

SELECT BOARD MINUTES
July 20, 2011

The meeting was called to order at 7:06PM.

Present: Select Board: Norm Russell, Doug Field, Paullette Leukhardt
Interim Administrator: Mary Fitz-Gibbon

Minutes: Minutes of July 6, 2011 will be reviewed next meeting.

Appointments:

Wired West: Present: Jim Drawe, Cummington Selectman and WiredWest steering board member.

Mr. Drawe was present to bring the Board up to date on the July 16th meeting, at which time a new legal entity, WiredWest was to be formed. He reported two major areas of concern are: 1) when going for bonding, bond council will review all steps taken to be sure things have been done properly, and 2) in the event someone wants to sue, WiredWest wants to be sure of its legal status. It wants to be sure that formation of this new entity is done correctly. Several weeks ago legal counsel for the group had been hired to guide them through the legal process. He said there are only 4 attorneys in the state qualified to work with municipal lighting plants

According to Mr. Drawe, there hasn't been a new municipal light plant built in 75 years. All of the qualified attorneys represent plants run by elected officials. The provisions of MGL Chapter 164 gives Select Boards the authority to run municipal lighting plants as town departments. This means that some actions taken by the Board at its previous meeting were unnecessary and certificates signed by the Board at that time are now null and void. Mr. Drawe had new ones for the Board which show what action the Board needs to take. He said it could all be done in one motion, which he hoped the Board would do this evening. He would like it done as soon as possible, so it could get to counsel. A meeting to ratify the Articles of Incorporation is scheduled for August 13th.

Mr. Russell said Ashfield has already been down this hurry-up-and-do-it road twice. He said Ashfield is the town that went to counsel over concerns about the way the agreement and bylaws were written. Counsel pointed out some issues. As a result language has been up-dated, which Mr. Russell said looks pretty good. Specifically, the language made it very clear that before financial obligations were made, towns had to have a chance to vote on them. However, he wants counsel to have a chance to review the revised documents once more. He assured Mr. Drawe that the Board would act at its August 3rd meeting.

As it turns out many of the actions taken at the last Select Board meeting may need to be rescinded or otherwise amended. The Town only needs to create a department, like a highway department. Either Mr. Drawe or David Kulp will be at the August 3rd meeting to answer any questions.

Farmers' Market: Present: Rick Intres

Mr. Intres was present on behalf of the Farmers' Market, with an offer to buy a picnic table for the Town Common. The participants would like to use it on market days (currently Saturday mornings) in the center of the market area. The rest of the time it can be placed elsewhere. He said the request had been proposed to a previous Board and the resulting battery of questions discouraged further actions. Mr. Field made a motion, seconded by Ms. Leukhardt, and voted, that the Framers' Market be permitted to put a picnic table on the Town Common.

Conservation Restriction Amendment: Present: William Sloan-Anderson from the Franklin land Trust, and Beth Martin, property owner

The purpose of this visit was to discuss an amendment to a Conservation Restriction granted in 2006 to Ed and Beth Martin for property on Beldingville Road. There is a track on a small triangular piece of the property which was not originally intended to be part of the restricted area, but somehow was. If this small parcel were to remain in the restricted area, the track would need to be removed. Ms. Martin is planning to sell the entire property, but does not wish to have the track taken up. Franklin land Trust, holder of the restriction, supports an amendment to remove the parcel from the conserved area, thus leaving the track in place. A motion was made by Ms. Leukhardt, seconded by Mr. Field, and voted, to accept the agreement with reference to book 5244, page 227, regarding a conservation restriction held by the Franklin Land Trust on property of Edgar and Beth Martin.

Green River Ambrosia: Present: Brendan Burns

Mr. Burns was present with a request for approval from the Select Board to sell Ambrosia at the Ashfield Farmers' Market. Ambrosia, a mead (wine made with honey) is being made locally. It will be sold in sealed bottles; not to be drunk on site. The Board requested a copy of the permit issued by the Town of Amherst to use in drafting a permit. Green River Ambrosia, LLC has a Farm-winery license granted by the ABCC. Mr. Burns said he has paper work from the MA Dept. of Agricultural Resoures, as well. A motion was made by Ms. Leukhardt, seconded by Mr. Field, and voted, to issue a permit to Green River Ambrosia, LLC to sell its wine at the Ashfield Farmers' Market on Saturdays, May through the end of October. A second motion made by Ms. Leukhardt, seconded by Mr. Field, and voted, to set the fee at \$25.00 for 2011, with the understanding that it's for only half a season.

