of the town shall appeal the ZBA approval.

#2 In paragraph two, last sentence to be removed.

#4 insert language that would convey the land to the Town of Sherborn, not the Conservation Commission.

Moved Paul R. DeRensis  
Second Tom Twining

Approved 3-0-0  
Roll call DeRensis, Aye Twining, Aye Pucci, Aye

Motion #2

Moved that if Josh Posner refuses to remove #1 and #2 of the previous motion and refuses to deed the rights of the Town to install a well and to have access to that well, that Alan Rubenstein will be contacted about an appeal.

Moved Paul R. DeRensis  
Second Tom Twining  
Approved 3-0-0  
Roll Call DeRensis, Aye Twining, Aye Pucci, Aye

Motion #3

That if the Town cannot get the necessary releases that this should be construed as an impediment towards the settlement.

Moved Paul R. DeRensis  
Second Tom Twining  
Approved 3-0-0  
Roll Call DeRensis, Aye Twining, Aye Pucci, Aye

Motion #4

Move to file a notice of appeal on or after 3PM on July 21, 2011 unless Allan Rubenstein is otherwise instructed by the Board of Selectmen or Barbara St Andre.

Moved George X. Pucci  
Second Paul R. DeRensis  
Approved 3-0-0  
Roll Call DeRensis, Aye Pucci, Aye Twining, Aye

Motion #5

Move to Adjourn

Moved Tom Twining  
Second Paul R. DeRensis  
Approved 3-0-0  
Roll Call DeRensis, Aye Pucci, Aye Twining, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
August 11, 2011  
7:05 PM

Members Present: George X. Pucci, Paul R. DeRensis, Tom Twining  
Staff: Diane Moores  
Other: Barbara Saint Andre, Town Council

The Board convened into Executive Session to discuss a draft Settlement that has been prepared by Town Counsel.

Chairman Twining stated that he had spoken with Josh Posner who was not happy with the restrictive language in the Draft Settlement Agreement.

Counsel stated that she had been working on this language with Rising Tide's Attorney Peter Freeman.

Some of the issues that need to be revised in the Settlement agreement are minor in nature such as exterior building material, to have the plans and spec reviewed by a professional to make sure there is no impact on wells as it relates to Whitney Farms.

The Board discussed when the appropriate time would be to discuss this in open session and to inform the residents of the Settlement Agreement.

It was the consensus of the Board based on Counsel's recommendation to wait until the Draft Settlement Agreement is finalized

Motion

Move approval of the draft Settlement and to give Barbara Saint Andres reasonable discretion to continue working on the draft settlement and to bring review again at the next BOS Meeting and to give a public presentation on August 30, 2011.

Moved	Paul R. DeRensis		
Second	Tom Twining		
Approved	3-0-0		
Roll Call:	DeRensis, Aye,	Pucci, Aye,	Twining, Aye
Motion			

Move to return to public session

Moved	Tom Twining		
Second	George X. Pucci		
Approved	3-0-0		
Roll Call:	DeRensis, Aye	Pucci, Aye	Twining, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
August 11, 2011 – 9:30 PM

Members Present: Tom Twining, Paul R. DeRensis, George X. Pucci

Staff: Diane Moores, Descom Hoagland, Town Treasurer, Josh Buckler, Acting Fire Chief  
Evie Corbett, Admin. Assistant, Chris Petrini, Town Counsel

The Board discussed the ongoing labor audit Attorney Chris Petrini and the next steps the Town needs to take.

Attorney Petrini informed the Board that the Federal calculations have been done through the end of May 2011. The board discussed having Town Counsel contact The Dept of Labor Investigation Mr. Ashton to request that any future order be amended to include the month of June.

Town Counsel informed the Board that currently there is no Order from the State of Massachusetts.

The Board discussed the possibility of an appeal.

Town Council recommended that the Board not seek an appeal and to sign the WH-56 Form.

The Board discussed having Town Counsel work with the Acting Fire Chief on a new policy with regards to wage payment so as not to have this issue arise again.

The Board of Selectmen made the following Motions.

1. To authorize Town Counsel to contact the Department of Labor Investigator Ashton and request that he issue an amended proposed WH-56 Form that will include the month of June 2011.
2. To have Town Counsel to discuss with Mr. Ashton an acceptable reservation of rights language that best protects the town of Sherborn and still be satisfactory to the Department of Labor.
3. To have Town Counsel meet with the Acting Fire Chief and the Admin Assistant to discuss potential changes to the current Fire Department policy that may take effect on or about September 1, 2011 to limit the Town's obligation to pay minimum wage to on-call fire-fighters going forward.
4. That the on-call firefighters be paid minimum wages for the months of July and August once the amount is determined.

5. To have Town Counsel research whether Mass Law requires payment of state minimum wages to on-call firefighters in the same way as Federal Law and to see if exemptions may exist and to report back to the Board.

Moved Tom Twining

Second Paul R. DeRensis

Approved 3-0-0

Roll Call: Twining, Aye DeRensis, Aye Pucci, Aye

The Board then agreed that Chairman Twining would be authorized to execute the WH-56 form once it is approved by Town Counsel.

Motion

Move to Adjourn

Moved Tom Twining

Second George X. Pucci

Approved 3-0-0

Roll Call: Twining, Aye Pucci, Aye DeRensis, Aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
August 18, 2011  
Executive Session

Members Present: Paul R. DeRensis, Tom Twining  
Staff Present: Diane Moores  
Others Present: Barbara Saint Andre, Petrini & Law Associates

The Board reviewed a draft Settlement Agreement as it relates to Whitney Farms.

The Board discussed whether they should file an appeal as the deadline to do so is August 22, 2011. Selectman DeRensis stated that he feels we should move forward with the appeal for a short term until everyone can reach a consensus on the Settlement Agreement.

Selectman Twining stated that he does not want to continue in litigation.

The Board then discussed the possibility of having the land held in escrow until a settlement can be reached.

Selectman DeRensis stated that if they do not get their DEP approvals then he would like to see the parties reconvene and work out some equal arrangement to have their interests go forward to our desire to have a well site. Town Counsel, Barbara Saint Andrea agreed to modify settlement papers to reflect the concerns of the Board.

The Board had a brief discussion surrounding the taking of land by eminent domain.

Motion

Move to authorize Barbara Saint Andre to notify Allen Rubenstein to file an appeal and to contact Peter Freeman attorney for Rising Tide to notify him of the Board decision.

