

Town of Ashfield Select Board

Meeting Minutes

February 26, 2014

The Ashfield Select Board meeting was held on Wednesday, February 26, 2014 at the Ashfield Town Hall. Tom Carter called the meeting to order at 7:01 p.m. There were 5 audio recorders and 1 video recorder in use during the meeting. There were about 12 audience members in attendance. Previous Select Board meeting was held February 10, 2014 at the Ashfield Town Hall.

Select Board Members: Tom Carter- Chair, Ron Coler- Vice Chair, Paultette Leukhardt
Executive Administrator: Mary Fitz-Gibbon
Assistant Municipal Clerk, Scribe: Lynn Taylor

Minutes:

2-10-2014 Minutes: **MOTION:** Leukhardt makes a motion to accept the minutes of 2-10-2014 as amended, seconded by Carter. **VOTE:** Carter-aye, Coler-abstain, Leukhardt-aye 2-0-1 (Document 20)

2-03-2014 Minutes: **MOTION:** Leukhardt makes a motion to accept the minutes of 2-03-2014 as amended, seconded by Carter. **VOTE:** Carter-aye, Coler-abstain, Leukhardt-aye 2-0-1 (Document 21)

1-27-2014 Minutes: **MOTION:** Coler makes a motion to accept the minutes of 1-27-2014 as amended, seconded by Carter. **VOTE:** Carter-aye, Coler-aye, Leukhardt-aye 3-0-0 (Document 22)

1-13-2014 Minutes: **MOTION:** Coler makes a motion to accept the minutes of 1-13-2014 as amended, seconded by Leukhardt. **VOTE:** Carter-aye, Coler-aye, Leukhardt-aye 3-0-0 (Document 23)

1-15-2014 Minutes: **MOTION:** Coler makes a motion to accept the minutes of 1-15-2014, seconded by Leukhardt. **VOTE:** Carter- abstain, Coler-aye, Leukhardt-aye 2-0-1 (Document 24)

2-17-2014 Minutes: **MOTION:** Coler makes a motion to accept the minutes of 2-17-2014 as amended, seconded by Carter. **VOTE:** Carter-aye, Coler-aye, Leukhardt-abstain 2-0-1 (Document 25)

Appointments:

Mary Vilbon, Executive Director of Greater Shelburne Falls Business Association (GSFABA). Mary distributed to the Board an informational packet of the GSFABA (**Document 2**) she continues with giving an overview of what and how the GSFABA helps local Ashfield Business's as well as the nine other Communities it represents. The GSFBA supports the nine Towns within the Mohawk district as well as the Town of Conway. Mary Shapiro who is with the Franklin County CDC is also present explaining to the Board the affiliation between the GSFABA and the CDC.

Both Vilbon and Shapiro ask the Board to have on the Town of Ashfield website a link to both the GSFABA and FC CDC. **MOTION:** Coler makes a motion that the Franklin County CDC and GSFABA connect with Mary Fitz-Gibbon to pull something together for the two links on the Town of Ashfield website one for GSFABA and other For Franklin County CDC, Fitz-Gibbon will work with Charlie to add the new links, seconded by Leukhardt. **VOTE:** Carter-aye, Coler-Aye, Leukhardt-aye. 3-0-0

Christopher Gray, Barnes Rd; Hilltown Networks Proposal and Site Use Agreement (**Document 7**) review. Leukhardt starts the discussion expressing her concerns with Gray's project. Leukhardt has concerns architectural integrity, for profit; should we entertain other enterprises, the Church expressed that they would like to have Gray's project so he should look at that as an option. Coler understands the many different types of concern's yet expressing the real need for such a service. Carter feels that everyone brings up good points regarding the steeple, however the Board asked Gray to meet with The Historical Commission, Town Hall Building Committee, and the Information Technology Committee whom are all appointed Boards. They were on board with this project, there opinion "carries a lot of weight". The Board received letters (**Documents 3-6**) on this issue from Jody Hall, Anna Fessenden, and Susan Todd. There was a lengthy discussion as where to go with the project after the discussion it was agreed to post a public hearing for March 20, 2014 from 7:00P.M.-9:00P.M. to discuss the proposal put forward by Christopher Gray.

MOTION: Carter makes a motion to post for a Public Hearing on March 20, 2014 from 7:00P.M.-9:00 P.M., notifying Historical, IT, and Building Committees to attend for a discussion of Proposal and agreement with Hilltown Networks; Christopher Gray for Broadband access, seconded. **VOTE:** Carter-aye, Coler-aye, Leukhardt-aye 3-0-0

Old Business:

Special Town meeting motions and talking points: Board reviews the warrant and talking points. (**Document 8**)

Franklin County Fire services study: Coler gives the report from the FRCOG to Leukhardt to take home and review as he has already reviewed.