Reorganizing Town Hall: Present: Ricki Carroll

Ms. Carroll offered to take over the process of getting the room downstairs cleaned out, file cabinets gone through, etc. and ready for occupation by the Police Department. She said she felt she had a feel for what would be needed and could be available next week to get things moving. She has a list of projects that need to be accomplished and names of who would accomplish them. She thought closing town hall for a day or two so that the whole staff could work on the sorting portion of the process would be best. Next Wednesday would be a good day to begin.

She then went on to say the air downstairs is not good for a person to work in. She suggested an air exchanger be installed and talked of how that could be done. One window would need to be changed to allow two hoses to pass through it. Mr. Russell explained changing windows would require a building permit. Unfortunately, he said, because the building is over a certain size and is considered a commercial building, to do much of anything (especially anything structural in nature) requires a building permit and that requires oversight services (including a signed plan) by a certified architect or engineer. He said this information has forced some rethinking of the reorganization plan. He also advised that before any changes were made Mary Quigley, who is in charge of the overall operation be consulted. He did agree that the air exchanger was a good idea and should be added at some point.

Later in the meeting Mr. Russell revealed that since the building is over 35,000 sq. ft. and is considered a commercial building structural changes would require a signed plan from either an architect or a structural engineer. A second bit of information is that if the project cost is \$100,000 over a three year period all sorts of other regulations come into play (additional ADA requirements, etc.). He said once aware of these requirements, they had sat down and reviewed the plan, finding that it was possible to do what was needed without making structural changes.

Mr. Field wanted what would be done with the two old computers downstairs. Ms. Leukhardt thought the information on them should be retrieved.

A question about protocol: Ms. Carroll asked who an employee being harassed by a town official should turn to first. Without knowing the situation, the Board suggested the employee begin with the Personnel Board.

Police Business: Present: Chief Droney

Policies The chief brought back for reconsideration policies that the Board had questions or concerns about at the last meeting to discuss department policies. The following were reviewed and discussed:

GO 1.2.5 Arrest authority with/without a warrant

GO 1.2.8 Searches: strip and body search – revised to require actual physical strip and body searches be done at Franklin County Jail.

GO 1.3.5 Rendering aid after use of weapons – Officers have first responder training

GO 1.3.6 Use of force – Reporting system – Any use of force must be reported

GO 1.3.7 Use of force – Review – Chief will review with officer involved

GO 1.3.8 Use of force – Removal from line of duty pending review

GO 1.3.12 Use of force directives – Officers provided instruction prior to being permitted to carry a firearm

GO 1.3.13 Use of force – Annual analysis of use of force incidents

A motion was made by Mr. Field, seconded by Ms. Leukhardt, and voted to accept the General Orders as presented.

Appointments Chief Droney confirmed the reappointments of Diane Wilder and Jarod Konopko as reserve officers. He wished to designate Ms. Wilder as a senior officer. He requested that Charles Wilder, who is a reserve officer in Conway and Buckland, be appointed as a third officer and that the Board authorize him to appoint a fourth officer. He is considering an individual who he will present to the Board if, upon further investigation, is a suitable candidate. Mr. Russell commented, that the Town is self-insured which is a consideration when hiring part-time people, due to the way unemployment insurance works. A motion was made by Mr. Field, seconded by Ms. Leukhardt, and unanimously voted, to approve the appointment of Charles Wilder as a reserve officer. In addition to the above named officers, Chief Droney has two auxiliary officers, Betty Lesure and retired Ashfield Police chief, Walt Zalenski.