Moved	Paul R. DeRensis	
Second	Tom Twining	
Approved	2-0-0	
Roll Call	DeRensis, Aye	Twining, Aye

Motion

Move to adjourn

Moved	Tom Twining	
Second	Paul R. DeRensis	
Approved	2-0-0	
Roll Call	DeRensis, Aye	Twining, Aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
Executive Session  
September 29, 2011 – 8:10 PM

Members Present:

Tom Twining, Paul R. DeRensis, George X. Pucci

Staff:

Diane Moores

Others:

Chris Browne, Petrini and Law Associates

Motion

Move to convene into Executive Session.

Moved Tom Twining

Second Paul R. DeRensis

Approved 3-0-0

Roll Call: Twining, Aye DeRensis, Aye Pucci, Aye

The Board reviewed a letter dated September 28, 2011 from Warren Hutchinson of LeClair Ryan as it pertains to Helene-Karl Architects, Inc v. the Town of Sherborn and Daniel J. Merrikan.

The discussed what its next options would be with Counsel as it would pertain to a possible settlement agreement.

The Board made the following motion.

Motion

To authorize Town Counsel to communicate an offer of settlement to HKA to resolve all claims between the Town and HKA in the HKA v. Town of Sherborn and Daniel Merrikin litigation, with paying \$10,000 to the Town and the parties executing mutual releases.

To authorize Town Counsel to negotiate, should HKA make counterproposals to the Town's settlement offer, with HKA, provided that Town Counsel is not authorized to extend a settlement offer with HKA paying any less than \$6,000.

Moved Tom Twining

Second Paul R. DeRensis

Approved 3-0-0

Roll Call: Twining, Aye DeRensis, Aye Pucci, Aye

Motion

Move to Adjourn -8:40 PM

Moved Tom Twining

Second George X. Pucci

Approved 3-0-0

Roll Call: Twining, Aye DeRensis, Aye Pucci, Aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
November 10, 2011  
11:00 PM

Members Present

George X. Pucci, Tom Twining, Paul R. DeRensis

Staff Present

Diane Moores, Ed Wagner

Other Present

Attorney Brian Simoneau

The Board convened into Executive Session to discuss AFSCME-Council 93 v. the Town of Sherborn.

After a discussion with Attorney Brian Simoneau the Board made the following motion.

Motion

Move to authorize Attorney Simoneau to defend the Town at the Division of Labor Relations regarding prohibited practice complain MUP-10-6035, which alleges that the Town made a unilateral change in the assignment of overtime at the Department of Community Maintenance and Development.

Moved Tom Twining  
Second George x. Pucci  
Approved 3-0-0  
Roll Call: Twining, Aye Pucci, Aye DeRensis, Aye

Motion

Move to Adjourn

Moved Tom Twining  
Second George X. Pucci  
Approved 3-0-0  
Roll Call: Twining, Aye Pucci, Aye DeRensis, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
December 22, 2011  
Executive Session

Motion

Move to enter into Executive Session for the sole purpose of a discussion surrounding non-union contract negotiations with Jim Purcell.

The Board discussed the contract that was presented by Mr. Purcell and a Job Description.  
The Board agreed upon the Agreement and Job Description

The Board made the following Motion

Motion:

Move to convene back into Public Session to sign an Agreement between the Town of Sherborn and James Purcell.

Moved            Paul R. DeRensis  
Second         George X. Pucci  
Approved       2-0-0

Roll Call:       DeRensis, Aye   Pucci, Aye

Approved: November, 16, 2016  
Released: November 16, 2016



**TOWN OF SHERBORN**  
**19 Washington Street**  
**Sherborn, MA 01770**  
**508-651-7850**

Michael Giaimo, *Chairman*  
Paul R. DeRensis, *Vice Chairman*  
Charles Yon, *Clerk*  
Mark Brandon  
Sean Killeen

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## 2012 EXECUTIVE SESSION MINUTES

Board of Selectmen  
May 3, 2012  
Executive Session  
6:05 PM

Members Present Paul R. DeRensis, Tom Twining, George X. Pucci

Staff Present Jim Purcell, Diane Moores

Others Present Ed Wagner, Chief Richard Thompson, Sgt. Dave Bento, Officer Graziano

Motion

Move to convene Executive Session

Roll Call DeRensis, Aye Twining, Aye Pucci, Aye

Ed Wagner, Director of CM&D  
AFSME, Council 93, Local 335

The Town Administrator informed the Board that Ed Wagner is before the Board to inform them that he has established a Bid document for the mowing of the recreational fields, town buildings and the cemetery. Mr. Wagner stated that the Barber Fields were not included in the bid document but that he would handle that in-house. The intention of the bid was to test the market to see if there would be significant savings to outsource the work which would allow Mr. Wagner to utilize his crew more for highway duties than landscaping duties.

Mr. Wagner stated that the funding for this project will come from a vacant position that he has in his Department, that by utilizing the funds in this fashion will benefit the Town because there will be no benefit load associated with using the funds. His intent to utilize the Municipal Relief Act which will allow transfers from Departmental budgets during the months of May and June.

Selectman DeRensis stated that starting the work before July 1<sup>st</sup> will be an easier process and that Advisory would be notified so that they are on board with this.

The Board discussed various strategies with regards to the impact bargaining that would be needed to be done before Mr. Wagner could move forward.

It was the general consensus of the Board that the Town Administrator and Ed Wagner move forward with impact bargaining.

Motion

Move to go forward to impact bargain and an additional amendment to the current agreement for 1% or \$2,000 which ever is the smaller amount

Moved Tom Twining  
Second George X. Pucci  
Approved 3-0-0

Roll Call Pucci, Aye Twining, Aye DeRensis, Aye

Chief Richard Thompson, Sgt. Dave Bento, Officer Graziano

Chief Thompson informed the Board that the Adm. Assistant for his Department has retired. His wish is to eliminate that position which currently carries the full benefit load for the Town.

Chief Thompson stated that he would like to create a Lieutenants position and promote from within the Union.

Chief Thompson stated that in order to accomplish this Article 20A of the current contract will need to be amended. Chief Thompson also stated that the Union approves of this move.

Chief Thompson stated that he will not seek another Adm. Assistant position for the Police Station.

#### Motion

Move to approve the Memorandum of Agreement between the Town of Sherborn and the Sherborn Police Association, MCOP, Local 158 for the creation of a Lieutenant position. (See attached Memorandum)

Moved Tom Twining  
Second George X. Pucci  
Approved 3-0-0

Roll Call DeRensis, Aye Pucci, Aye Twining, Aye

Chief Neil McPherson  
Sherborn Fire Department  
FLSA

Chief McPherson informed the Board that it has come to his attention that an employee who used his Parents home as his mailing address but actually has an apartment in Boston, did not receive the back-pay that was afforded to the other employees. Chief McPherson stated that this was simply a bookkeeping error.

