

SELECT BOARD MINUTES
JUNE 8, 2011

Approved
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6/22/11
SB

Present: Selectmen - Norm Russell, Doug Field, Paullette Leukhardt
Executive Administrator – Mary Fitz-Gibbon

The meeting was called to order at 7:00 PM, by Chair Norm Russell welcoming all in attendance.

Minutes: Minutes of the June 2nd meeting were approved with a correction of verb tense in one sentence and removal of Curt Pichette's name, as he did not go with Tom Poissant to inspect the grader, as planned.

Appointments:

WiredWest: Present – David Kulp and committee

Because Western Mass lacks broadband access the state formed Mass Broadband that obtained state and federal funding to build the "middle mile" fiber optic pipe to the middle of Western Mass towns. Currently there is a lack of fast internet service in town even for people within one and a half miles of the phone exchange because the system is full, leaving no room for new subscribers and a lack of willingness to add more ports. Forty seven towns have agreed to form a co-op using existing legislation that will provide the "final mile" connecting individual homes to the fiber optic pipe. This co-op is a legal entity, independent of the towns, that can incur its own debt, etc.

The cooperative is expected to be formed on July 16th, at which time the articles of incorporation will be adopted, and a board of directors will be elected. The cooperative requires a small fee of \$1,000 for the Town to join. Mr. Kulp said he had sent the Board an e-mail outlining the liabilities the town might face. Mr. Russell asked what the responsibilities of the town should be.

Mr. Kulp is on the steering committee, so he said he had some insight on the process. He said that in addition to the joining fee there would likely be an annual fee, for administrative purposes, which he thought would be less than the joining fee, although he couldn't be sure of that. Capitalization to build the network is intended to be done without additional funds from the towns. However, obligations could come up where, for example, a town might wish to help fund a bond. Such a decision would have to be made by a vote of the town. The town can leave the co-op at any time until financing to build the network occurs.

Mr. Russell asked about how the middle mile fits into this plan. Kulp said the design of the middle mile layout is just being finished. It will bring service to the town hall, fire station, library, and the school. That means the town will have the option of purchasing [internet service] through selected service providers that the state has contracted with. Generally the cost for fiber optic is lower than other sources.

Mr. Field said he'd heard that with the middle mile network it would be possible to send out emergency information. Kulp said it could; it would work like e-mail. It is his understanding that state emergency services are closely tied with this system. There is already an agreement that all state emergency services will use this network.

In response to a concern about eminent domain, Kulp said the municipal lighting plant legislation does permit some limited eminent domain. This has raised some concern by opponents of wind power that somehow this could get taken over by the wind advocates. Kulp thought this would be unlikely. First of all eminent domain efforts would require approval of the town; and secondly, WiredWest is working with counsel that is experienced in municipal plant legislation and would modify the co-op bylaws to limit the scope of the municipal lighting regulations to prevent this from happening.

Mr. Russell said there will be an article on the Special Town Meeting to transfer funds from FY'11 monies for the seed money for this project.

Mr. Kulp suggested that as part of the process of becoming established, that either a board of directors be elected or the Select Board serve in that capacity initially. There also is a need for persons to serve as manager and representative of the town. Mr. Kulp said he would be willing to serve in both capacities.

- A motion was made by Ms. Leukhardt, seconded by Mr. Field, and voted that the Select Board will oversee the municipal lighting plant.
- A second motion was made by Mr. Field, seconded by Ms. Leukhardt, and voted, to name the new entity the Telecommunications Department.
- A motion was made by Mr. Field, seconded by Ms. Leukhardt, and unanimously voted to appoint David Kulp manager of the Telecommunications Department and delegate to Wired West for a term of two years, and to appoint Andy Smith as the alternate delegate to WiredWest .

The Board will sign the appropriate documentation reflecting the actions described above.

In conjunction with the changes made, Mr. Kulp recommended that the Telecommunications Committee be dissolved. The suggestion was made that the committee be renamed to the Telecommunication Department Advisory Committee. This seemed to be an acceptable idea.

- A motion was made by Ms. Leukhardt, seconded by Mr. Field, and unanimously voted to change the name of the Telecommunications Committee to Telecommunications Department Advisory Committee., effective July 1st.

Park Commission: Present – Pat Thayer

Beach concerns - Mr. Russell introduced Ms. Thayer by stating that the Board was aware of the decision to enforce the "Ashfield residents only" policy at the beach and asked how this was going to work. Ms. Thayer replied that this was a long standing policy that had not been enforced for several years. As the beach has become more popular it has become more crowded with many persons known not to live in Ashfield. She said the lifeguards have been feeling overwhelmed. Parents, too, are complaining about the congestion. The Park has a small budget and can only afford 1 lifeguard during the week and 2 on weekends. Since the park is supported by taxpayers, the feeling was that something should be done to assure access to Ashfield people.

