

Town of Ashfield Select Board

Meeting Minutes

July 15, 2013

The Ashfield Select Board meeting was held on Monday July 15, 2013 at the Ashfield Town Hall. The meeting was called to order by Tom Carter- Chair at 7:03 P.M. There were 5 audio recorders and one video recorder in use during the meeting there were approximately 14 audience members in attendance.

Select Board Members: Tom Carter- Chair, Ron Coler-Vice Chair, Paultette Leukhardt

Executive Administrator: Mary Fitz-Gibbon

Scribe: Assistant Municipal Clerk, Lynn Taylor

Review and sign Vendor and Payroll Warrants:

Vendor Warrant W14-02 dated July 15, 2013(document 1)

Vendor warrant W13-28 dated June 30, 2013(document 2)

Payroll Warrant WP14-02 dated July 15, 2013(document 3)

Payroll Warrant WP13-28 dated June 30, 2013(document 4)

Appointments:

Emily Robertson from the School Committee is looking for feedback from the Board to take back to the School Committee as to how the Board might like to proceed with new assessments. Emily distributes information on the new assessments.(document 5) Emily discussed with the Board the legislative vote, which happened last Friday regarding Chapter 70 moneys for FY14. The Towns have two choices on how to deal with the new assessments 1. Continue with the FY 14 budgets as voted at the Town Meetings. 2. Bring the new assessment numbers to Town Meeting a 2/3 Vote would be required as well all other Towns must also give a yes vote, including those Towns whose assessments have increased. With the new State formulas, Ashfield could receive a refund of around \$16,000. The Board would like to move forward and try to receive the refund on the FY 14 Budget. Emily also distributes data pertaining to future capital projects for the district. (document 6)

Consider Net-Metering Host Community Energy Purchase Contract (document 7) John Murphy from NEXAMP is present at the meeting to discuss the contract. A brief discussion takes place with the Board and NEXAMP Rep. John Murphy regarding the final contract that was finalized between NEXAMP Attorneys and Town of Ashfields Attorney at Kopelman & Paige.

MOTION: Coler makes the motion for the Board to sign the twenty-year contract known as Energy and Net Metering Credit Purchase and Sale Agreement between Nexamp Hadley Solar, LLC and the Town of Ashfield, seconded by Leukhardt. **VOTE:** Carter-aye, Coler-aye, Leukhardt-aye. Passes 3-0-0 Contract signed

Consider HCOG Energy Purchase Contract (**document 8**) Anne-Renee LaRouche from HCOG is present at the meeting to discuss the contract to be signed with HCOG. A brief discussion regarding the contract takes place the Board looks over a list of meters already being supplied by the HCOG and determines that a few others should be added to the list.

MOTION: Leukhardt makes the motion to sign the five-year contract known as The Notice of Intent to Purchase Electricity Supply as participant in the Hampshire Solar Program, seconded by Coler. **VOTE:** Carter-aye, Coler-aye, Leukhardt-aye. Passes 3-0-0 Contract signed

Doug Field EMD Mutual Aid Agreement: (**document 9**) Doug Field is presents the Board with the Franklin County Regional Shelter Plan Addendum to the Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement By and Between the Town of Ashfield, MA and all other local Governments that have Signed this Addendum. Field has a discussion with the Board pertaining to this contract stating this contract has been signed in the past and in the past has been approved by Town Counsel. Coler questions the insurance portion of the contract Mary Fitz-Gibbon is asked to make sure the Town has the appropriate insurance.

MOTION: Coler makes the motion to authorize the Select Board Chair Tom Carter upon checking into the appropriate insurance issue sign the contract known as Addendum to the Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement, seconded by Carter. **VOTE:** Carter-aye, Coler-aye, Leukhardt-aye. Passes 3-0-0

OLD BUSINESS:

Consider FCRHRA and RDI letter requesting Town of Ashfield's Ashfield House, LLC Lien/Loan subordination (**document 10**) and Finance Committee's recommendation: Robin Sherman, David Singer, and Joanie Bernstein are in the audience if questions need to be answered. Ted Murray and Ricki Carroll from the Finance Committee are also in the audience to explain the Fin.Comm. recommendation (**document 11**) which reads rather than either obstruct the proposed modifications for the Ashfield House being proposed by Ashfield House, LLC or simply agreeing to subordinate our lien per the request of June 28, 2013, The Finance committee recommends the Select Board seek to negotiate a 5-year payout of cash settlement of \$30,000.00 in return for surrendering Ashfield's lien. Robin Sherman thanks the Finance Committee for their work and offer but after having a meeting with the RDI Board, we would only be able to come up with upfront cash in the amount of \$5,000.00. Leukhardt said she would like to see something like this be put in front of the Town at a Town Meeting for the citizens to make the decision, subordinate the loan for now we can forgive the loan at any time. Coler understands from a business standpoint why RDI is looking to do this, however the Town will be taking a secured loan and

having it now be less secure down the line. Carter personally feels that this matter is not worth the paper it is written on because we are so far down the line of lien holders. He also personally feels that the Town has gotten something out of the Ashfield house through the years it has come a long way over the years for housing for many people. Bill Perlman former Select Board Member who served during the time Ashfield was asked to subordinate at that time the Board had a choice to forgive the lien or subordinate the lien at that time the decision was made to subordinate the loan, which was not good for anybody. Perlman recommends the Board forgive the loan and have nothing further to do with the Ashfield House. Ted Murray speaks for himself not as a Fin. Comm. member that any compensation would be better than nothing. Ricki Carroll also speaks as a citizen she would like to see the Board take this issue to a Town meeting.

MOTION: Carter makes the motion that the Select Board agrees to move forward to subordinate the loan so that Ashfield House, LLC can move forward and have an article on the Annual Town Meeting warrant in May of 2014 to make a decision about releasing the lien, seconded by Coler. **VOTE:** Carter-aye, Coler-no, Leukhardt-aye. Passes 2-1-0

Cultural Council Appointments: Roberta Evans and David Fessenden need to be appointed.

MOTION: Leukhardt makes the motion to appoint Roberta Evans and David Fessenden to the Cultural council for a three-year term, seconded by Coler. **VOTE:** Carter-aye, Coler-aye, Leukhardt-aye. Passes 3-0-0

Select Board member Poullette Leukhardt's response to Select Board ethics issue raised by Select Board member Ron Coler at the July 1, 2013 Select Board meeting: Leukhardt accuses Coler of character assassination on five different occasions. She states that his memorandum contained a veil threat to her. She has no connection to the Ashfield House or its residents so there for have nothing to disclose. She stated she would continue to fight for the residents or any other citizen. Leukhardt told Carter that he needed to make a decision tonight to do one of two things seeing Coler set this at his feet. 1. Make a motion to send on to the ethics commission or 2. Make a motion to rescind the memorandum written by Coler and shred it. Carter feels it's not his decision to make he tells both members if you feel you need to go to these different agencies like the AG or the Ethics Comm. please do it then it's off the Select Board table and we as a Board can get our work done. Carter states that all this bickering back and forth is very tiring for him as well as the rest of the taxpayers. Coler distributes copies of his memorandum dated June 30, 2013 to the audience members and the press. Coler said he does not like to make irrational decisions there for he will think about where to go from this point regarding the ethics issue.

NEW BUSINESS:

FY 14 Pay rates: Town Hall custodian and APD Corporal. At budget time there was discussion that the Town Hall custodian was way underpaid only making \$12.00 per Hour. After meeting with the building committee it was decided to increase the rate by \$4.25 per hour making the new hourly rate \$16.25.

MOTION: Coler makes a motion to increase the Town Hall Custodian pay from \$12.00 to \$16.25 per hour for FY 14, seconded by Leukhardt. **VOTE:** Carter-aye, Coler-aye, Leukhardt-aye. Passes 3-0-0

Just for clarification, the Board discusses the Corporal position and the pay raise. The board agrees that at budget time it was decided that rather than a stipend the Corporal would be given a raise of \$1.20 per hour above the regular officers pay rate.

Open Meeting Law Complaint from Suzanne Corbett dated July 9, 2013: (document 12)Carter advised Executive Administrator to gather appropriate information and forward everything to Town Counsel for her to handle, same way the last Open Meeting Law Complaint was handled upon vote of the Board. Leukhardt would like to save money and amend the minutes.

