



Town of Abington

500 GLINIEWICZ WAY
ABINGTON, MA 02351

BOARD OF SELECTMEN 781-982-2100

MINUTES
BOARD OF SELECTMEN
April 8, 2013
Cotter Room
6:30 p.m.

Members present: Andy Burbine, Mike Franey, Kevin Donovan, Ken Coyle, Tom Dion

6:30 p.m. Meeting opened with the Pledge of Allegiance

Announcements:

Board of Health is holding a rabies clinic on April 13, 2013 from 10 a.m.-noon at the side entrance of Town Hall. Vaccinations for cats and dogs are \$10. Dog licenses for 2013 can be obtained at this time.

SAGE is sponsoring an Abington Clean-up Day on April 20, 2013 from 9 a.m. – 3 p.m. Please see website for more information www.abingtonsage.com.

6:30 p.m. Application of Lisa Mastrangelo and Susanne Burns, Manager, to obtain a new all alcohol common victualer license at 30 Central Street. Mike recused himself. Atty. George Whiting and Ms. Mastrangelo explained there had been a miscommunication previously between the ABCC and the office. They were told to apply for a transfer of license, which was approved; they actually needed to apply for a new license.

M/Donovan to approve the AACV license

S/Coyle

Voted 4-0

Application for one-day liquor licenses, 30 Central Street. The VFW alcohol license was turned in. In order to meet commitments that had been previously scheduled, Ms. Mastrangelo would like to obtain one-day liquor licenses for the following dates while waiting for her ABCC approval - April 13 & 14 and April 20 & 21.

M/Donovan to approve the one-day license for 4/13, 4/14, 4/20 & 4/21

S/Coyle

Voted 4-0

6:35 p.m. Application for an entertainment license and common victualer license, 1437 Bedford Street, Wipeout LLC. Patrick Tarmey and partner came in. This is separate activity from the extreme obstacle course for ages 12+, indoor paintball without the paint. They have been requested by customers to stay open later on Friday and Saturday for high school type dances; they are requesting license for dances to be held weekends from 9 p.m. to 1 p.m. Applications list 10 a.m.-2 a.m.; their normal hours are staff comes in at 10 a.m. Dances would be for under 21, no one under 15. They do check ID's. Mr. Donovan

– had checked with Fire Chief, and ambulance has been there ten times since opening. Extreme obstacle course is the cause of the ambulance visits. Since opening, they have implemented further safety policies, more padding, safety course that participants have to take prior to the obstacle course. Obstacle course would be closed when dances were taking place. Mr. Burbine – Building Inspector had concerns that area would not be able to be confined to dance area. Mr. Tarmey – locks have been installed, every 15 minutes manger will walk through to make sure no one has accessed other areas, and motion sensor lights have been installed. Capacity is 120 including staff due to number of bathrooms. This is the first operation of this sort that they have conducted. He has done security before in underage dancing. He has been a bounty hunter in Florida and has a lot of security experience in under and over 21 clubs. Has taken safety courses.

Building opens at 10 a.m. for staff, open to public at 11 a.m. until 8:30 p.m. Dancing activities start at 9 p.m. Mr. Franey wants more information, has reservations, wants to talk to Police Chief re possible trouble as far as drugs and alcohol. Mr. Tarmey explained they will have breathalyzers at the door and will be training security staff. Safety is a concern of his also, and will take the necessary steps to prevent issues. They will provide one security officer per 20 kids, as well as observe behavior. He hasn't spoken yet to the Police Chief. Chief Majenski's report expressed concerns, still investigating.

Town Manager felt they should require a detail officer on the site. Worker's compensation information was provided. There is the issue of the number of ambulance calls to the premises. It is a drain on the town's resources. Also suggested an EMT or medical personnel on staff at the owner's expense. All public safety concerns should be addressed to the Chief. Mr. Tarmey reiterated that the other parts of the business would be shut down during the dances. They have held three dances to date, and haven't had any issues. They request the opportunity to continue with their clean record. Would be willing to keep detail or EMT on site as long as board wanted them to. Dances are advertised on Face book.

Mr. Coyle – prepared to say no going in, but they have the right answers and feels that the ambulance issues are separate from this request. He suggested hiring a detail for a six month trial basis, and wait for Police Chief's review. Mr. Tarmey – they are currently shut down due to entertainment license. They will patrol bathrooms and outside re trash. This attracts responsible kids with the atmosphere they have. Cover charge is \$10. They have water, Gatorade; food is catered by Gabriella's. They actively check cars in the lot.

