

SELECT BOARD MINUTES January 6, 2010

Present: Select Board members Ted Murray, Tom Ulrich and Dave DeHerd

Approximately 20 residents

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

Minutes – It was moved and seconded that the minutes of the open session of Dec 23 be approved as amended. The vote was unanimous in favor. It was moved and seconded that the minutes of the executive sessions of Dec. 2, 9, and 16 be approved as amended. The minutes had previously been approved but it was noted that the location of the meetings was in error. The vote was unanimous in favor. It was moved and seconded that the minutes of the executive session of Dec. 23 be approved. The vote in favor was unanimous.

Highway Liaison – Dave had met with Highway Superintendent Tom Poissant. The final documents relating to ice storm cleanup of the hangers and leaners have been sent to MEMA for reimbursement. The contract amount was \$245,088.90. Materials cost was \$214.50. Direct administrative cost was \$671.37 for a total eligible cost of \$245,974.77. The town expects to be reimbursed for 75% or \$184,481.08 from the Federal government. Reimbursement is also expected from the state.

The renewal application for solid waste management for the transfer station has been submitted. A signatory designation for Chapter 90 funds is required. That can be one designated member of the Select Board, or the entire board. It was decided that the entire board would now be signing Chapter 90 documents.

At this point \$46,732.09 has been spent on winter roads though about \$8,000 of sand and salt has arrived but has not been paid for. The balance in the winter roads account is \$103,267.91.

Emergency Management Director – Doug Field discussed the emergency plan for the Ashfield Lake dam. Copies will be sent to MEMA and that agency will then return a CD copy to the town. Doug said if the dam were to break Bronson Avenue, parts of Main Street, and all of South Ashfield would suffer damage. The plan, once accepted, must be updated every five years. Dave asked how would the town know if the plan would work in case of an actual emergency. Doug mentioned the system of rings of the Town Hall siren used by the fire department. One long continuous ring would signal that an evacuation was needed. Doug said he felt the chances of the dam breaking were very low but said there had been times in the past when the dam had been monitored all night and evacuations had been considered. The assumption is that there would be cracks or some other indication of impending failure, which would provide time for evacuation to take place.

Town Hall Liaison – Ted said that the Town Hall heating problems have continued. Between Dec. 15 and Jan. 5 Sandri has made nine service calls to work on the furnace. Ted is concerned about the number of calls and some adjustments will be made to the invoices. The Town Collector has lost two days of work when her office temperature was at or below 50 degrees.

Old Business

Computer Security Policy – Before any security policy is put in place a new IT person must be selected. Ted is soon meeting with former IT person Paul Swem and Virginia Wiswell, a potential replacement.

Police Weapons Inventory – Dave has been hearing that the inventory of weapons confiscated by the Police Department is incomplete and that some weapons may be missing. An annual weapons inventory used to be done but that database has not been located. It has been alleged that at one time 25 to 30 weapons were in the locker and one day they were all missing. Supposedly the weapons were taken to a gun dealer and sold and the money was given to charity. Questions remain as to who took the weapons, when, to what dealer and what happened to the money. Owners of the confiscated weapons should have been give notice of the sales. Ted is working on getting a full accounting from Jureks (a gun dealer) concerning all weapons bought, sold and returned by the town. Sergeant Kristina Nunez has provided a complete inventory of police department weapons (service revolvers, etc.) but some of Jurek's receipts don't match the weapons on hand. All current police department weapons are accounted for but one weapon seems to have been missing for many years. Sgt. Nunez has done a weapons check on the CGIS system and can find only one weapon registered to the Ashfield Police Department and that was one that she herself had completed. She said the number of confiscated weapons could be traced by going over incident reports.

Police Department Grants – The Select Board would like to have an accounting of grants that have been received and what they were used for. They also want to see a sign out sheet to be used when equipment leaves the department for any reason. It seems the town was awarded a grant for a piece of equipment called a video detective. It was recently learned that this item was in Greenfield and that a Sony camcorder that went with it was missing. This was purchased with a \$49,500 Federal grant according to Dave. The grant was for the benefit of Franklin County and it makes sense that a larger police department would have had more use for it. The missing camcorder needs to be located then the equipment could be transferred to the Greenfield PD in a properly documented manner. Ted said that the real issue was grants. Some grants are simply not useful for small towns and are not monitored properly once they are received. If grants are not utilized properly they are a waste of money.

