

Town of Ashfield Select Board  
Meeting Minutes  
September 12, 2013

The Ashfield Select Board meeting was held on Thursday, September 12, 2013 at the Ashfield Town Hall. Tom Carter-Chair called the meeting to order at 7:02 p.m. There were five audio recorders and one video recorder in use during the meeting; there were approximately 6 to 8 guests in attendance. This was the first Select Board meeting since July 31, 2013.

Select Board Members: Tom Carter-Chair, Paulette Leukhardt  
Vice Chair, Ron Coler was absent.

Executive Administrator: Mary Fitz-Gibbon

Scribe: Susan Clark

Minutes of 9/5/2012: Carter hasn't had a chance to look at them yet. Leukhardt would like them emailed out earlier. Tom Poissant is applying for a MassWorks Infrastructure Grant and he needs to include a copy of the 9/5/2012 minutes, but they haven't yet been approved. Carter would like these to be put on the agenda for the next Select Board meeting.

Appointments:

Diane Wilder of the Ashfield Police Department appeared and submitted a letter from Chief Droney. The PD would like the town to consider the space being excavated in the basement of Town Hall to be considered for expansion of the police department. The PD feels that they need more space for the holding of juveniles, the conducting of interviews, etc. The PD would like their space to be a conference room, an interview room and an office. The PD feels that they definitely need more storage space. Carter has seen the basement excavation but Leukhardt has not seen it yet. The head room varies from 7 to 8 feet in the basement. Brian Clark was asked to describe the space. Carter stated that the purpose of the excavation is insulating and providing access for wiring, fiber optics, etc. Carter is not opposed to the use of the basement, but that will require a lot of planning and engineering and he stated that it could possibly cost \$400,000 to \$500,000 to do properly. Leukhardt asked if expansion of the Town Hall could be above ground at the back of the building. Brian Clark pointed out that there are issues with exits, etc. which require a real foundation. Clark stated that Stuart Harris has thought about putting in a real foundation, but it's too involved to tackle this year and the drainage is a large issue. Carter suggested that the Select Board take about 5 minutes to go down to the basement during the meeting. The Board and audience members went to the basement at 7:20 to view the newly excavated space and returned at 7:32 p.m. Carter suggested that the town needs to look at any grant

opportunity available for the work. Wilder stated that some area towns use modular units for their police departments. Wilder stated that Chief Droney is planning on coming to next Monday's Select Board meeting.

Carter expressed thanks to Brian Clark and Stuart Harris for the work that they have done so far in the basement. Leukhardt asked how the dirt has been removed. Clark responded that the dirt has been removed with a Bobcat and a significant amount of hand work. Clark reported that Stuart Harris has requested that there be lights in the basement. Carter asked whether any invoices have yet been submitted. Clark stated that Harris & Gray are responsible for the invoicing.

Tom Poissant of the Highway Department appeared with several items to discuss. 1. Fuel Bid: Poissant submitted a diesel fuel bid for the Select Board to accept. This bid was not done through FRCOG but was done independently by the Highway Department. Only one bid was received (Sandri) but was within 1/10 of a cent of FRCOG's bids. The estimate is for 8,000 to 10,000 gallons. This bid does not lock the town into a specific number of gallons like the FRCOG bids. The Highway Department tank can hold 2,000 gallons.

**Motion:** Carter made a motion to accept the Sandri bid for diesel fuel, seconded by Leukhardt. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

2. Highway Department Issues: (a.)Chapter 90 reimbursement request requiring Select Board signature. This is for roadwork that has been completed primarily on Baptist Corner Road and Bear Swamp Road. The State approved \$288,000 and only \$250,000 was actually expended. The additional funds that were granted but not yet expended can be used on other projects. Carter asked if the last reimbursement request has been received. Poissant stated that the money has not yet been received, but can take 2 to 3 months. For FY 2014 the Chapter 90 allocation will be \$297,718.00. The original allocation started out \$74,000 less but the state allocated more money statewide. Poissant stated that occasionally towns spend more than their allocations, but the state allows towns to go over by a certain amount. Some resurfacing work will be done in October 2013. Carter asked if any of Chapter 90 funds go to cover payroll. Poissant stated that none of the allocation goes toward payroll.

**Motion:** Carter moved to approve signing of the Chapter 90 reimbursement request for \$250,264.05, seconded by Leukhardt. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

(b.)Luke Pantermehl: Poissant stated that Luke has completed his 3 month introductory period and has done well. He is currently paid at a slightly lower rate, because of the introductory period and because he hasn't yet completed his hoisting license. He does have his Class B license. Poissant wants to recommend that Luke Pantermehl be approved as a regular employee.