There has been some question about the handling of required retirement funds when Ms. Wilder works more than 19 hours in a week. This is related to her full-time position as a Shelburne Control Dispatcher where retirement funds must be taken. As a part-time employee, a portion of her wage goes into an OPRA account, which the Town does not contribute to. The Franklin County Retirement Board follows these matters closely and called right a way requesting a letter indicating that she was authorized to work more than 20 hours. It was felt some clarification of this request was needed. After some discussion, the Chief agreed to be more watchful to see that total hours submitted for Ms. Wilder fit within the guidelines.

Personnel Board: Ms. Leukhardt reported that Kitt Nysten resigned from the board. A motion was made by Mr. Field, seconded by Mr. Russell, and voted, to accept the resignation with regret. Mr. Russell added "with appreciation."

NEW BUSINESS

Treatment Plant: After consulting with FRCOG regarding procurement procedures, and requesting bids for the contract to replace the roof on the Treatment Plant office building, the Sewer Commissioners recommended contracting with Doug's Carpentry and Roofing for the project. The contract amount is \$ 19,000. A motion was made by Mr. Field, seconded by Ms. Leukhardt, and voted to accept the bid of Doug's Carpentry.

Highway Department:

A motion was made by Mr. Field, seconded by Ms. Leukhardt, and voted, to approve the use of \$283,157.80 in Chapter 90 money, as outlined below:

Black top: Creamery Rd - \$14,000, Bullit Rd - \$ 37,989, Apple Valley - \$8,844
Rubber/chip seal: Hawley Rd - \$86,620.80, Bear Swamp Rd -\$17,924, Watson Rd -
\$31,130.40, Bronson Rd - \$5,924, Buckland Rd - \$27,277.60, Scott Rd - \$8,844,
Baptist Corner Rd - \$ 20,321.60, Pfersick Rd - \$7,590.80, and second portion of Pfersick Rd -
\$21,364.

FRCOG: In June the Board voted to utilize FRCOG procurement services. Apparently, the agreement form was either never signed, or, if signed, never reached Andrea, the FRCOG procurement official. To be on the safe side, a motion was made by Ms. Leukhardt, seconded

by Mr. Field, and voted, to sign an agreement for procurement services for FY'12 highway products and services and to authorize FROCG to act on behalf of Ashfield.

MMA: The Board reviewed the invoice for annual dues (\$454) and approved for payment.

Liaison Reports

Council on Aging: Mr. Field reported that four select board members (one from each of the four member towns) met. A result of that meeting is that each of the select board members will meet with their respective Council on Aging to discuss possible changes. On August the select board members and the heads of each local COA will meet again to discuss the results of these meetings. Once this has happened, there will be a meeting with Jamie.

He said he has a copy of the original agreement. According to it the three staff persons at the Shelburne Center are paid by the Council, but the Town of Shelburne handles the payroll paperwork.

Highway: The grader has arrived. It has a wing, which will be removed as it will mostly be used for road grading.

Dump: Ms. Leukhardt reported on the recycle area where people can leave things that can be reused. She thinks this is a good thing to do. Mr. Russell had some dump stories which he related.

Mail: Letter from Ken Kippen regarding the biomass plant. In part it states that the Spruce Corner Residents polled thus far are strongly opposed to the Roberts biomass plant and plan to attend the August 3rd meeting to discuss same.

Mr. Field said the letter recently received indicated that Lenny had just received the grant. Actually, the grant was received three years ago. Mr. Field didn't know what permits had been issued from the Planning Board or ZBA. It's not a biomass plant; it's a gasification plant. Board members find it difficult to believe that a \$400,000 grant could be received without having gone through the full permitting process. Mr. Field said he would look into the matter. He did know that if WMECO was unwilling to put in 3phase service from the Ashfield substation to the Plainfield, the project was dead.

FROCG: There is a General Council Meeting on July 21st. Ms. Fitz-Gibbon cannot attend.

Public Forum: Ricki Carroll - Interested to know if the check for microphones has been cashed. If so, where is the microphone? This prompted a discussion about use of credit cards. Mr. Field will check with Wayne Gardner.

A motion was made, seconded, and voted to adjourn at 9:20 PM.

Respectfully submitted,