It was the general consensus of the Board that Chief McPherson disclose this bookkeeping error to the DOL, have the proper waivers signed by the employee. Mr. McPherson assured the Selectmen that he has reviewed all the employees and feels that this is the only one that was overlooked, basically in part because the employee for is a college student in Boston and has an apartment in Boston but still uses his parents home as his mailing address for convenience.

#### Motion

Move to adjourn Executive Session and return to Public Session

Moved Tom Twining  
Second George X. Pucci  
Approved 3-0-0

Roll Call DeRensis, Aye Pucci, Aye Twining, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
July 19, 2012-8:20 PM

Members Present Tom Twining, Paul R. DeRensis, Peter Caruso  
Staff Present Diane Moores, Ed Wagner  
Others Present Brian Simoneau, Labor Counsel

Attorney Simoneau discussed with the BOS the issues that are trying to be resolved with the CM&D Union, AFSCME, Council 93, Local 335 as it pertains to overtime and the way they have been handled in the past and the way that the current CM&D Director would like to see them handled.

Atty. Simoneau stated that the Union filed a grievance when the Director took the issuance of overtime calls away from the General Foreman.

Attorney Simoneau stated that a pre-hearing conference was held and the union asked for mediation.

After discussion regarding past practice with Attorney Simoneau it was discussed that the person who is in charge of authorizing overtime should not be eligible for overtime unless approved by the Director of CM&D.

The Board discussed the fact that only the Director could issue overtime to the General Manager subject to certain parameters that would be set by the Director.

Adjourn

Approved; November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
September 27, 2012 - 7:20 PM

Members Present      Tom Twining, Paul R. DeRensis, Peter Caruso

Staff Present            Chief Richard Thompson, Chief Neil McPherson, Diane Moores

Others Present         Chris Decker, Rob Eckert

Chairman Twining stated that the Board of Selectmen voted to award American Tower the contract for wireless cell tower. Chairman Twining stated that this award was based solely on the financial aspects and did not include any of the technical aspects.

Selectman DeRensis stated that he brought Mr. Eckert into the process based on the fact that the BOS have given him authorization to help move this project forward. Selectman DeRensis also stated that the town has an October 13<sup>th</sup> deadline looming and the Town needed to move swiftly in order to get this project up and running.

Selectman DeRensis stated that he asked Mr. Eckert to become a part of this process because he has background dealing with construction sites and has done cell towers in the past. Selectman DeRensis also stated that he gave Mr. Eckert authorization to speak with Town Counsel and to have the ability to contact the 2 individual vendors.

Mr. Eckert stated that he reviewed the information from all 4 responders and eliminated the same 2 that the Communications Committee had eliminated.

Mr. Eckert stated that he has been in contact with the American Tower and In-Site. Mr. Eckert also stated that he has been working closely with Town Counsel on the Lease Agreement as the original draft lease agreement had some potential problems that were not addressed (see Exhibit D Technical Specifications)

Selectman DeRensis stated that the main objective to have this tower erected as quickly as possible because the main issue is one of public safety.

Chief McPherson stated that the Communications Committee voted American Tower and that the vote of the Committee was based solely on revenue and the number one goal of the Committee is Public Safety.

Selectman Caruso stated that he regrets the vote he made on July 26, 2012 and felt that there was a push to move this forward and would have liked more information. Selectman Caruso questioned where the funding would come from for equipment that would be needed by our Public Safety personnel.

Mr. Eckert stated that based on his review of the records he is recommending to the Board of Selectmen a different company than was voted by the BOS on July 26<sup>th</sup>.

Selectman Caruso stated that if Mr. Eckert's recommendation is voted on tonight that the Company will still need to go before the Planning Board, and the Zoning Board of Appeals.

Selectman Caruso stated that after listening to Mr. Eckert's recommendation he is very comfortable with his recommendation and appreciates that work that Mr. Eckert has done.

Mr. Eckert asked the BOS for approval to move forward with negotiating a lease with In-Site Tower and if that fails permission to approach American Tower.

Chairman Twining stated that he supports the continuance of Mr. Eckert to pursue a possible lease agreement with In-Site as recommended by Mr. Eckert.

Motion

Move to authorize Mr. Robert Eckert to proceed with negotiations to enter into a lease agreement for a Wireless Cell Tower with In-Site, and if those negotiations fails for Mr. Eckert to approach American Tower.

Moved	Paul R. DeRensis		
Second	Peter Caruso		
Approved	3-0-0		
Roll Call	DeRensis, Aye	Caruso, Aye	Twining, Aye

Motion

Move to return to Public Session – 9:00 PM

Roll Call	DeRensis, Aye	Caruso, Aye	Twining, Aye
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Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
Executive Session  
October 18, 2012

Members Present Tom Twining, Paul R. DeRensis, Peter Caruso

Staff Diane Moores

HKA vs Town of Sherborn  
Pursuant to G.L. c. 30A s. 21(a), exemption 3

The Board of Selectmen met to discuss a request being made by Counsel Christopher Brown to designate a member of the BOS to attend mediation as it relates to HKA.

Motion

Move to designate Tom Twining to attend the mediation session on behalf of the BOS.

Moved Paul R. DeRensis  
Second Peter Caruso  
Approved 3-0-0

Roll Call DeRensis, Aye Caruso, Aye Twining, Aye

Wireless Cell Tower Lease Agreement  
Town of Sherborn and Insite Towers LLC

The BOS discussed the Lease Agreement before them with Insite Towers LLC and agreed to go back into public session to sign this agreement.

Motion

Move to return to public session to sign the Lease Agreement between the Town of Sherborn and Insite Towers LLC.

Moved Paul R. DeRensis  
Second Peter Caruso  
Approved 3-0-0

Roll Call DeRensis, Aye Caruso, Aye Twining, Aye

Meeting Adjourned

Approved: September 12, 2013  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
Wednesday November 14, 2012

Members Present Tom Twining, Paul R. DeRensis, Peter Caruso

Staff Diane Moores

Chairman Twining briefed the Board members on the progress he has made with the negotiations for the new Full Time Fire Chief.

Chairman Twining stated that he has been before the Personnel Board with regards to the salary; he has discussed the salary with the Police Chief and the Fire Chief.

Chairman Twining stated that the final figure is \$88,000 and asked for the Board's support.

The Board gave their full support for Chairman Twining to move forward and close the negotiations.

Motion

Move to adjourn

Moved Peter Caruso  
Second Tom Twining  
Approved 3-0-0  
Roll call Caruso, Aye, Twining, Aye, DeRensis, Aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
Executive Session  
November 28, 2012

Members Present                    Tom Twining, Paul R. Derensis, Peter Caruso

Staff                                    Diane Moores

Chairman Twining informed the Selectmen of the progress of the negotiations relating to the Fire Chief's position.