The Park Commissioners decided to enforce the park regulations. Ms. Thayer was asked how they knew who were out-of-towners. She said, "We know who they are." She said alternative beach sites are suggested. There's the private beach just up the street. It doesn't have lifeguards, but it's free. She said there are other options – DAR, Buckland Rec. area, etc.

Ms. Thayer reported that recently someone drove on to the beach and proceeded to fish in the swimming area. When told this was not acceptable, the party moved over to the other side of the diving dock area. There used to be a chain across the access point. She thinks it will have to be replaced. The chain would need a lock so that emergency vehicles can pass through, if needed. Note was made that the person with the vehicle was not from Ashfield.

Park area - Doug Cranson said there is also a problem in the picnic area. A group of persons, thought to be from Holyoke, tend to occupy all of the picnic tables on weekends. Ms. Thayer said that checking for non-residents was not the primary function of the lifeguards. Before going on duty the lifeguards are being asked to patrol the area with a street list and ask persons they find not on the list to please leave. So far this has been successful. On Memorial Day, the beach became quite crowded and the lifeguard on duty announced that all non-Ashfield residents should leave. After that the crowd seemed to thin down. Ms. Thayer said she's hopeful that once word gets around this problem will diminish. That's why ads have appeared in all the local papers.

Use of passes/ permits was discussed as an option. Mr. Cranson said this had worked in the past. When a dump sticker was purchased, a beach pass was included. Ms. Thayer said they'd thought about that, but kids come on their bikes and stickers would probably get wet or lost. Mr. Russell suggested use of flags. Persons could sign out a flag at town hall for use by guests. For the time being a note provided by an Ashfield resident for guests could be sufficient.

Liability concern - The real concern of the Board was that of putting the lifeguards in charge of monitoring the park. Mr. Russell said enforcement of the park was much less important than the safety of swimmers. The portable radio that used to be available for lifeguards no longer exists. Chief Drone said he doesn't have one that could be used. He did agree that increased police presence could be arranged. People thought the presence of an officer stopping by from time to time would be reassuring to persons using the beach and helpful to the lifeguards. There is a phone in the bath house that can be used to call 911 if needed.

Putting the lifeguards in a position that might cause them to be distracted from their primary function is a liability for the Town. Mr. Russell stressed this point, saying it doesn't take very long for a person to drown. Distraction as a result of this added responsibility could be seen as negligence on the part of the Town. He suggested that the policy be reviewed to be certain that it clearly states the primary responsibility of the lifeguard.

Tennis court - Mr. Russell asked about resurfacing of the tennis courts. He was advised that the donation recently received was not enough to cover the cost of resurfacing. It was intended to be used for tennis related materials. Mr. Russell hoped it could be used to replace the center pins which were not reinstalled after the last work on the surface of the courts. Repairs, such as replacing broken bolts on the doors, are being done. Some of the swings are being replaced, as well.

Police Department: Present – Chief Droney

Prior to annual town meeting the Chief had presented some department policies that he wished the Board to review. He was present to receive comments from the Board regarding them. Since the Board was not prepared to discuss them, Ms. Fitz-Gibbon suggested they be on next weeks agenda, which she noted would be Monday the 13th.

Included in the proposed policies were a couple of By-law suggestions, one on which pertained to the issue of snow removal on the sidewalks. When sidewalks were first installed, a promise was supposedly made that people would not be required to keep them shoveled. Since that time a supreme judicial court decision regarding this that will force this issue once again. Doug Cranson said the Town has been fortunate that folks with snow blowers can help remove snow off the sidewalks. But, because of it (clearing the walks) salt is getting to trees again. Doug said some trees have been replanted three times.

The department is collecting materials for the tornado victims. Donations can be left at Elmer's and the Hardware store or at the station.

Town Hall: Crowd Control Present – Wayne G, Del Haskins

Mr. Gardner reported that a law went into effect June 1, 2011 that requires there be crowd control persons on duty for certain events. He had a large packet of material for the Board to review. He said on his third time going through the material he decided the regulations applied to any crowd - dance hall, night club, bar or any crowd of more than 100 persons. Mr. Russell said he would like to consult Town Counsel.

There was then a discussion of buildings in town that might be affected. Chief Haskins said every public building has a legal capacity for number of persons it can safely support. The Lake House, for example has a capacity limit of 98, which is less than 100. Gardner said he thought the new ruling could apply to Edge Hill if it had an event upstairs in the building.