(c.) Sand & Salt Bids: The Highway Dept. has received bids through FRCOG for sand and salt. The sand bid is \$11.50 per ton from Mitchell and the salt bid is \$57.79 per ton from

International Salt Company. Poissant recommends that these bids be accepted. Carter asked about last year's costs. Last year salt was around \$70 and sand was around \$10.70.

**Motion:** Carter made a motion to accept the FRCOG bids for sand and salt for FY 2014, seconded by Leukhardt. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

(d.) Reapplying for MassWorks grant for Rte. 116: Poissant applied for this grant last year, but didn't get it and is reapplying. This is for Rte. 116 from 112 by Sanderson Academy to the Plainfield town line. Full depth reclamation, resurfacing, line painting and replacement of all signs is included in the reapplication request for \$997,000. Leukhardt asked if this work would be contracted out, and Poissant confirmed this. There was discussion of the fact that this section of 116 is NOT a state road.

(e.) Operator to plow snow this winter: The highway department has been working for almost a year without one employee who has been out of work. Carter expressed concerns about the need for resolving this situation. Poissant recommends that the position be filled before winter because last winter was hectic. Leukhardt asked if there were any legal issues with filling the position and whether town counsel should be consulted. Carter stated that it is time to advertise the position, but also agreed to talk to town counsel about it. Carter stated that this issue may need to be dealt with in the future in executive session and will ask town counsel about this.

**Motion:** Carter makes a motion to have the Highway Department advertise for another truck driver/operator/laborer, seconded by Leukhardt. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

(e.) Transfer Station: There has been a notice of non-compliance and we are still technically in non-compliance because a letter of compliance has not yet been received. Poissant has met at the Transfer Station with Larry Hanson of the DEP, and Poissant thought that Hanson was pleased with what has been done. Poissant needs to get some wording for signage from Hanson. The longer term issue is the remediation work that the DEP wants. DEP is concerned about some alleged illegal excavation/dumping but Poissant told Hanson that there hasn't been illegal excavation/dumping. Poissant would like to address some of the issues using operational costs, because money was not asked for at the last town meeting for this. Testing of neighbors' well and monitoring wells could possibly be paid for through operating costs. There is some scrap metal, tires, etc. in an area that needs to be removed safely from the "toe of the slope". DEP also wants some trees cleared, but Poissant thinks the DEP may be flexible about some of these things. Poissant stated that the town needs to look into whether any additional residential wells have been installed downstream (north & west) within 1000 feet of the transfer station. Poissant stated that an engineer may need to be hired, based on a letter from DEP, dated February 27<sup>th</sup>, and some of the work needs to be completed by January 1. Poissant feels that if operational funds can be used for some of the remediation, DEP might let some other issues go. Carter suggested that Eric Weiss

might be a resource and Poissant is meeting with Weiss next week. Poissant would like to hire a consultant from the start to handle the whole thing, and it is possible that Weiss could be the consultant. Carter stated that if we have to hire a consultant, the town should issue some requests for proposals. Leukhardt stated that money for this was not included in the Highway Dept. operational budget, so in the future the town might have to have a special town meeting to appropriate funds. Carter stated that the Transfer Station is 10.3 % through its budget for the year. Poissant agreed to talk to Eric Weiss and to get requests for proposals.

Doug Cranson and Lester Garvin appeared, representing the Ashfield Community Hall. They are requesting a one-day liquor license for Community Hall. The Community Hall has been selected to receive monies from the Film Fest. The Film Fest would like to have a celebration after the Film Fest at the Community Hall, 6 p.m.- 11 p.m. Only beer and wine will be served.

**Motion:** Leukhardt made a motion to approve a one-day liquor license for the Ashfield Community Hall for 9/21/2013 from 6 p.m. to 11 p.m., seconded by Carter. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

Mary Fitz-Gibbon will give the license application to the town clerk. Mary asked that they come in to pay for the license and pick it up with the town clerk.

Sewer Commission appointment: Daniel Lovett of 1651 Baptist Corner Road has attended a Sewer Commission meeting and is interested in the position. Mary Fitz-Gibbon thinks that he has some engineering background. There was a write-in campaign on the ballot in May and the town had to wait to receive a written decline of the position before appointing someone to fill the vacancy. There was some discussion of the expiration date of this appointment and this will need to be clarified.