The Chairman stated any benefits are in line with what other town hall employees receives.

It was the general consensus that Chairman Twining was to move forward with offering the new full time Fire Chief \$90,000 and to have in the contract a COLA increase of 1 ½ percent the first year, 2 percent the second year and 2 ½ percent the third year.

Motion

Move to authorize the Chairman to finalize the negotiations and to bring him on board,

Roll Call            DeRensis, Aye            Caruso, Aye            Twining, Aye

Motion

Move to Adjourn

Roll Call            DeRensis, Aye            Caruso, Aye            Twining, Aye

8:30 PM

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectman  
Executive Session  
December 17, 2012

Motion

Move to open Executive Session.

Moved Tom Twining  
Second Peter Caruso  
Approved 3-0-0.

Roll call: DeRensis, Aye Caruso, Aye Twining, Aye

Chairman Twining informed the other Selectman that the TA Contract has been reviewed by Town Counsel and is ready to be presented to Mr. Williams.

The Chairman also presented to the Board a final Fire chief contract that has also been vetted by Town Counsel and ready to be presented to Mr. Scott Boothby

The following motion was made.

TA Contract

Motion

Move to present the amended contract that has been vetted by Town Counsel to Mr. David Williams, if Mr. Williams does not sign the contract by the close of day on December 28, 2012, then the Chairman has been instructed to contract the Collins Center.

Moved Paul R. DeRensis  
Second Peter Caruso  
Approved 3-0-0

Roll Call DeRensis, Aye Caruso, Aye Twining, Aye

Fire Chief Contract

Motion

Move to present the Fire Chief contract that has been vetted by Town Counsel to Mr. Scott Boothby and if Mr. Boothby does not accept and sign the contract by the close of day on December 31, 2012 it will become null and void.

Moved Paul R. DeRensis  
Second Peter Caruso  
Approved 3-0-0

Roll Call DeRensis, Aye Caruso, Aye Twining, Aye

Motion

Move to adjourn

Moved DeRensis, Aye Caruso, Aye Twining, Aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
December 20, 2012  
Executive Session

Members Present                    Tom Twining, Paul R. DeRensis, Peter Caruso  
Staff                                    Diane Moores  
Others                                  Chris Browne, Petrini & Associates

HKA vs. Town of Sherborn

Chris Brown presented to the Board an Agreement to Participate in Mediation. Mr. Browne is asking the BOS to agree to the terms of the Mediation Agreement.

It was the general consensus of the board to settle this dispute so that we the town does not have expend any more money than it already has.

**Motion**

Move to approve the Agreement to participate in mediation as presented and to authorize the Chairman of the BOS to sign.

Moved                    Paul R. DeRensis  
Second                    Peter Caruso  
Approved                3-0-0  
Roll Call:                DeRensis, Aye                    Caruso, Aye                    Twining, Aye

CM&D Union Contract Negotiation

Tom Twining brought the Board up to speed regarding CM&D contract negotiations. Currently Warren Donnelly performs the maintenance on the Fire Department trucks when he is done with his work at CM&D, and being paid overtime to perform those duties.

The Board discussed having this as part of his normal duties during regular working hours.

It was the general consensus of the Board to hold off on this until the new Town Administrator comes on board and he can deal with the union.

Fire Chief Contract

Chairman Twining informed the BOS that he has been in contract negotiations with Scott Boothby and informed the BOS of what Mr. Boothby is seeking. See below

- \$90,000 base salary
- 1 ½ % increase after 6 months
- 2% second year
- 2 ½ % third year
- Vehicle
- \$8700 clothing allowance, an increase of \$75.00 per year
- \$1,000 for dues and memberships
- \$1,000 travel expenses.

It was the general consensus of the Board to offer Mr. Boothby the same percentage that all other town employees receive on a yearly basis.

The BOS asked the Chairman to incorporate the Fire Chief job description into the contract to insert into the contract the ability to terminate without any cause, and seek advice from Town Counsel as to how to legally incorporate that into the contract.

Town Administrator Contract

Chairman Twining stated that he had his first discussion with David Williams as it pertains to the Town Administrator position.

Chairman Twining presented the BOS with an email from Mr. Williams which states in detail what he would like for a starting salary and what yearly increase he would like.

Chairman Twining stated that at his meeting with Mr. Williams he offered him a base salary of \$125,000, and is now seeking advice from the Selectmen.

Selectman Caruso informed the Board that he made an unofficial call to Mr. Marciello and informed Mr. Marciello that this call was an unofficial call and wanted to find out if Mr. Marciello's was still available and they also discussed salary ranges.

Selectman DeRensis stated that he would agree to the \$125,000 that was offered to Mr. Williams, but he is only willing to offer the same yearly wage increase and benefits as the rest of the town hall employees.

The Board discussed the termination clause in the contract and it was the general consensus of the board to have a termination without cause section. The Board also discussed what hours should be in the contract and it was the general consensus of the board that it should state that "whatever are necessary to complete the job". The Board also agreed that they do not want any clause with regards to comp time in the contract.

Motion

Move to offer \$125,000 with a yearly increase as other employees receive, to have in the contract a termination without cause, working hours are to be as long as it is needed to get the job done, with a minimum of 45 hours per week.

Moved	Tom Twining		
Second	Peter Caruso		
Approved	3-0-0		
Roll Call	DeRensis, Aye,	Twining, Aye,	Caruso, Aye

Motion

Move to adjourn and return to public session

Moved	Peter Caruso		
Second	Paul R. DeRensis		
Approved	3-0-0		
Roll Call	DeRensis, Aye	Twining, Aye	Caruso, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
February 16, 2012  
Executive Session

Members Present Paul DeRensis, Tom Twining, George X. Pucci  
Staff Town Administrator and Diane Moores  
Others Present Chris Browne, Petrini and Associates  
Motion

Move to convene the Executive Session regarding HKA Litigation  
Roll Call: DeRensis, Aye Pucci, Aye Twining, Aye

The Board discussed with Town Counsel the current status of the Litigation issue between the Town of Sherborn and HKA.

Mr. Browne response that at this time there no resolution has been made.

The Board instructed Town Counsel to try and seek resolution before taking the next step.

Motion

Move to authorize Chris Browne to initiate mediation to resolve the contract issue.

