

**SELECT BOARD OPEN SESSION MINUTES
OF WEDNESDAY, NOVEMBER 15, 2023**

In attendance: Chair Katie Goldrick, Vice Chair Pamela Campanella, Clerk Patty Conway, Associate David Reilly, Associate William Watkins.

1. Call to Order – Chair Goldrick called the meeting to order in the Noel C. King Meeting Room and via Zoom.
2. Conservation Commission Outside Legal Funding Request – Frank Duggan said the Conservation Commission is requesting funding for counsel on the Gioioso/Sherrick Ave. extension project as they'd like to have counsel with experience in wetlands.

Mr. Duggan asked town counsel why it wasn't appealed originally, they responded saying that they felt that overturning the superseding order was probably not going to happen.

Chair Goldrick and Mr. Watkins discussed logistics of the request. Chair Goldrick confirmed that it should be a specialist counsel and not one for general knowledge. Chair Goldrick advised listening to the requests of the residents of Sherrick Ave and those of the Conservation Commission.

Mr. Watkins wanted clarification on the background of town counsel who provided the response to the Conservation Commission. Chair Goldrick confirmed that there was not specialized training for the counsel involved.

Mr. Duggan confirmed that the Conservation Commission did not want any work to commence without the bylaw of the town being upheld. Mr. Reilly made a recommendation to subcontract out for a law firm.

MOTION to use town counsel and to use a subcontractor if town counsel cannot pursue it, by Mr. David Reilly, 2nd by Mr. Watkins.

There was discussion regarding the motion. Mr. Reilly stated that his motion was for going through town counsel, if they didn't have anyone on staff, then they will find an attorney who has expertise in that area. Mr. Duggan clarified that the Conservation Commission had contacted town counsel and town counsel replied that in their opinion the likelihood of overturning the superseding order would be unlikely.

Roll Call Vote: 2-2-1 with Conway voting no, Watkins voting yes, Reilly voting yes, Campanella voting to abstain, and Chair Goldrick voting no. Motion did not pass.

MOTION to authorize the Conservation Commission to seek outside counsel on the matter of Sherrick Avenue by Patty Conway. Interjection by Chair Goldrick to request Ms. Conway amend her motion with a spending limit. Ms. Conway asked Chair Goldrick to recommend a limit amount.

AMENDED MOTION to authorize the Conservation Commission to seek independent counsel on the matter of Sherrick Ave/Mass DEP with a spending limit of \$2,500, by Patty Conway, 2nd by Katie Goldrick, and opened to discussion.

Mr. Watkins stated that he felt the amount was too low and the Board is unable to determine the complexity of what the law firm is able to do. Ms. Conway clarified need with Mr. Duggan. The Board discussed the need for a law firm other than town counsel, with differing of opinions.

Roll Call Vote: 2-2-1 with Conway voting yes, Watkins voting no, Campanella voting to abstain, Reilly voting no, and Goldrick voting yes. Motion did not pass.

Mr. Duggan asked to change his request to access or utilize money in the conservation budget. Chair Goldrick advised Mr. Duggan to check with Eric Erskine in Inspectional Services.

Mr. Duggan asked for clarification on who could reach out to Town Counsel.

Resident Sue Wright approached the Board to state that Mr. Duggan's request falls under the Finance Committee's reserve fund transfer.

Chair Goldrick clarified with town counsel that there were no other open session matters and town counsel confirmed there was not.

3. Executive Session – Mr. Reilly recused himself. MOTION to enter into Executive session pursuant to M.G.L. c. 30A, Section 21(a)(1) to discuss the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual (Public Works Superintendent Personnel Matter) and to enter into Executive session pursuant to M.G.L. c. 30A, § 21(a)(1) to discuss the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual (Public Works Superintendent DOT Investigation) and not to return to open session by Patty Conway, 2nd by Pam Campanella. Roll Call Vote: 4-0 with Conway voting yes, Watkins voting yes, Campanella voting yes, and Goldrick voting yes.