MOTION: Coler makes the motion for the Executive Administrator to gather the information and forward to Town Counsel to handle the same as the previous OML Complaint of July 9, 2013, seconded by Carter. **VOTE:** Carter-aye, Coler-aye, Leukhardt-no. Passes 2-1-0

Accept resignation letter from R.Dave DeHerdt: Carter reads DeHerdt's resignation letter into the record.(document 13)

MOTION: Carter makes the motion to accept with regret the resignation of Dave DeHerdt from the Personnel Board, seconded by Coler. **VOTE:** Carter-aye, Coler-aye, Leukhardt-aye. Passes 3-0-0

Carter asked Fitz-Gibbon to draft a thank you letter to Dave DeHerdt for his hard work on the Personnel Board.

Three Pole Hearings on Ludwig Rd. are scheduled for July 31, 2013 at 7:00 PM Select Board meeting will follow.

Liaison Reports:

Highway:

Carter will bring in the Highway job descriptions for Fitz-Gibbon to scan and e-mail to the Personnel Board. The Highway has hired two summer helpers for the season. Tom and Alan have been to look at different graders they should be getting the specs together so it may go out to bid.

Police:

Leukhardt said the speed trailer has been ordered and should be in Town around July 16 the price came in just under \$9,000.00. The Board discussed meeting with the Chief in August.

Coler met with the Nolans regarding a maintenance easement around the lake dam. Phil would like to see the easement mowed twice a year rather than just once, and the remaining large trees were already part of formally negotiated agreement, he does not want to see those trees come down they are his only shade. Phil has already given an easement to the Fire Department for the dry hydrant. Coler will be

drafting a maintenance easement with the Nolan's and when finished have it forwarded to Town Counsel for review.

Coler expresses concerns regarding Alan Rice's open space plan Coler will be forward his thoughts with track changes in case this comes before the Board when he is away. Coler also questions Carter regarding the repairs to Smith Road. Carter said with all the rain we have had the road has washed out even more. The Highway still intends to repair Smith Road it is on the list of things to do, hopefully soon the Highway Department can get back to a full crew as they are still working shorthanded.

There was a discussion regarding reimbursement from FEMA for hurricane Irene. Now that the funds have come in are we or should we pay the loan off Fitz-gibbon will look into whether we may pay the loan off early.

MAIL:

Hazard Mitigation Plan from Doug Field EMD Fitz-Gibbon will forward to the Board members.

PUBLIC COMMENT:

- *Beverly Chow spoke to the Board and to the audience expressing her concerns regarding the charges of wrongdoing between Board members saying there is no moral justification for using Town time to do this, we should not be imposing our opinions on others. The Board should be moving Town Business along.*
- *Ricki Carroll speaks saying that she has not been to SB meetings in a while yet the issues seem to still be the same. She recommends the Board to have a meeting for the Ashfield House residents that have concerns, just allowing them to be heard by the Board might make them feel better and maybe the problems would get better. You the Board do not have to make any decisions just let them be heard these people just want someone to listen to them, she feels.*
- *Wayne Wickland states that he feels it is the job of the Select Board to listen to its citizens.*

Ricki Carroll wanted to make the Board aware of an open pipe in front of the Nash house on Main St. Ricki has put a rock on top of it and spoken with Doug Cranson.

MOTION: *Leukhardt makes the motion to adjourn, Seconded by Coler. VOTE: Carter-aye, Coler-aye, Leukhardt-aye.*

Adjourned at 10:21 PM

Document List:

1. *Vendor Warrant W14-02 dated July 15, 2013*
2. *Vendor warrant W13-28 dated June 30, 2013*
3. *Payroll Warrant WP14-02 dated July 15, 2013*
4. *Payroll Warrant WP13-28 dated June 30, 2013*

5. *Handout from Emily Robertson pertaining to the new assessments*
6. *Handout from Emily Robertson pertaining to future capital projects within the District.*
7. *Net Metering Host Community Energy Purchase Contract*
8. *HCOG energy Purchase Contract*
9. *Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement By and Between the Town of Ashfield, MA and all other local Governments that have signed this Addendum.*
10. *FCRHRA and RDI letter requesting Town of Ashfield's Ashfield House, LLC Lien/Loan subordination*
11. *Finance Committee's recommendation regarding Lien Subordination*
12. *Open Meeting Law Complaint filed with the Select Board dated July 9, 2013*
13. *Resignation letter from R.Dave DeHerdt*
14. *Amended Minutes of July 15, 2013*
15. *Addendum drafted by Paullette Leukhardt.*

Note: These minutes were discussed, amended, and approved at the Select Board meeting dated 9/23/2013 and filed in the folder of the actual date of the said minutes.