Moved Tom Twining  
Second Paul R. DeRensis  
Approved 3-0-0  
Roll Call DeRensis, Aye Pucci, Aye Twining, Aye

Motion

Move to Adjourn

Moved Tom Twining  
Second George X. Pucci  
Approved 3-0-0  
Roll Call DeRensis, Aye Pucci, Aye Twining, Aye

Approved: November 16, 2016  
Released: November 16, 2016



**TOWN OF SHERBORN**  
**19 Washington Street**  
**Sherborn, MA 01770**  
**508-651-7850**

Michael Giaimo, *Chairman*  
Paul R. DeRensis, *Vice Chairman*  
Charles Yon, *Clerk*  
Mark Brandon  
Sean Killeen

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## 2013 EXECUTIVE SESSION MINUTES

Board of Selectmen  
Executive Session  
January 17, 2013

Members Present                      Tom Twining, Paul R. DeRensis, Peter Caruso

Staff                                      Diane Moores

Tom Twining presented to the Board at tentative settlement agreement that was reached during mediation, which was conducted on Friday, January 11, 2013. Chairman Twining was a part of that mediation meeting.

Selectman DeRensis stated that he is very uncomfortable with the release language in the settlement. It was the general consensus of the other Board members that Selectman DeRensis contact Chris Brown to discuss possible changes in the current settlement agreement language.

Motion

Move to adjourn

Moved                      Tom Twining,  
Second                     Peter Caruso  
Approved                  3-0-0

Roll Call                  Twining, Aye                      Caruso, Aye                      DeRensis, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
May 2, 2013  
8:30 PM

Members Present Paul R. DeRensis, Peter Caruso

Staff Present David Williams, Town Administrator, Diane Moores

The Town Administrator presented to the Board a Memorandum of Agreement between the Town of Sherborn and AFSCME, Council 93, Local 335, Sherborn CM&D.

The Town Administrator gave the terms of the Wage Reopener affecting Appendix "B" for FY13. The wage increase will be one-half of one percent (0.5%) on July 1, 2012 paid retroactively; and for FY14 wages will increase by one percent (1.0%) effective July 1, 2013.

The Town Administrator also discussed the impact bargaining regarding the change in Town Vehicle Maintenance. The Town Administrator informed the Board that the change results in a loss of income for the Mechanic of two hours overtime per week that was paid by the Fire Department to service Fire Department vehicles. Due to the increased complexity of these department vehicles, other service options implemented by the Interim Fire Chief and a demand for service of existing CM&D vehicles has necessitated this change by Management.

The Town Administrator stated that they have impact bargained the following

Effective May 5, 2013, the Heavy Equipment Mechanic hourly rate shall increase by \$1.75 per hour.

Motion

Move to give preliminary approval of the terms of this Agreement and to reconvene in open session for formal adoption by the Board.

Moved Peter Caruso  
Second Paul R. DeRensis  
Approved 3-0-0  
Roll Call Caruso, Aye DeRensis, Aye

The Board then went back into Open Session at 8:55 PM

Approved: November 16, 2016  
Released: November 16, 2016

Executive Session  
June 20, 2013  
8:30 PM

Members Present Paul R. DeRensis, Peter Caruso, Mike Giaimo

Staff Present David Williams, Diane Moores

Others Barbara St. Andre, Counsel for the Town of Sherborn

The Board met in Executive Session to discuss strategy as it pertains to the litigation of Cannon vs. the Town of Sherborn, ZBA.

The Board discussed the residents who appeared before them in public session expressing their opposition to having the cell tower installed as currently approved by the Planning and Zoning Board.

The Board of Selectmen discussed what options the town might have including the possibility of the installation of a smaller tower, which could give the Town the proper coverage that would be needed for public safety.

Attorney St. Andre informed the Board that there is a settlement exploration meeting scheduled for Monday, June 24, 2013 with the Town Administrator, Chief Thompson and Selectman Caruso and the plaintiffs.

The Board asked Barbara St. Andre to contact Insite Towers and request that they hire another engineer to conduct a balloon test at 100 ft. and 130 ft.

The Board asked Barbara St. Andre to contact Mr. Maxim a new expert who is a radio engineer consultant to review the information and to report back to the Selectmen.

Motion

Move to adjourn

Roll Call: DeRensis, Aye Caruso, Aye Giaimo, Aye

Meeting adjourned at 9:30 PM

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
August 26, 2013  
Executive Session – 7:30 PM

Members Present      Peter Caruso, Paul R. DeRensis, Michael Giaimo  
Staff Present          David R. Williams, Diane Moores  
Others Present        Barbara St Andre, Petrini & Associates  
Subject                 Cannon v. Town of Sherborn, et al

Town Could met with the Board to discuss filing a motion to dismiss the Town of Sherborn as a defendant in cases. The Board did not agree with the suggestion made by Counsel.

The Board reviewed with Town Counsel the proposed balloon tests and talked about various locations that pictures would be taken of the balloon test.

The Board also discussed the possibility of mediation talks with the plaintiffs.

The Board asked Counsel to contact Insite and discuss with them the current lease agreement and what their next steps in moving forward are.

The Board asked Counsel to meet with Mr. Maxim and to also ask him what other technical solutions might there be to improve the public safety communications.

Motion

Move to adjourn

Roll Call

DeRensis, Aye              Giaimo, Aye              Caruso, Aye

8:15 PM

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectman  
Executive Session  
September 12, 2013

Members Present Peter Caruso, Paul R. DeRensis, Michael Giaimo

Staff Present David Williams, Chief Richard Thompson, Diane Moores

Draft Memorandum of Agreement

The Town Administrator presented to the Board a draft Memorandum of Agreement between the Town and the Sherborn Police Association MACOP Local 158.

After review the Board made the following motion.

Motion

Move to approve the draft Memorandum of Agreement between the Town and the Sherborn Police Association MACOP Local 158.

Moved Paul R. DeRensis  
Second Michael Giaimo  
Approved 3-0-0  
Roll Call: DeRensis, Aye Caruso, Aye Giaimo, Aye

Cannon, et al v. Town of Sherborn Zoning Board of Appeals, et al  
Cannon, et al v. Town of Sherborn Planning Board, et al"

Motion

Move to authorize the Town Administrator to sign the Town's Responses to Plaintiffs' First Set of Requests for Admissions and the Town's Answers to Plaintiffs' First Set of Interrogatories in the cases Cannon, et al v. Town of Sherborn Zoning Board of Appeals, et al and Cannon, et al v. Town of Sherborn Planning Board, et al.

Moved Michael Giaimo  
Second Paul R. DeRensis  
Approved 3-0-0  
Roll Call: Giaimo, Aye DeRensis, Aye Caruso, Aye

Executive Session Minutes of October 18, 2012

Motion

Move to release the Executive Session minutes of October 18, 2012.

