

Approved  
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9/12/12

Ashfield Select Board Meeting  
Minutes – August 1, 2012

**Present:** Select Board: Doug Field, Poullette Leukhardt Absent: Ron Coler  
Interim Executive Administrator: Mary Fitz-Gibbon

The meeting was called to order at 7:03 pm. Mr. Field said tonight there were just two quick items to address.

**Open Meeting Violation:** Ms. Leukhardt read the alleged violation submitted by Suzanne Corbett on June 25, 2012. The complaint said in part that minutes of Select Board meetings must be available, at least in draft form, within ten (10) days following a meeting. Ms. Corbett claims she is being hampered in responding the AG because she is being denied access to the June 6, 2012 minutes and other documents. She feels this is intentional. She refers to provisions found in sections of MGL Chapter 30A. She requests minutes from June meetings of 6, 13, 20, 25 and July 11. In addition, she would like a copy of the HUD Inspector General's report on the Franklin County Regional Housing Authority which she says she gave to the Board during the August 17, 2011 meeting. She has also asked for copies of letters she believes were received by the Board from Carmine DeLuca, Main Street and Dennis Clark, Main Street.

The actions Ms. Corbett states she would like taken are as follows: 1) Classes on the Open Meeting Law be repeated; 2) A Scribe be hired by the Board to do minutes so that previous meeting minutes are available at the next Board meeting; and 3) Assurances that the minutes in the book are factual and contain all materials related to the meeting.

Mr. Field stated that the Board had scheduled this special meeting to address this complaint in a timely fashion. He acknowledged that, as Suzanne Corbett has implied, the mail is not dependable. It can take 4 or 5 days for a letter mailed from the Town to reach a resident who lives in Town.

The Board had a prepared response which Mr. Field asked Ms. Leukhardt to read. It addressed the matter saying that Select Board minutes will available in a more timely manner. It corrects the erroneous impression of a ten (10) day legal limit on making minutes available. As to retraining, the letter includes information about a training session attended by several town officials on June 21st in Huntington. The presenter at that session was Patricia Cantor of Kopelman & Paige.

There was also a discussion of the events surrounding the missing report and related issues. The report was something that Suzanne said she had downloaded from the internet. She said she had tried to find it again, but could not locate it. Ms. Fitz-Gibbon said that in a meeting in her office, when Ms. Leukhardt had come to examine the file of the meeting in question, she had offered to request a copy from the housing authority but Ms. Leukhardt had firmly instructed her not to do so.

Among the items requested by Ms. Corbett were copies of two letters which did not exist. Ms. Leukhardt remembers there were letters. She remembers Carmine speaking but she doesn't remember a letter. Neither Mr. Field nor Ms. Leukhardt remember a letter from Carmine. They both recall that he

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was quite excited and even talked of getting a restraining order. Possibly he sent an email. Ms. Fitz-Gibbon will review old emails to be sure. Mr. Field read a letter from Barbara Clark, which may be the one that Ms. Corbett was referring to in her request, as Ms. Clark is the wife of Dennis Clark.

Minutes of the June 13, 2012 meeting were approved on July 25, 2012, and provided to Ms. Corbett on July 30, 2012. In further discussion of the ten (10) days matter, Ms. Fitz-Gibbon wanted to clarify that if there are minutes in either draft form or approved, they must be supplied within ten (10) days of the request. She said she had checked with Counsel on this.

The last portion of the draft letter of response to the alleged Open Meeting violation was not acceptable to Ms. Leukhardt. She insisted that the portion which described the search for the HUD report in the office was not accurate. Ms. Leukhardt accepted that Suzanne Corbett had gone to the Town Hall office shortly after the August 17, 2011 Select Board meeting and assisted in an unsuccessful search for the document. However she insisted she did not ever go to the Interim Executive Administrator's Town Hall office to look through the August 17, 2011 meeting file in search of Suzanne's copy of the HUD Inspector General's report and did not want to take credit for searching for the report. She said that she saw the report at the Board meeting when it was placed on the table along with other papers. Leukhardt says that she has no knowledge of where it went after that meeting.

Ms. Leukhardt also objected to the statement that no one remembers the document, because she says that she does. Leukhardt states that she remembers it being on the table in front of Norm Russell. Ms. Fitz-Gibbon said this is the first she has heard of anyone saying they specifically saw the document on the table. Ms. Leukhardt said this cannot be true, as she has spoken of this to Ms. Fitz-Gibbon on more than one occasion. Ms. Fitz-Gibbon says that she remembers only general reference to "the document that Suzanne said she gave to the Board".