**Motion:** Carter makes a motion to appoint Daniel Lovett of 1651 Baptist Corner Road to the Sewer Commission, term to expire in 2014, seconded by Leukhardt. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

Agricultural Commission appointment: Daniel Greene of 137 Beldingville Road

**Motion:** Leukhardt makes a motion to appoint Daniel Greene of 137 Beldingville Road to the Agricultural Commission, term to expire in 2016, seconded by Carter. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

New Business:

- a. Town Hall Use Application for Ashfield Film Fest: Ashfield Film Fest has applied to use the Town Hall, Friday 9/20, Sat. 9/21, and Sunday 9/22 (9a.m. to noon).

Police, fire and the town hall steward have all signed off on the application. This is a paid event.

**Motion:** Leukhardt makes a motion to approve the application for use of the Town Hall by the Ashfield Film Fest from 9/20 to 9/22/2013, seconded by Carter. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

- b. Town Hall Use Application for Ashfield Fall Festival: Application for use of the Ashfield Town Hall for the Fall Festival from 10/10/2013 through 10/13/2013, 8 a.m. to 6 p.m. This event charges no admission. Police, fire and town hall steward have signed off. There is a signature missing under the statement of acceptance. This will need to be put back on Monday's agenda because of the missing signature. Carter asked if there was an insurance issue with this. Mary Fitz-Gibbon spoke with Mick of MAIA. The town has increased the insurance requirements for events. Non-profit groups have difficulty getting insurance at a reasonable cost. The town's insurance can potentially put an event on a town rider. Mick told Mary if the non-profit group is associated with the town, the event can be put on the town's rider. The Community Hall Film Fest event is part of the Film Fest, but there is not a town connection for the Fall Festival. The Film Fest is part of the activity of the Cultural Council which is appointed by the Select Board. Mary Fitz-Gibbon has spoken to Sandy Lilly, Fall Festival chair, about the insurance issue. Carter asked Mary F-G to get back in touch with the insurance company to find out if the Fall Festival may be covered by town insurance if the Select Board appoints a Fall Festival Town Hall Building Committee. Carter suggests that such a committee be comprised of the Fall Festival chair, the Town Hall Building Committee chair and the Select Board chair. This should be put on Monday's meeting agenda.
- c. Town Hall Use Application by Ashfield Community Hall: Application for use of the Town Hall for a polka band and dance at the Town Hall on 10/27/2013 co-sponsored by the town. Snacks and drinks will be served on the first floor and the dance will be upstairs on the second floor. A meal will be served at the Community Hall.

**Motion:** Carter makes a motion to approve the use application for the Ashfield Community Hall polka dance on 10/27/2013, seconded by Leukhardt. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

- d. FRCOG Accounting Services Contract for 2014: the 2013 contract never got signed because there was much back and forth. Leukhardt stated that she thinks the town should have someone look at the contract, such as Kopelmann and Paige because Donna Macnicol, town counsel, is the counsel for FRCOG. Mary Fitz-Gibbon didn't have time to check whether the requested changes for 2013 have been incorporated into the 2014 contract. Carter stated that he didn't see a need to keep going back and forth and to pay for a Kopelmann and Paige consultation. K & P now charge \$175 per hour. Carter would like to read the contract, and talk to Bob Dean next Thursday about it. Leukhardt expressed her concern that there is a need for a K & P review of the contract.

Carter asked that the Select Board table the issue and bring it back to the Select Board in two weeks.

e. Select Board letter to Legislators. re. school district assessments: Mary Fitz-Gibbon provided a draft of a letter to legislators. The draft was reviewed and the Board members felt that stronger wording was needed, including adding “351 cities and towns” to the last paragraph and adding something about the actions of the legislators working against the regional school agreement. Leukhardt also suggests that something be added about the timing being bad for the towns. Carter suggested that a statement be added suggesting that the towns be notified prior to April 15<sup>th</sup>. The Board asked that the letter be sent to state senator, representative and the governor, Stanley Rosenberg, with copies to the Superintendent of the Mohawk Regional School district, chair of the school committee, Ashfield’s school committee representatives, the other seven towns’ Select Boards in the school district and the Ashfield Finance Committee. Carter suggested that the letter be polished and brought back for final approval by the Select Board on 9/23/2013.

f. Green Communities Database Authorization letter: the Green Communities Committee needs to load energy use information onto a database and the letter being considered will be needed to authorize Lynn Taylor to have access to the database to input information to continually record energy usage.