Moved Paul R. DeRensis  
Second Peter Caruso  
Approved 2-0-0  
Roll Call: Caruso, Aye DeRensis, Aye

Motion

Move to adjourn: 9:10 PM  
Roll Call: DeRensis, Aye Caruso, Aye Giaimo, Aye

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
Executive Session  
October 10, 2013

Members Present: Peter Caruso, Paul R. DeRensis, Michael Giaimo

Staff Present: David Williams, Diane Moores

The Board entered into Executive Session for the purpose of reviewing a proposed Police Lieutenant Contract.

After review and discussion the Board asked the Town Administrator to seek the advice of Town Counsel on various questions they had pertaining to the draft contract.

The Board also discussed having the Police Chief in at another Executive Session to review the proposed draft contract.

Motion

Move to adjourn

Moved Paul R. DeRensis

Second Michael Giaimo

Approved 3-0-0

Roll Call: DeRensis, Aye                      Giaimo, Aye                      Caruso, Aye

Meeting adjourned at 9:30 PM

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
October 24, 2013  
Executive Session  
7:30 PM

Members Present      Peter Caruso, Paul R. DeRensis, Michael Giaimo  
Staff Present          David R. Williams, Diane Moores  
Others Present:        Barbara St. Andre, Town Counsel  
Police Chief Richard Thompson

Litigation as it pertains to

Cannon, et al v. Town of Sherborn Zoning Board of Appeals, et al  
Cannon, et al v. Town of Sherborn Planning Board, et al

The Board reviewed the balloon test information that was conducted on October 1, 2013 with town Counsel.

The Board discussed having Mr. Maxson do an additional drive test and whether the analysis would be limited to two –way police communications rather than cell phone coverage. Town Counsel responded that she believed that the two-way public safety communication would be his focus of the test and that any enhanced cell phone coverage would depend on which carriers decided to go on the tower and at what height. The Board also stated that they are interested in the impact of the proposed tower on the public safety communications at both 100 and 130 feet.

Motion

Move to approve additional funds for a drive test that will be conducted by Mr. David Maxson and to have Mr. Maxson appear at an Executive Session to discuss the analysis of his findings before a written report is done.

Moved                  Michael Giaimo  
Second                Paul R. DeRensis  
Approved             3-0-0  
Roll Call Giaimo, Aye    DeRensis, Aye    Caruso, Aye

Police Lt. Contract

The Board discussed with Town Counsel and Police Chief Richard Thompson the Lt. Contract for David Bento.

The BOS agreed to go to the next Town Meeting to get authorization to enter into a contract as proposed by David Bento; get an amendment to the PAP that will allow the Lt position contract prevail over some terms in the PAP, such as OT for an exempt position; and get town meeting approval of the proposed 3 year contract.

### Police Union Contract

Chairman Caruso stated that he has read the current contract before them tonight and stated that he has no change in the substance of the contract but there are some topographical errors and some of the language needs clean-up.

The Board instructed the Town Administrator to send a side letter to the Police Union that the Board of Selectmen agrees to the CBA with some clean-up of the existing contract.

### Police Chief Contract

The Town Administrator informed the Board that on October 9, 2013, he had received a request from Police Chief Richard Thompson to re- open his employment agreement in response to the Payroll Office's recent switch (and subsequently switched back) of his paycheck from a weekly to bi-weekly pay period.

The Town Administrator stated that the proposed amendment to the Agreement would be as follows:

2. Duties. "...It is recognized that the Chief must devote a great amount of time outside the normal office hours of ~~forty five (45)~~ **forty (40)** hours per week, to business for the Town and, to that end, he shall be allowed to establish an appropriate work schedule, subject to the approval of the Board of Selectmen or its designee. The Chief of Police shall not perform or be compensated for any special detail assignment."

The Town Administrator stated that a change in the Agreement language from a 45-hour reference of normal office hours to a 40- hour reference would not be noticed, as the Chief is an FLSA Exempt, salaried employee and is paid a set salary to do a certain job, regardless of the number of hours it takes.

### Motion

Move to accept the recommendation of the Town Administrator that the contract be amended to change the language from 45-hours to 40-hours.

Moved Peter Caruso

Second Paul R. DeRensis

Approved 3-0-0

Roll Call Caruso, Aye DeRensis, Aye, Giaimo, Aye

## Town Administrator Contract

The Town Administrator stated that on January 29, 2013, he signed an Agreement with the Town with an effective date of March 4, 2013, the term of the Agreement is for a period of three years, expiring March 3, 2016.

The town Administrator also reviewed Section 5 and Section 14 of his current Agreement.

### **Request regarding salary adjustment:**

The TA is requesting that the Board consider amending 'Section 5, Compensation' of the existing Agreement to provide for the annual COLA to be applied as of the same date as other non-union employees (normally July 1, the first day of the fiscal year), and any applicable retro be paid in the same manner as other non-union employees.

If approved, he would receive a 1% COLA adjustment on his salary, effective July 1, 2013, which amounts to \$1,290 for FY2014, and subsequent COLA adjustments effective 7/1/14 (FY15) and 7/1/15 (FY16).

In exchange for this, he will: 1) not submit a request for payment for the annual renewal cost of his ongoing membership (12 years) in the International City and County Manager Association (ICMA), which has a current year cost of \$1,032 and was due 7/1/13, for the duration of the Agreement [*see attached renewal form*]; and, 2) not pursue an additional amount each year based on merit, for the duration of the Agreement (under Section 14, the Board has a right to take up any matter if reason to do so).

He stated that adequate funding in the current year departmental budget is available, and believes a transfer from expenses to salary would be needed to implement this if approved.

The Board agreed to the suggested changes.

### **Request regarding performance evaluation:**

The Agreement would read as follows:

Section 9. Performance Evaluation: "Annually the Board in consultation with the Town Administrator ~~may~~ shall define the goals and objectives which they determine necessary for the proper operation of the Town and the attainment of the Board's policy objectives, and shall further establish a general priority among those various goals and objectives, said goals and objectives to be reduced to writing, generally by August 1 each year. They ~~They~~ Mutually agreed upon goals and objectives shall generally be attainable within the time limits specified and within the annual operating and capital budgets and appropriations provided by the Town and the events that have occurred during the year. The Administrator's performance evaluation will be based on the progress made on working to achieve the set goals and objectives, and shall be carried out in a manner as other non-union employees, and in form, as set forth in the Personnel Administration Plan (PAP)."

After discussion the BOS agreed to the requested changes except under

*Section 9 Performance Evaluation* The Board asked the Town Administrator to keep the word "shall" in the Agreement.