Reconciliation of Police Evidence Locker – Dave had heard concerns that people who have been victims of crimes have tried to recover their stolen property from the police department and have been told the department does not have it. Some of the missing items are illegal substances. Questions arose concerning how evidence is cataloged and the chain of custody. The Board will do some investigating but if it is found that weapons or other property have been sold or stolen an outside agency may be called in to do a further investigation.

Mail – Legislation regarding personal data will go into effect as of March 1. Personal data such as social security numbers will need to be more closely safeguarded. The Personnel Committee is presently working on a policy to meet the new requirements. It will likely require the purchase of additional locked cabinets to keep the data secure.

District Attorney's Letter – Following the receipt of a letter from the District Attorney's office regarding violations of Open Meeting Law, Ted had spoken with an Assistant District Attorney about how to re-discuss issues that were previously done in what have now been deemed illegal meetings. The answer was that much of the discussion is now moot, since former police Chief John Svoboda has now resigned. The other remedy is to make public emails that violated the

law. Ted has made copies of those emails, which are now available to the public. Dave thinks the re-discussion of items from the illegal meetings should take place after the public has a chance to review the emails. He believes in transparency and showing the public that the Select Board is not hiding anything. It was decided to hold an open hearing next week, January 13, which would give the public a chance to air their opinions and give the Board a better idea of the views of the people. Tom saw no need for a hearing saying everything in the emails was also said in public. The emergency meeting held on July 2 did not meet the criteria for an emergency according to the DA's office. Action taken at that meeting, the appointment of town officials and the police department, must be redone at a properly posted meeting. Some people have expressed concerns about whether the appointments should be made considering all that has happened since July. Dave moved that a public meeting be held on January 13 to discuss the DA's finding regarding transgressions of the Open Meeting Law. This was seconded by Ted and unanimously approved. Dave said that people should sign up prior to the meeting so that they could be called upon. He expected that speakers would be prepared with statements. It was anticipated that arguments would center on the appointments and whether some, all or none of the appointments should be made.

Website Page – Ted has created a first draft of the Select Board's page for the town website. Dave asked if it would be possible for emails to be received via the website. Ted will inquire.

Tax Relief – People are seeing significant increases in their tax bills following the certification of the new tax rate. Dave said he had been receiving calls from elderly and handicapped people asking if there were possible tax breaks available. Dave would like the Board of Assessors to schedule a public meeting to explain any possible tax relief options. Dave said that as the executive branch of the town government the Select Board could ask the assessors to hold a public meeting saying the Board owed it to the people to have the chance to get the information.

Finance Committee Meetings – The first of many joint meetings of the Select Board and Finance Committee will be held on January 7. The plan is to plot an approach to making a budget for FY2011. The current budget will be examined for possible savings. It is anticipated that the budget will be short by \$100,000 next year.

Accountant's Report – Dave has noted that some line items seem to have already been overspent for the year. Questions will be asked about that and other apparent discrepancies in the report.

Public Forum – David Newell suggested the public hearing might take place in two or three weeks instead of next week to allow time to get the word out. Mary FitzGibbon was concerned about missing weapons and suggested the State Police be informed. Phil Pless registered an objection to the police department patrolling on Christmas day. Suzanne Corbett questioned how many mountain bikes the police department owned. Ricki Carroll asked for a public apology from Tom who she felt had called her and other bloggers liars. David King questioned various letters, which have been sent to Town Hall, yet have not been received by the intended addressees. Paullette Leukhardt said she and others had been in the building at the time of the July 2 emergency meeting but had not been told that the meeting was back in open session. Dave apologized, saying he did not realize anyone was in the building.

The Board unanimously voted to enter into executive session for the purpose of discussing strategy with respect to litigation and negotiations with non-union personnel. The meeting would not resume in open session. Meeting was adjourned at 9:30 p.m.

Respectfully submitted,