Mr. Gardner said he has taken the course and is certified as a crowd control manager. He said he took the course so there would be someone certified, but if there was a crowd of more than 100 (250-350) a second and/or possibly a third person would be required. He suggested in situations such as bomb scares or fire, when people tend to be confused, having persons who could direct people actually made good sense.

Ms. Leukhardt asked if these regulations applied to tents. The answer seemed to be they did not. It was noted, however, that tents over a certain size require a building permit. The question was also raised about performances such as plays. Possibly, because people are seated, this would not apply. Comment was made about Fall Festival and the number of people who are in the building during that event.

**Council of Aging: Present- Local COA - Wayne Wickland,
Senior Center Director - Jamie Gordon**

Mr. Wickland began by stating that a meeting of the Council on Aging is scheduled for tomorrow after which more information may be known. Jamie, as he prefers to be called, said he was present with Wayne he assumed as the result of Colrain's decision to leave the consortium. He hoped he could provide some helpful information.

Jamie said the current consortium agreement says nothing about how the departure of one town affects the financial formula. It does mean that a new agreement needs to be prepared that could be more inclusive, permitting other towns to join. The consortium is working on a strategic plan which calls for a reassessment of the funding formula, among other things. Jamie said that it was clear even four years ago, when he first came on board, that the towns were strapped; now, with the economic downturn, they're doubly so. The consortium is conducting this process in such a way that's as transparent as possible and invites participation. It has taken a good hard look at what's happening.

One thing that's happened is that the steady increase in cost to the towns each year has been stopped. There are fluctuations from year to year depending on programs and participation, but on the whole the consortium is level funded. The goal is to create a long range plan that brings more of the services needed by seniors closer to where they live. He is concerned that Colrain didn't look at it that way. It's not necessary to pull out to change the numbers. Everything is on the table. He is hopeful that Colrain will continue to participate in the discussions and that possibly, by the end of the year it might decide to stay. Jamie said, "We don't need your money as much as we need your experience, inspiration, involvement, knowledge, skill. That's what we need, far more than money."

Russell thought Ashfield was looking for more programs in Town; Ashfield being conveniently located, a half hour from everywhere. Jamie said the consortium can't be staff driven; there aren't enough hours in a day for the staff to do it all themselves. Doing things locally saves on things like transportation. We're trying to breathe life back into the local Council on Aging, with program planning. That's why he says expertise and involvement is needed more than money. He said the Town should have a substantial conversation about how much money it should put into services for elders. It should not be married to this assessment formula that not everybody understands - that seems to go out of town and not bear fruit.

Mr. Wickland said there is a seminar to discuss the way to get the local group active. When Mr. Russell said he guessed Wickland would tell us about it next week, Mr. Wickland said he hoped he'd have some support. This was echoed by Jamie who said the Town's help was needed. It may be by appointing somebody from the FC, somebody with a fiscal background to help the board to figure this out. The towns only provide about 1/4th of the Senior Center budget. Town assessments pay staff and building expenses. Program costs are covered by other sources. Mr. Russell thought the biggest problem in Ashfield is finding a facility. The Grange hall would be nice except it's not handicap accessible. He thought it ironic that the very law that's supposed to help by making things accessible prevents the town from using an available building. To which Jamie responded, "Programs don't have to happen in one spot; they can even happen in people's living rooms." Ms. Leukhardt suggested that there might be space in the school. According to Mr. Field the difficulty with the school is the need for background checks.

School Committee: Present – Emily Robertson

Rowe vs Superintendent - Ms. Robertson stopped by to give the Board a heads up so it wouldn't be shocked by what appears in the newspapers next week. The attention at the moment is on the district's relationship with the Town of Rowe. The Superintendent decided not to renew the Principal's contract. Ms. Robertson thought it was partly financial and partly due to the principal not following the chain of command when it comes to hiring.

The people in Rowe protested the decision and have been seeking a way to get rid of the Superintendent. The Superintendent is in the first year of a four year contract. He could be bought out, but Rowe doesn't want to do that. He can only be fired for just cause. Rowe would need to find such a cause. Toward this option, the central office staff time is being monopolized by one person in particular from Rowe, creating problems within the central office.

Tuition of Rowe students - Adding to the situation, the tuition agreement between the district and Rowe is being questioned. There needs to be clarification of the intent when the tuition agreement was drawn-up, as it appears to have been implemented wrongly since the beginning. At this time the district

is considering asking the Towns (probably in August) to change the regional agreement. The impact on Ashfield would be a savings of \$20,000. The other piece of this is possibly changing the 3 district agreement, which pertains more to the sharing of central office staff. This would not have a direct impact on Ashfield. An open meeting will be held next Wednesday in Heath, at which time these issues will be discussed. Ms. Robertson suggested Board members attend.