Section 5 compensation – The Board suggested that this not be in the Agreement so that he is not tied in a fixed percentage.

Chairman Caruso discussed the TA's work schedule, Selectman DeRensis stated that he was happy with the TA performance.

Motion

Move to adjourn.

Moved Paul R. DeRensis  
Second Michael Giaimo  
Approved 3-0-0

Roll Call DeRensis, Aye Giaimo, Aye Caruso, Aye

Approved: November 16, 2016  
Released: November 16, 2016



**TOWN OF SHERBORN**  
**19 Washington Street**  
**Sherborn, MA 01770**  
**508-651-7850**

Michael Giaimo, *Chairman*  
Paul R. DeRensis, *Vice Chairman*  
Charles Yon, *Clerk*  
Mark Brandon  
Sean Killeen

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## 2014 EXECUTIVE SESSION MINUTES

Board of Selectmen  
February 6, 2014  
Executive Session

Members Present      Peter Caruso, Paul R. DeRensis, Michael Giaimo  
Staff Present         David R. William, Diane Moores  
Others                 Barbara St. Andre, Town Counsel

The Board discuss the following items in Executive Session with Town Counsel

1. Cell Tower height – 65 ft. tower that the plaintiffs are requesting
2. Stealth tower – lease does not require this type of tower
3. Insite- monetary relief for a possible stealth tower.
4. Signing bonus with Insite discussed

Motion

Move to adjourn

Moved                 Peter Caruso  
Second                Michael Giaimo  
Approved             3-0-0

Roll Call             Caruso, aye                                  Giaimo, aye                                  DeRensis, aye

Meeting adjourned at 8:20 PM

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
May 8, 2014  
Executive Session

Members Present: Peter Caruso, Michael Giaimo, Paul R. DeRensis

Staff Present: David Williams, Diane Moores

The Board convened into Executive Session to discuss the proposed Police Union Contract before them. Selectman Caruso stated that in reviewing the contract before them for signature, he compared this one to the contract that was before the BOS back in October of 2013.

Selectman Caruso questioned why the corrections that were asked for back in October of 2013 were not incorporated into the contract before them tonight.

The Town Administrator stated that he had not had a chance to review this contract that he was under the impression the 2 attorneys working on this document had incorporated all of the changes requested by the BOs back in October.

Selectman Caruso gave the TA his current copy and the copy back from October 2013 with the edits that had been requested.

The Board asked that this be brought back again once all of the corrections and edits have been done.

Motion

Move to adjourn

Moved Peter Caruso, Second Paul R. DeRensis, approved 3-0-0

Roll Call Caruso, aye DeRensis, aye Giaimo, aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
May 29, 2014  
Executive Session

Members Present Paul R. DeRensis, Peter Caruso

Selectman Giaimo has recued himself from the discussion regarding the cell tower

Others: David R. Williams, Diane Moores, Barbara St. Andre

Cell Tower

The Board discussed the final settlement with regards to the cell tower with town counsel.

Motion

Move to approve Settlement

Moved Peter Caruso

Second Paul R. DeRensis

Approved 2-0-0

Selectman Giaimo came into Executive Session

Police Union Contract

Chief Thompson and Attorney Brian Simenou were present for discussion. The Board reviewed the draft contract before them. the Board asked the that a few changes to the contract be made and to have the TA finalize those changes and to bring this contract back to the next Board meeting to be signed in public session.

CM&D Contract Agreement

The Board reviewed the draft contract agreement and asked the TA to make some suggested changes and to bring this back for approval and signature at the next BOS meeting.

Motion

Move to adjourn

Moved Peter Caruso

Second Paul R. DeRensis

Approve 3-0-0

Approved: November 16, 2016

Released: November 16, 2016

Executive Session  
August 7, 2014  
5:30 PM

Members Present                    Michael Giaimo, Paul R. DeRensis, Peter Caruso  
Staff Present                        David Williams, Diane Moores  
Others Present                      Town Counsel and Elizabeth Fekette of EMF Boston Appraisal Group

Peace Abbey Land Swap – Appraisal

The Board reviewed the summary of salient facts and conclusions presented by Elizabeth Fekette, after discussion it was determined that Ms. Fekette needed to reappraise the land in question using a recordable plan and including the reveter in the new appraisal. The Board also asked the Town Administrator to touch base with Bob Murchison developer of the land and with James Murphy, attorney for Mr. Murchison. The Board also asked the Town Administrator to have that land surveyed.

Cell Tower

Selectman Giaimo recued himself from the meeting.

The Board reviewed with Town Counsel the Settlement Agreement and the amended Agreement with Insite Towers.

Motion

Move to approve the Amended Lease Agreement with Insite Towers and to approve the Settlement presented by Town Counsel with some minor editing to the Settlement Agreement.

Moved                    Paul R. DeRensis  
Second                   Peter Caruso  
Approved                2-0-0  
DeRensis, aye    Caruso, aye

The Board returned to public session 6:05 PM

Approved: November 16, 2016  
Released: November 16 2016

Board of Selectmen  
September 18, 2014  
Executive Session for Cell Tower

Members Present Paul R. DeRensis, Peter Caruso

Staff Present David R. Williams, Diane Moores

Others Present Chris Brown, Town Counsel

Town Counsel reviewed with the Board the new language that was inserted in the Agreement that the Town had with the plaintiffs.

It was the consensus of the Board that they were not happy with the new language and are not willing to sign the new proposed draft agreement.

The Board was concerned with the current language which exposes the Town to tree conditions that are unacceptable.

The Board discussed the possibility of the agreement being restricted so that all plaintiff signatures will not be needed.

The Board also discussed the possibility of a financial penalty if the agreement is not signed by Monday, September 22, 2104.

Motion

Move to not accept changes the settlement Agreement.

Moved Paul R. DeRensis

Second Peter Caruso

Approved 2-0-0

Roll Call: DeRensis, aye Caruso, aye

Motion

To authorize Town Counsel to instruct the plaintiffs' counsel that there would be a gradual financial penalty if the plaintiffs did not sign the settlement agreement.

Moved Peter Caruso

Second Paul R. DeRensis

Approved 2-0-0

Roll Call: DeRensis, aye Caruso, aye

Motion

Move to authorize Town Counsel to speak with the plaintiffs' counsel to determine if a stipulation of dismissal could still be filed without the assent of all of the individual plaintiffs.