Ms. Leukhardt went on to say she remembered specific things. She wants them in this letter. She wants this letter as accurate as possible. The signatures on the letter are those of the Board, not that of the Interim Executive Administrator. She is upset that Ms. Fitz-Gibbon isn't willing to put what she, Leukhardt, wanted in the letter.

While Ms. Leukhardt was making this comment, Ms. Fitz-Gibbon was suggesting possible wording to satisfy the request. She will redraft the troublesome paragraph and circulate it to board members, who will consider it at the next meeting. Ms. Fitz-Gibbon reported that because there are only two members present this evening, Town Counsel has suggested that if the Board is not in agreement on the current letter, another should be prepared and sent to Suzanne, stating that the matter will be revisited when there is a full board. Ms. Leukhardt then agreed that as long as the letter noted that not everyone remembered things the same way, there should be no problem getting the letter signed.

**Board of Health Issue:** Ms. Fitz-Gibbon presented a letter for the SB to sign in response to a BOH matter. She explained that because letters which appeared to be about a Board of Health (BOH) matter had been sent to both the Select Board and the BOH, Town Counsel felt both boards should respond. The BOH had sought advice from Counsel prior to responding, as this involved a request for a document

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that does not exist. In addition, the request included some emails to the BOH which could either not be opened, could not be printed, or were blank. Town Clerk and others including the Town IT consultant tried to help, initially without success, but eventually succeeding.

Ms. Leukhardt questioned the need for a response from the SB. Ms. Fitz-Gibbon said that the document request was very broad and does include people working under the SB. The letter Fitz-Gibbon presented had been drafted by Town Counsel. Ms. Leukhardt said then perhaps it would be a good idea to have BOH and Town Counsel at a meeting to understand what this is all about. Mr. Field agreed and September 5<sup>th</sup> was the date selected for this meeting.

**Work at the Ashfield House, LLC:** There was a discussion with Kachina Yuryan about notification of work being done on her apartment by the Housing Authority. Mr. Field, having heard that Ms. Yuryan was upset and concerned that the tenant had not received proper notification, asked Ms. Fitz-Gibbon to make a phone call to Kachina while he was in the Interim Executive Administrator's office to see if what he had been told was in fact the case as he felt that Ms. Yuryan certainly should have received proper notification. Ms. Leukhardt said that she was concerned that this action had taken place without consulting the rest of the Board. A discussion about lead and mold problems in the Ashfield House, LLC followed.

Ms. Leukhardt said she was concerned that all this time was spent calling and checking on things that weren't our concern, yet we're drastically behind on our minutes. Ms. Fitz-Gibbon said when something came in that sounded like there was an issue, and knowing that the SB has been criticized for its lack of response, she felt what she did was appropriate. She said she was on the phone with the Housing Authority on another matter anyway, so, with Mr. Field's approval, she asked about notification to the tenants for the work being done. Mr. Field said he did what he thought should have been done.

Deb Nicholson, a resident of the Ashfield House, LLC spoke to say that this whole issue was not a SB or BOH concern, it was a landlord issue, but thanked the Board for listening. The conversation continued to a discussion as to whether there is water coming from someplace inside the building which is causing problems.

There was a discussion about the slowness of mail due to recent changes in Post Office protocol and sorting routes.

Referring back to the earlier discussion of email production difficulties Franklin Wickland, Williamsburg Road, said he'd had a similar problem getting an email printed out.

**Police Department:** The Police Chief has notified the Board that he is one of two finalists for the Chief's position in Deerfield. The announcement will be in tomorrow's papers.

A motion was then made by Ms. Leukhardt, seconded by Mr. Field, voted, and passed, to adjourn at 8:21pm.

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Respectfully submitted,  
Priscilla Phelps

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Document List:

Agenda for August 1, 2012

Open Meeting Law Complaint Form filed against the Town of Ashfield Select Board signed by Suzanne Corbett, dated July 25, 2012

Draft of a Select Board letter of response to Suzanne Corbett addressing the Open Meeting Law Violation Complaint file by her against the Board on July 25, 2012

Draft of a letter from the Select Board, with space for the letter to also be signed by the Board of Health, to Ms. Deborah Nicholson addressing her information request of July 22 and July 25 submitted to the Select Board and the Board of Health

Copy of Deborah Nicholson information request dated July 22, 2012

Copy of Deborah Nicholson information request dated July 25, 2012.

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