

Selectmen's Meeting
Monday March 26, 2019
Selectmen's Meeting Room
Executive Session

Approved
Released on: 4/2/19

Members present were John Danehey, Maura Curran, Shawn Harris, Anthony Vegnani

Karen Canfield participated via remote participation and declared she was alone in the room.
Roll Call Votes will be taken due to remote participation.

Also present were Jim Boudreau, Town Administrator and Cynthia Amara, Town Counsel

Meeting called to order at 7:02 pm motion by Ms. Curran second by Mr. Harris

The Chair declared that an open meeting may have a detrimental effect on the negotiating position of the governmental body

The board will not reconvene in open session.

Move that the Board of Selectmen go into executive session at 7:04 p.m. to discuss strategy with respect to potential litigation – Zoning Bylaw-Section 710 Signs and the board will not reconvene in open session.

A roll call vote was taken to move into executive session:

Danehey yes

Curran yes

Canfield yes

Harris yes

Vegnani yes

Mr. Danehey read the Zoning Bylaw Section 710.1. Mr. Boudreau received an email on Friday March 15, 2019 at 11:07 a.m. from Andrew Goodrich who is running for Selectmen. Mr. Danehey read the email aloud to the Board. On March 18, 2019 Mr. Boudreau received a letter from the ACLU and copies were provided to the Board of Selectmen. Mr. Goodrich has already put his signs out throughout town regardless of the decision of the Board or what our Bylaws say. The election is May 18, 2019. Ms. Amara contacted the ACLU and they do understand the Board of Selectmen cannot snap their fingers and undo the bylaw. Ms. Amara does not agree with everything in the letter from the ACLU. It is not unconstitutional and the law does not say what time frame is okay and what isn't. 90 days to put them up and 60 days to take them down is okay. 28 days was called too short in some cases. Aesthetics and public safety are valid concerns. It is clear we are talking about election related signs and this should be more specific in the bylaw. The bylaw as written is subject to challenge. Town Counsel said enforcing this bylaw as written could subject the town to a lawsuit. Given where we are in the country limitations will be upheld. Ms. Amara recommends the Board consider not enforcing this bylaw for this election. For future updates, one option is that the date that people get certified signs

could go up. Mr. Danehey suggests rather than 30 days prior to the election that we use the date everyone is required to get the signatures in to the Town Clerk which this year is April 2, 2019. Ms. Amara said Mr. Goodrich has already put signs out on lawns. We are now in a position of enforcing the bylaw or immediately allow everyone to put their signs up. Mr. Danehey said we need to review the Bylaw and should suspend enforcement for this election.

Ms. Canfield said this is something we are willing to address and acknowledge we are going to make changes. We may not like the ethics or approach to handling this because it is not an even playing field for all other candidates. Ms. Curran asked what the recourse is if this bylaw is violated. If the Bylaw is violated a fine would be given. This is an issue of fairness for all the candidates. Mr. Goodrich has now given himself a clear advantage putting his signs out before all other candidates. Ms. Amara said the only fair thing we can do for the other candidates is allow them to put their signs up right away.

Ms. Curran said people are at a disadvantage if they don't have their signs prepared yet. April 2nd is the date the candidates are required to return their papers. Ms. Amara said we are in a position where someone has violated the bylaw and created an unfair situation.

Mr. Danehey said last year we received a request from a candidate running for State Office as an independent to put his signs up earlier than our Bylaws allowed. He called the Selectmen's office with his concerns and we accommodated his request. To take it to this level and threaten a lawsuit is really not necessary.

The Board directed Mr. Boudreau to contact the Zoning Enforcement Officer (ZEO) and suspend this bylaw for this election and ask the Town Clerk, Kathy Gardner to contact all the election candidates and inform them they can put their signs out right away. We will not enforce this bylaw until it is rewritten and approved at a future Town Meeting. Motion by Ms. Curran second by Mr. Harris

A roll call vote was on the motion:

Danehey yes

Curran yes

Canfield yes

Harris yes

Vegnani yes

The Board voted to adjourn the Executive Session at 8:18 p.m. and not reconvene in open session. Motion by Mr. Harris second by Ms. Curran Unanimous Vote (5-0)

Roll Call Vote

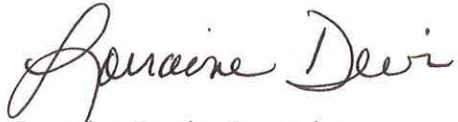
Danehey yes

Curran yes

Canfield yes

Harris yes
Vegnani yes

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lorraine Devin". The signature is written in dark ink and is positioned above the printed name.

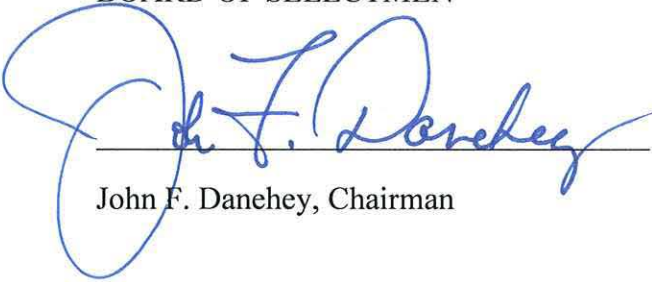
Lorraine Devin, Recorder

List of Document for March 26, 2019 Executive Session

- Email from Andrew Goodrich to Town Administrator Jim Boudreau
- Letter from ACLU to Town Administrator Jim Boudreau
- Zoning Bylaw Section 700 Signs

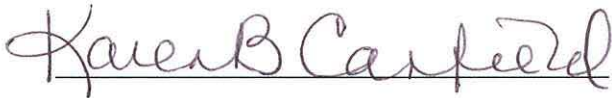
Board of Selectmen Executive Session Meeting Minutes for March 26, 2019

BOARD OF SELECTMEN



John F. Danehey, Chairman

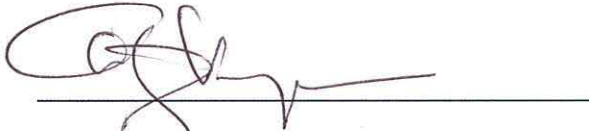
Maura C. Curran, Vice Chairman



Karen B. Canfield, Clerk



Shawn Harris



Anthony V. Vegnani