Moved Peter Caruso

Second Paul R. DeRensis

Approved 2-0-0

Roll Call: DeRensis, aye Caruso, aye

Motion

Move to adjourn – 10:30 PM

Moved Peter Caruso

Second Paul R. DeRensis

Approved 2-0-0

Roll Call: DeRensis, aye Caruso, aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
Executive Session  
December 4, 2014

Members Present Michael Giaimo, Paul DeRensis, Peter Caruso

Staff Present David R. Williams, Diane Moores

Others Present Attorney Barbara St. Andre

Executive Session, not to return to Open Session

G.L. c. 30A, §21(a)(3) (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007)

The Board met in Executive Session with Town Counsel to discuss possibly litigation as it relates to the Health Agent Mark Oram. The board discussed a recent letter from Dailey & Associates asking that the Board of Selectmen release payments that are being withheld.

It was the general consensus of the Board to not respond to the Attorney Dailey's letter.

The Board also discussed the draft report from Eric A. Kinsherf who was retained by the BOS to investigate assertions made by Robert Murchison concerning the Board of Health Agent.

After review and discussion with Counsel the Board instructed the Town Administrator to ask Mr. Kinsherf to come to the next BOS meeting on December 11, 2014 to further discussed what is in the draft report before them.

Motion

Move to adjourn

Moved Paul R. DeRensis

Second Peter Caruso

Approved 3-0-0

DeRensis, aye

Caruso, aye

Giaimo, aye

Approved: November 10, 2016

Released: November 10, 2016

Board of Selectmen  
December 11, 2014  
Executive Session

Members Present: Michael Giaimo, Paul R. DeRensis, Peter Caruso

Staff Present David R. Williams

Others Present Eric Kinsherf

The Board reviewed the draft report relating to the Mark Oram.

Motion  
Move to Adjourn

Moved Paul R. DeRensis  
Second Peter Caruso  
3-0-0

Roll Call DeRensis, aye Caruso, aye Giaimo, aye

6:55 PM  
Submitted by David Williams

Approved: November 16, 2016  
Released: November 16, 2016

Board of Selectmen  
December 11, 2014  
Executive Session

Members Present: Michael Giaimo, Paul R. DeRensis, Peter Caruso

Staff Present David R. Williams

Others Present Eric Kinsherf

The Board reviewed the draft report relating to the Mark Oram.

Motion

Move to Adjourn

Moved Paul R. DeRensis

Second Peter Caruso

3-0-0

Roll Call DeRensis, aye Caruso, aye Giaimo, aye

6:55 PM

Submitted by David Williams

Approved: November 16, 2016

Released: November 16, 2016



**TOWN OF SHERBORN**  
**19 Washington Street**  
**Sherborn, MA 01770**  
**508-651-7850**

Michael Giaimo, *Chairman*  
Paul R. DeRensis, *Vice Chairman*  
Charles Yon, *Clerk*  
Mark Brandon  
Sean Killeen

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## 2015 EXECUTIVE SESSION MINUTES

Executive Session  
January 15, 2015  
9:00 PM

Members Present Michael Giaimo, Paul R. DeRensis, Peter Caruso

Staff Present David R. Williams, Diane Moores

Others Present Barbara St. Andre, Petrini & Associates Law Firm

Integrated Papers

Town Counsel informed the Board that that Integrated Paper currently owes the Town \$11,000.00 for recyclables that were picked up at the Town's Transfer Station.

The Board asked Counsel to see if Integrated Paper owes any other surrounding towns money.

Motion

Move to authorize Town Counsel to enter into small claims court for payment of funds owed to the Town.

Moved

Paul R. DeRensis

Second: Peter Caruso

Approved: 3-0-0

Roll Call: DeRensis, aye Caruso, aye Giaimo, aye

Review of revised document of Eric Kinsharf regarding allegations made by Bob Murchison.

The Board discussed various options with Town Counsel.

The Board asked the Town Administrator to reach out to Mr. Murchison and to Mr. Kinsharf and to have Mr. Kinsharf review Mr. Murchison allegations again.

The Board stated that since this investigation is still ongoing the document from Kinsharf is still considered a confidential agreement.

Motion

Move to adjourn

Moved: Peter Caruso

Second: Paul R. DeRensis

Approved: 3-0-0

Roll Call: Caruso, aye DeRensis, aye Giaimo, aye

9:50PM

Approved: November 16, 2016

Released: November 16, 2016

Executive Session  
March 12, 2015  
Town Hall

Members Present Michael Giaimo, Paul R. DeRensis, Peter Caruso

Staff David Williams, Diane Moores

RE: CM&D Collective Bargaining AFSME, Council 93, local 335

The Board reviewed the final MOA between the Town and CM&D Union with the Town Administrator. The Town Administrator stated that he would like the support of the Selectmen for his signature.

Motion

Move to authorize the Town Administrator to sign the final MOA for years 2014, 2015 and 2016.

Moved Paul

Second Peter

Approved 3-0-0

Giaimo aye DeRensis aye Giaimo aye

Motion

Move to adjourn - 11: 05 PM

Move Mike

Second Peter

Approved 3-0-0

Giaimo aye DeRensis aye Caruso aye

Approved: November 16, 2016

Released: November 16, 2016

Board of Selectmen  
Executive Session  
May 6, 2015

Members Present: Mike Giaimo, Paul R. DeRensis, Peter Caruso

Staff Members David Williams, Diane Moores

The board convened to review the draft "Review of Assertions made by Robert Murchison concerning Board of Health Agent Mark Oram and Enviro-Tech Consultants.

Selectman DeRensis stated that he is still uncomfortable releasing the checks because there was once a false statement for payment that was submitted.

Selectman Giaimo and Selectman Caruso both stated that they don't feel there is enough of a compelling case and want to take Town Counsel's advice to release the check.

Selectman Giaimo stated that he wants to also release the report because he does not want this to spill over onto the new Board to have to deal with this. Selectman DeRensis stated that he has no issues with releasing the document.

Motion

Move to release the Report prepared by Eric Kinsherf.

Moved Peter Caruso  
Second Mike Giaimo  
Approved 3-0-0  
Roll Call: Giaimo, aye Caruso, aye DeRensis, aye

The Board also discussed the legal issues with not releasing the checks after reviewing Town Counsel's opinion.

Motion

Move to release checks in the amount of \$23,510.24

Moved Mike Giaimo  
Second Peter Caruso  
Approved 2-1-0  
Roll Call: Giaimo, aye Caruso, aye DeRensis, nay

Motion

Move to return to Public Session to announce the motions taken in Executive Session

Moved Mike Giaimo  
Second Peter Caruso  
Approved 3-0-0  
Roll Call: Giaimo, aye Caruso, aye DeRensis, aye  
Executive Session ended at: 8:15 PM

Submitted by Diane Moores  
Approved: November 16, 2016  
Released: November 16, 2016