**Motion:** Leukhardt makes a motion to send a letter to Jim Barry, Green Communities regional coordinator, authorizing Lynn Taylor to have access to the database, seconded by Carter. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

g. Letter from MA Broadband Institute with a letter to sign if Select Board chooses: this letter is for the purpose of encouraging legislators and committees that are holding up funding for broadband for the rural communities to free up the money for the “last mile”. There was discussion about the need to get the letter out tomorrow because the hearing is on 9/18/2013. Leukhardt recommended sending copies of letters to Kulik, Downing, Rosenberg, Governor Patrick

**Motion:** Leukhardt makes a motion that the Ashfield Select Board sign and send the letter tomorrow to encourage release of money for funding the broadband “last mile” to the legislators, seconded by Carter. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

MAIA letter re. mutual aid coverage: Select Board already voted to sign the letter and now the letter just needs to be signed

Liaison Reports:

Fire Department: The rescue truck got 1<sup>st</sup> place at the Franklin County Fair. The Board received a picture of the truck and Leukhardt agreed to get a picture of the truck into the Ashfield News. Del Haskins hasn’t heard about last year’s grant application. Three

trucks need to be inspected. The highway dept. needs to fix a tail pipe for the fire truck. Carter thinks that they should get the tail pipe fixed elsewhere because the highway dept. is short-handed. Carter will talk to Tom Poissant about this. Some electrical work has been done at the fire station. They have a firefighter who has passed 1<sup>st</sup> and 2<sup>nd</sup> class and Del will be attending his graduation in Palmer.

Police Department: Police will be on the agenda for Monday night.

Training:

Advanced Open Meeting Law workshop: Leukhardt and Carter both plan to attend on 9/19/2013

Workshop on What's New in Municipal Law: 9/27/2013 in Holyoke. Mary Fitz-Gibbon would like to attend.

Upcoming Legislative breakfast: Mary Fitz-Gibbon is planning to attend

5<sup>th</sup> Annual MA Regionalization and Innovation Conference: Monday, September 16, 2013, 9 a.m. to 2:30 p.m. . Mary Fitz-Gibbon wants to go but may not be able to drive that far with her broken arm. This is sponsored by MA Assoc. of Regional Planning Agencies and the MA Division of Local Services. Carter agreed to make a few phone calls and will try to draft someone to go, possibly Ted Murray. Mary Fitz-Gibbon would go if someone else drives. Carter suggested that if Mary Fitz-Gibbon goes to the training that Monday's meeting be changed to Wednesday with just the pole hearings on the agenda. Mary Fitz-Gibbon stated that the Chapter 61 items need to be dealt with on Monday as well, so she would prefer to keep the Monday meeting intact.

Agenda: Leukhardt suggested that a copy of the agenda be included with meeting minutes in the document list in the future.

School Committee meeting on 8/28/2013: Leukhardt stated that on 8/28/2013, Mary Fitz-Gibbon told Carter that she had a document that she needed him to sign. Leukhardt thinks that the document should be brought back to a Select Board meeting. The paper to sign was something that had already been approved by the Select Board that just needed a signature of the Chair

Animal Control Officer grey notebook: Carter reported that there have never been standard operating procedures for the animal control officer in Ashfield. Warren Kirkpatrick has put together procedures and would like the Select Board to look at it. Warren applied for a grant to pay tuition to attend training for animal control officers and incorporated much of the information into the notebook.

Public Comment: None

Motion: Carter makes a motion to adjourn the meeting at 9:43 p.m., seconded by Leukhardt. **VOTE:** Carter-aye, Leukhardt-aye. Passes 2-0-0

Meeting adjourned at 9:43 p.m.

Respectfully submitted by Susan Clark

Document List:

1. Letter from Police Chief Droney re. possible use of excavated basement space of Town Hall.
2. Diesel Fuel bid from Sandri
3. Chapter 90 reimbursement request requiring Select Board signature
4. Sand & Salt Bids
5. Application for One Day Liquor License for Community Hall, 9/21/2013
6. Town Hall Use Application from Ashfield Film Fest, 9/20-9/22/2013
7. Town Hall Use Application from Fall Festival, 10/10-10/13/2013
8. Town Hall Use Application for Community Hall, 10/27/2013
9. FRCOG Accounting Services Contract, 2014
10. Draft of letter from Select Board to legislators re. school district assessments
11. Green Communities Database Access Authorization letter
12. Letter from MA Broadband Institute with letter for Select Board to send to legislators
13. Letter re. Mutual Aid Coverage
14. Notebook of Animal Control Officer Standard Operating Procedures
15. Agenda of 9/12/2013 Select Board meeting
16. Amended minutes of September 12, 2013

**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.**