

SELECT BOARD MEETING
November 28, 2012

Present: Select Board – Poullette Leukhardt, Ron Coler
Executive Administrator – Mary Fitz-Gibbon

The meeting was called to order at 7:00pm. There are five (5) recording devices in use.

Appointments:

Audit: Present: Ted Murray (Finance Committee)

Mr. Murray reported that he had been approached by the Engagement Manager for Scanlon Associates regarding the possibility of asking DOR for a waiver to permit the Town to have one audit covering the years 2011 and 2012, rather than two audits. The one audit, which would include information from 2011, 2012, and FEMA (for the storms in 2011) would cost \$11,750, more than the budgeted amount for 2012, but less than the combined 2011 and 2012 amounts. Mr. Murray found that this was something that small towns with financial limitations were permitted to do. Anticipating approval from the Board, he had prepared a letter of application for a waiver which the Board could sign. **A motion was made by Ms. Leukhardt, seconded by Mr. Coler, and unanimously voted, to apply for a waiver.** The letter was then signed.

Borrowing: Ms. Fitz-Gibbon reported that MEMA has not provided its share of reimbursement funds for the storms of 2011. When the treasurer attempted to borrow in anticipation of those revenues, she learned the Town needed to authorize the borrowing. Accordingly, a Special Town Meeting was scheduled for December 13th to vote on an article to allow borrowing of \$205,000. It was also learned DOR now requires the Treasurer use a financial manager from an accepted list whenever borrowing is to be done. This appears to be a new requirement. **A motion was made by Mr. Coler, seconded by Ms. Leukhardt, and unanimously voted, to hold a Special Town Meeting on December 13, 2012 to vote on a single article authorizing the Treasurer to borrow \$205,000 in anticipation of reimbursement.** Mr. Coler then read the warrant article.

Acting on the advice of the Treasurer, **a motion was made by Ms. Leukhardt, seconded by Mr. Coler, and unanimously voted, that Clark Rowell of Unibank Fiscal Advisory Services, inc. be the fiscal manager for the purposes of assisting the Town with loans.**

Mr. Murray commented there seem to be conflicting signals from DOR. The response to questions differ, depending who at DOR one speaks to. One source has said in the absence of a Town bylaw the Select Board prepares the budget for the Finance Committee to review; yet at the meeting he attended recently, it seemed that the Finance Committee was charged with preparing the budget for presentation to the Select Board. Tom Carter, who had come in during the discussion, agreed with Mr. Murray, and questioned how the same department (DOR) could have set "Free Cash" with this liability out there.

There is some urgency in taking this action in order for the tax rate to be set. If the rate is not set, proforma bills can be issued, at an additional expense to the Town.

Caucus: A motion was made by Mr. Coler, seconded by Ms. Leukhardt, and unanimously voted, to sign the warrant calling for a Caucus on December 18, 2012 at 7:30 pm.

Tax Classification: Due to late publication of the Tax Classification hearing , the hearing will be held again on December 5th.

Other items: A motion was made by Ms. Leukhardt, seconded by Mr. Coler, and unanimously voted to sign the note for \$91,992 for the fire truck.

A motion was made by Ron Coler, seconded by Paulette Leukhardt, and unanimously voted, to allow the Green Communities Committee to donate water tanks that have been replaced with more energy efficient ones to the Eco-building Bargain Store.

Old Business:

Re-organize the board - Ms. Leukhardt suggested that the Board members have titled positions : Chair, Vice-chair, and Clerk. This was tabled for discussion on 12/12.

Organization- Ms. Leukhardt has prepared an Excel spread sheet to help organize the schedule of events / activities that need to come before the Board at meetings. There is already a lengthy list, which the Board took time to plug into the spread sheet.

New Business:

FCCIP Advisory meeting - Ron will have something to report next week

Holiday Week staffing - Mary said Town Hall is usually closed to the public during the week between Christmas and New Years.

Minutes: None ready

Liaison Reports:

Emergency Manager - Mr. Field has learned there is no FEMA money for Tropical storm Sandy.

Fire Department – The wait continues for the new truck.

Police Department – The department has some expenses that are not normal, such as Fall Festival which will need to be addressed.

Highway Department - Mr. Coler will touch base with Tom Poissant.

Mail:

Request for pole hearing - The date was set for January 2nd at 6:45 pm.

Open meeting Law information has been received from the AG's office.

AG's Office communication re: Open meeting violations :

- 1) Letter from Sherry Jordan - Request an extension of time to respond- The Board will respond next week.
- 2) Open meeting violation from back in July – Apparently the complainant is not satisfied with the response.

Agricultural Preservation Restriction – Notice of intent regarding the placing an APR on Williams property on Conway Rd and Emmet Road has been received . The Board has 120 days to hold a public hearing. Mr. Perlman, who happened to be present, explained the process.

Email from family moving into Town surprised that there is no cell service.

Public Comment: Mr. Perlman commented about the wisdom, or lack thereof, of the Board's deliberate decision to delay acting on Open Meeting violations, while at the same time requesting extensions on other on-going complaints.

Water District Request: Present – Betty Stewart

Ms. Stewart reminded the Board that the Water District had sent a letter requesting a decision from the Town on whether it wishes to continue to keep the water line at the Old Sanderson site active, or cap it off. This will be included in the schedule for discussion.

More Scheduling: The Board listed many other items that are coming up. Some items such as Old Sanderson (the crumbling wall), Ashfield Lake Inspection Report, procedure for handling of public records, Open Meeting Law training, 40B question on who pays inspection fees were mentioned.

Also noted was that yesterday several persons from the Town including some Finance Committee and Select Board members attended a Division of Local Services meeting sponsored by FRCOG.

A motion was made by Mr. Coler, seconded by Ms. Leukhardt, and unanimously voted, to adjourn the meeting at 9:20 pm.

Respectfully submitted,
Priscilla Phelps

Doc. List for SB 11-28-12

Audit Waiver Request letter from SB to USDA-Rural Development, Len Shuzdak, signed by SB and dated 11-28-12

Special Town Meeting Warrant for STM Thursday, December 13, 2012, 7 pm, signed by SB

Warrant giving notice of Caucus to be held Dec. 18, 7:30pm for the purpose of nominating candidates to fill one unexpired term for Select Board; signed by SB, dated 11-28-12

Certificate of Town Clerk, Town Treasurer's Record confirming loan for the sum of \$91,992 authorized by Town Meeting on 5-5-12 for purchase of fire truck

Bank Note #309 for the sum of \$45,996 (final payment of total loan amount \$91,992 authorized by Town Meeting on 5-5-12) for purchase of fire truck, signed by SB, 11-28-12

Letter from Brian Clark, Green Community Committee, dated 11-28-12 RE: Request to dispose of used equipment

MDAR Notice of Proposed Acquisition, Project ID# and Name: 12B02 and Williams, dated 11-6-12

Letter from Office of the Attorney General dated 11-6-12 RE: Open Meeting Law complaint filed by Sherrill Jourdan, dated 11-2-12 regarding original complaint filed against the Select Board, received by SB 8-8-12

Letter from Office of the Attorney General dated 11-15-12 RE: Open Meeting Law complaint filed by Suzanne Corbett, dated 8-24-12 regarding original complaint filed by Suzanne Corbett against the Select Board, received by SB 6-6-12 and responded to by the board in a letter dated 6-25-12