Role of Superintendent - Comments reflecting various opinions were made about the current Superintendent, his management style, and seeming ability to act as Superintendent to the three Mohawk districts while also serving in the military and exhibiting an interest in also serving as Superintendent in Greenfield as well. A suggestion was made that perhaps the problem in Rowe could be resolved if he were to resign from that Superintendent position. In further comment, Mr. Russell thought that any savings gained by replacing the Rowe principal would likely have been lost, demonstrating poor leadership style. Ms. Robertson added that principals in other schools had additional responsibilities but, unlike the Rowe principal, were not given an added stipend for them.

Nilman Scholarship - Ms. Robertson related her experience when she submitted a letter to the Ethics board to see whether she had a conflict of interest in serving on the Nilman Scholarship Committee. She had participated in a vote that concerned use of the fund's principle. The vote was challenged because she had a nephew who was an applicant for a scholarship. The reply from the Ethics board was that she could not participate because the nephew was the son of her husband's brother. Several other persons had similar potential conflicts. When the issue was re-voted with all who had potential conflicts not participating, the result was the same. An interesting thing about this scholarship is that anyone who ever attended Mohawk could apply, thus someone who decides to pursue further education years after graduation could apply.

She went on to discuss the management of the Nilman funds. The original amount was \$600,000 to be managed by the School Committee. The School Committee passed the responsibility on to the Nilman Committee, which hired a financial advisor to do the investing. A few years ago it was discovered that some of the investments were in funds not approved by the state. The School Committee has reassumed responsibility and plans to review the process and seek new bids for financial advisor. The current principle balance is \$800,000, but would have grown to a larger amount if the principal had been allowed to grow without being tapped for funding of some scholarships.

Roof repairs - Ms. Robertson said she didn't have the information sought by the Board with regard to the roof repairs at Mohawk. There had been a problem with the Designer chosen necessitating selection of a different firm. Ms. Robertson thought she would have an update after the school committee meeting next week. Mr. Russell asked if the Town would have the information needed to go forward with the ballot question. Ms. Fitz-Gibbon said it would be sometime in August when information would become available from MSBA. No one was sure whether the debt exclusion article that was voted in May would expire and have to be re-voted.

OLD Business:

Fuel Bids - The Board chose to accept fixed price bids rather than mark-up bids. Motions were made by Mr. Field, seconded by Ms. Leukhardt, and voted to accept the following bids:

- Diesel - 8,100 gallons @\$3.84/ gal from Dennis K. Burke;
- Fuel oil - 2,835 gallons @ \$3.56/gal from Serner heating; and
- Gas - 4,275 gallons @ \$3.87/gal from Dennis K. Burke.

Emergency Services – Town-wide notification system - Mr. Field has contacted Blackboard , Reverse 911, and ContactOne. He has had a response from ContactOne. That firm can provide service that will address the three phone exchanges in Town and will work with cell phones and the internet. Cost: \$3,300/ yr and \$1,000 set-up fee.

FY'12 proposed appointments list – Town Clerk plans to send letters to persons currently holding appointed positions to see if they want to be reappointed. Some department heads, such as Fire Chief have asked if people can be appointed for more than one year. Pros and cons of doing this were discussed. The decision was made to table this discussion until next week.

End of year procedure - In order to pay expenses in the correct fiscal year, the next warrant period will include 2 payroll warrants: 1 for FY'11 and 1 for FY'12. The same will be true for operating expenses. Forms are available for FY'11 expenses that will be late in coming in so that funds from the FY'11 budget can be encumbered to pay them.

Special Town Meeting - Articles for STM

- 1) \$1,000 for the Wired West joining fee.
- 2) Sick leave buy-back to pay employees who have accrued sick time. Once these employees have been paid this account will be closed, as a change in policy eliminated the ability of employees to accrue sick time.
- 3) A sum of money to establish a Police cruiser fund.
- 4) \$3,500 for Assessors.
- 5) Fire department expenses for volunteer response to tornado damaged area. (\$396.00)
- 6) \$30,000 from Grant Program Income to the Town Hall accessibility and renovation project.
- 7) Select Board expense account

The Board discussed possible places where monies could be transferred from to cover the requests. Final decisions will be made prior to the Special Town Meeting on June 29th.

Other

A resident stopped Ms. Leukhardt to thank the Town for the flags and flowers for Veterans' Graves. Some walking maps have been given to the Town. Copies will be put in the library and town hall. The grader is back in service. The surplus one will be used as a reserve. The next Franklin County Selectmen's meeting will be held at Mohawk Park. Topics will include the state budget and regionalization of dispatch services.

The meeting adjourned at 10:55 PM.

Respectfully submitted,
Priscilla Phelps