

SPECIAL SELECTBOARD MEETING
held jointly with the Westford School Board
April 12, 2017

Present: Casey Mathieu Allison Weinhagen
Dave Tilton Nanette Rogers

Guests: See attached list

The meeting was called to order at 7:06 p.m.

CHANGES TO AGENDA

The following change was made to the agenda: The second draft of easements was removed.

PUBLIC COMMENT

There was no public comment.

ATTORNEY OPINION

The town attorney has advised not to disclose emails from him. Joan Farmer stated that as tax payers they are the client and feels the emails should be made public. Mark Drapa and Martha Heath both stated that they feel confident the opinion of the attorney will become evident during the discussion without actually releasing the document. The Selectboard concurred with the School Board not to disclose the emails.

TITLE SEARCH & SURVEY

The town attorney recommends a title search be conducted in order to address any encumbrances or title defects that may be found during the title search. If a title search were not performed and an encumbrance or defect is discovered after the transfer, it could be a huge liability for the Town.

The town attorney advised that a survey is not necessary. It was noted that the boundaries may become clear during the title search.

EASEMENT LANGUAGE

The attorney advised that the language used in the draft Easement Deed is typical, including the shared costs, maintenance, etc. of the emergency generator. The attorney provided answers to the questions from the last meeting.

It is recommended that there be reciprocal indemnity provisions included in an agreement. This will limit the liability for each entity to their own actions.

The use of the school as an emergency shelter can be limited as the entities see fit. The terms of the generator are not unusual. The Boards agreed to leave the language in the Easement Deed.

The Boards decided to change "school hours" to "school functions/activities" to cover events held at night and on weekends.

The attorney has recommended that the Boards use a use agreement rather than a lease for parcel #2. A lease provides exclusive use of the parcel and that is not what the entities are trying to accomplish. Both Boards agreed to use a use agreement for parcel #2. It was noted that the use agreement could also include parcel #3 and the 20 acres currently owned by the Town. It was

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pointed out that the Selectboard should get feedback from the public if the 20 acres are going to be included in the use agreement.

A use agreement can be written in a manner that will enable school policies, including a no gun policy, to be enforced during school functions/activities on parcel #2.

The Boards discussed guns and hunting outside of school functions/activities on the Town parcels. The Town could post the parcels or enact an ordinance to prohibit guns and hunting. This is a separate issue the Selectboard will need to address at one of their meetings.

The maintenance of the fields on parcel #2 need to be investigated further. One question is how the School District can maintain or install infrastructure without running afoul of State Statute with regard to spending school funds on town property and vice versa.

Grant suggested that an inventory be taken of all property, permanent and portable, prior to the transfer. As for maintenance and replacement, he suggested implementing a fee which would then be used for the fields, etc.

The attorney will be given the go ahead with conducting a title search. The Boards are waiting for the revised draft Easement Deed. Mark Drapa and Allison Weinhagen will meet with the attorney to discuss a use agreement and other items that need to be addressed.

The Boards will meet again on May 1st.

ADJOURN

The meeting adjourned at 9:21 p.m.

Respectfully Submitted,

Casey Mathieu, Chair
Selectboard

Nanette Rogers
Town Administrator

TOWN OF WESTFORD
SPECIAL SELECTBOARD MEETING
GUEST LIST

Date: April 12, 2017

Name (please print)

Address

Wendy Doane

5 Manly Rd.

JOAN FARMER

297 COVEY ROAD

ED FARMER

297 COVEY ROAD

Sarah Pinto

111 Machia Hill

Margyn Thomas

284 Covey Rd

GRANT THOMAS

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