New Business:

The Select Board has received an Attorney General's Office Open Meeting Law violation complaint determination letter dated February 10, 2014. (**Document 9**)

The Select Board has received an Attorney General's Office Open Meeting law violation complaint determination letter dated February 18, 2014. (**Document 10**)

Leukhardt initiates a very lengthy discussion of an earlier amendment of the April 8, 2013 meeting minutes; Leukhardt argues that she has brought with her to this meeting three emails sent to the Select Board on April 5, 2013 by Kachina Yuryan, Ashfield House resident, in advance of the April 8, 2013 Select Board meeting. Leukhardt says that all three emails sent April 5, 2013 should have been included in the document list for April 8, 2013. Carter states that the only item on the agenda for April 8th was the letter summarizing Yuryan's concerns that the Chair had requested. He points out that the Board gets a lot of email that does not become part

of a document list. Coler agrees that the requested letter was all that was brought to the April 8, 2013 meeting and that the letter is on the document list and his memory is that the other items were not part of the meeting and do not belong on the document list. Coler says he will review the recording of that meeting. Leukhardt states, "You're right we did not discuss these e-mails" but feels they should be on the document list. Leukhardt continued to disagree stating she was glad the Atty.General cited us for the lack of specificity in our minutes. Leukhardt believes that back in June we were going to amend the March 8, 2013 minutes and feels that this was not done, Leukhardt is very concerned about minutes, and how many are outstanding. Leukhardt enters into a slight argument with Fitz-Gibbon regarding the minutes. Leukhardt continues by throwing copies of minutes at her fellow Board members Carter and Coler and at Fitz-Gibbon. Leukhardt then takes the discussion towards the issue of a number of outstanding or missing minutes for 2011 and 2012. Fitz-Gibbon advises she is looking into old minutes Leukhardt states "there is no need to dig for something that does not exist". Carter advises how disinterested he is in the 2011 and 2012 minutes, stating "the previous Board absolutely failed to maintain minutes". Carter states it is his concern that this board needs to move forward as there is an annual budget to prepare as well as significant other important business of the Town to attend to. Leukhardt agrees with Carter that the previous Board, of which she was a member, failed to sufficiently maintain minutes.

At Coler's request the Board agrees to postpone further discussion of the topic to allow time for members to review the recordings of the April 8, 2013 meeting. This item will be rescheduled.

Town of Plainfield Letter regarding Solarize Mass Program consortium **(Document 12)**: Fitz-Gibbon will contact Judith from the Town of Plainfield ask her for further information and report to the Select Board at the next meeting.

Sign Caucus Warrant for March 10, 2014. **(Document 13)**

Senior Housing Bylaw draft and March 8 public hearing **(Document 14)**

Liaison Reports:

Leukhardt submits to the Board 3 packets of MA General Laws Chapter 149 Sec 52 C **(Document 15)** Chapter 41 Sec 97 **(Document 16)** and Chapters 1 thru 182 **(Document 17)**. Leukhardt spoke with Town counsel she gives the Board an overview of her findings regarding personnel records and who is to be in control of such records and what can and cannot be in those records.

Leukhardt also stated that a Strong Chief does not have the authority to hire or fire personnel.

Leukhardt distributes a wage comparison chart **(Document 18)** she had put together the finance Comm. has already been e-mailed the document.

Leukhardt then starts a brief discussion of moving the Fire Department and the Police Department up to the Town Highway Garage.

Coler submits a letter from Laura Blakesley Treasurer regarding concerns from the audit done by Scanlon and Assoc. dated June 30, 2012 **(Document 19)**. Coler informs the Board that he had spoken with both Laura and the Accountant Joyce Muka on 1/28/2014 regarding the Audit.

MAIL: none

ITEMS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS IN ADVANCE OF THE MEETING:

Carter distributes a draft copy of the 2013 Annual Town report of the Select Board to all members of the Board. **(Document 20)** the Board reviews the Town report of the Select Board drafted by Carter. After a brief discussion and a few amendments, the Board approves the 2013 Annual Report of the Select Board. **MOTION:** Coler makes a motion to accept to accept and approve the Annual Report as submitted and amended, seconded by Carter. **VOTE:** Carter-aye, Coler-aye, Leukhardt-aye. **3-0-0**

Next Select Board meeting will be March 10, 2014

Coler makes a motion to adjourn, seconded by Leukhardt.

Adjourned at 11:45

Document List

1. Agenda for 2/26/2014 Select Board meeting
2. Informational packet of the GSFABA submitted by Mary Vilbon
- 3-6. Letters from Anna Fessenden, Jody Hall, Susan Todd
7. Proposal from Christopher Gray
8. Special Town meeting motions and talking points
9. AGO Open meeting Law violation complaint determination letter dated February 10, 2014
10. AGO Open Meeting law violation complaint determination letter dated February 18, 2014
11. Three emails and attachments, from Kachina Yuryan to the Select Board, dated April 5, 2013
12. Town of Plainfield Letter regarding Solarize Mass Program consortium
13. Caucus Warrant for March 10, 2014
14. Senior Housing Bylaw draft and March 8 public hearing
15. MA General Laws Chapter 149 Sec 52 C
16. Chapter 41 Sec 97
17. Chapters 1 thru 182
18. Wage comparison chart submitted by Leukhardt.
19. Letter from Laura Blakesley Regarding the Audit dated June 30, 2012
20. Draft copy of the 2013 Annual Town report of the Select Board
21. 2-10-2014 Minutes
22. 2-03-2014 Minutes
23. 1-13-2014 Minutes
24. 1-15-2014 Minutes
25. 1-15-2014 Minutes
26. 2-17-2014 Minutes

Addition to previously approved minutes Approved as presented on 10/22/2014; VOTE 3-0-0

Note: These minutes were discussed, amended, and approved at the Select Board meeting dated 10/22/2014 and filed in the folder of the actual date of the said minutes.

Addition to previously approved minutes Approved as Presented on June 2, 2014; VOTE: 3-0-0

Note: These minutes were discussed, amended, and approved at the Select Board meeting dated 6/2 /2014 and filed in the folder of the actual date of the said minutes.

APPROVED AS AMENDED ON 3-10-2014. VOTE: 2-0-0

Note: These minutes were discussed, amended, and approved at the Select Board meeting dated 3/10 /2014 and filed in the folder of the actual date of the said minutes.