Mr. Burbine – they should talk to Police Chief for the next meeting, as well as Fire Chief as far as EMT.

Mr. Tarmey –they had a dance planned for this Friday, has been advertised. They could commit to a detail. If they can't get Chief's approval for Friday, he will cancel. Mr. Burbine – they have done a good job on the presentation, but need the Chief's approval. Mr. Coyle – they will go with whatever the Police Chief says. They could issue a temporary license, and have them come back in two weeks. Felt they had done their due diligence. Mr. Donovan – had difficulty with temporary approval with Building Inspector and Police Chief's concerns.

M/Coyle for temporary approval for two weeks, 9p.m. to 1a.m., contingent on public safety approval, S/Dion

M/Franey wants more information back to the board before issuing. Police Chief has to be satisfied.

Voted: 3-2 (Franey, Donovan)

M/Coyle to approve March 25, 2013 and March 28, 2013 minutes as amended

S/Donovan

Voted: 5-0

M/Coyle to approve March 23, 2013 executive session minutes

S/Donovan

Voted: 5-0

Appointment to Board of Registrars, Jodie Hurst

M/Donovan to appoint Jodie Hurst

S/Coyle

Voted: 5-0

Appointments to the Community Development Advisory Committee

M/Dion to appoint Lisa Emerson, Linda Brundage and Ann Welch

S/Coyle

Voted: 5-0

Request for May 27, 2013 Memorial Day Parade

M/Coyle to approve

S/Donovan

Voted: 5-0

Discussion on last quarter revenues. Revenues were reviewed. Miscellaneous revenue is up due to receipt of non-recurring funds. The expense control report is ahead of revenue to expenditures. Meals tax revenue is at \$182,581.

Special Town Meeting Warrant

M/Donovan to approve Article 1

S/Coyle

Voted: 4-1-0 (M/Franey abstained)

M/Donovan to approve Article 2

S/Mike

Voted: 5-0

M/Donovan to approve Article 3

S/Franey

Voted: 5-0

M/Franey to approve Article 4

S/Donovan

Voted: 5-0

M/Donovan to approve Article 5

S/Franey

Voted: 5-0

Review 2014 Draft Budget

House budget will be coming out within a couple of weeks for State aid. There is a \$547,000 deficit due to snow and ice budget. There is a deficit of approximately \$800,000 projected. Should have a better idea by April 22, but the deficit will be difficult to overcome. A considerable amount has already been cut by the town side. The budget split is 66% school, 34% town.

7:50 p.m. Motion by Mr. Donovan to go into executive session for purposes of:

- Discussing strategy with respect to potential litigation involving the Town Manager's contract as an open session may have a detrimental effect on the litigating position of the Board;
- Conduct strategy session in preparation for negotiations with non-union personnel, specifically Richard LaFond, prospective town Manager; and to reconvene in open session if necessary.

S/Coyle

Roll call vote: aye Burbine, aye Franey, aye Donovan, aye Coyle, aye Dion

9:10 p.m. Meeting reconvened.

Mr. Franey expressed concern that the vote of nonfeasance would lead to a lawsuit. The Board had given the Town Manager two positive job performance reviews and there was nothing in his folder to suggest nonfeasance. A vote to rescind would be in the best interest of the Town and it would also be fair to the Town Manager.

M/Franey to rescind decision on nonfeasance regarding the Town Manager's non-renewal of contract in exchange for the following release.

- The Board of Selectmen votes in public to rescind the November 5, 2012 vote, so as to remove any claim of nonfeasance by Mr. D'Agostino;
- Severance pay is paid in full in accordance with the terms and conditions of Mr. D'Agostino's Employment Contract;
- Payment of all the benefits due him (vacation, personal days, etc.) in accordance with existing laws and Bylaws.

S/Burbine

Discussion – Coyle wanted to clarify he had voted to not renew because he felt Town Manager had violated contract by applying for other employment, not for nonfeasance.

Voted: 3-2 (Donovan & Dion)

M/Donovan to go back into executive session at 9:15 p.m. and not to reconvene

S/Burbine

Roll call vote: Dion, yes; Coyle, yes; Donovan, yes; Franey, yes; Burbine, yes

Respectfully submitted,


Nancy Hurst

Rev. 5/13/13