

August 11, 2010

SELECT BOARD MINUTES, August 11, 2010

Present: Dave DeHerdt, Doug Field, Norm Russell

The meeting was called to order at 7:05 PM

Minutes: Motions were made, seconded, and voted to accept minutes of executive session on July 28, 2010, Executive session on August 3, 2010, and Open meeting on July 14, 2010.

Appointments:

Council on Aging: Present: Janice Howes

As a representative of the local Council on Aging, Janice Howes reported that a task force had been working to find a group of people willing to work at the local level to build community awareness. She said she had talked to a lot of people and would like to introduce several potential appointees to the council: Marcia Klein, Toni Virgilio, and Wayne Wickland and Barbara Kuhns who was not present.

Acting on her request a motion was made, seconded, and voted to appoint Marcia Klein, Wayne Wickland, and Barbara Kuhns to the Council on Aging. In a second motion, seconded, and voted Toni Virgilio was appointed as alternative to the Council.

Howes said there is another group of persons who do now wish to serve as board members, but wish to be involved. DeHerdt commented having an interested and active support group makes the work easier.

DeHerdt reminded the newly appointed persons that they now needed to be sworn in by the Town Clerk, who would also give them a copy of the newly revised Open Meeting Laws. He also presented them with a copy of the letter from the Colrain Selectmen regarding the changing of Council on Ages By-laws.

Pole hearing Present: Mary Quigley, Andrew Hufnagel (Verizon)

Mr. Hufnagel explained that Verizon wished to install a service pole at 332 Bullitt Road . He said the pole would eventually carry phone and electrical wires from Conway Road .Wires from the pole to the house will be underground. This will be a joint set pole; that is, Verizon will set the pole and has custodial care of it; WMECO will also use the pole and provide emergency repairs, if necessary. The location of the proposed pole has been staked. The Highway Superintendent has seen the location and is satisfied with its location. Direct abutters to the pole site have been notified with postcards provided by Verizon.

A motion was made, seconded, and voted to approve the request by Verizon to install a utility pole on Bullitt Road.

Liaison Reports

Police Department DeHerdt reported there are still problems with the department computers. More memory was added to the system, which seems to have helped. However, there are some operating system files missing. The vender has been contacted and will provide a disc so they can be re-installed. A password is still needed to access one of the computers. A question was asked about the possibility of there being missing data. It is thought there is no data missing. The problems being experienced are related to the operating system, not the data files.

The Explorer (SUV) is currently at the Highway Garage. The problem seems to be that it needs a new catalytic converter. The good news is it's under warrantee.

The Chief is still working on getting town property returned from persons no longer on the department.

Fire Department When the department recently lost internet service, it was discovered that a new rotor was needed. The internet connection is in the back office. When there is a problem, the back-up system doesn't function. Back-up of the files is key. It seems important to separate the fire station, which is also the emergency services facility, from the town hall. Chief Haskins will look into the cost and process to do this.

Highway Department Paving projects are expected to begin on August 16th.
New Highway Truck – At annual town meeting the expenditure of \$145,000 was authorized for a new truck. (2010 7000 series) Poissant is considering making the purchase through the Greater Boston Police Council Contract, which can procure vehicles through a no bid contract. Police and Fire vehicles have been purchased through this group; the town has just recently learned that highway vehicles can be purchased this way, as well. G&S of Hatfield, the local distributor, will prepare the truck. When it's delivered to Ashfield it will be ready to go. A motion was made, seconded, and voted to authorize Tom Poissant to proceed with his plan to procure a truck through the Greater Boston Police Council Contract.

Emergency Management Field has learned that Bill Perlman's name still appears as a member of the Emergency Management Advisory Committee. He will check on getting the list updated.

Dam safety inspection - Notice has been received that the dam at Ashfield Lake is due for inspection. It is classified as a high hazard potential dam, as there are houses immediately below it on the south River. The inspection must be done before September 24, 2010 to avoid fines of as much as \$500/day of violation. This needs immediate attention. Field stated that last time Tighe & Bond did the inspection. He also noted that DCR had rejected Tighe & Bond's first application, so perhaps it would be wise to use someone else. Some suggestions were made from the floor.

Town Office A big thank you to the persons who volunteered to assist the Select Board in keeping town hall open while most of the staff was on vacation last week. Paulette Leukhardt and Ricki Carroll were among them.

Open positions The available job positions have been posted on the town's website. Applications are (hopefully) coming in. Applications for Town Clerk and Executive Administrator are due by August 17th.

Revolving Retirement Account When an employee retires he/she is entitled to buy back unused vacation and sick time at the current rate. The town maintains an account with funds for this purpose. Currently it contains around \$25,000. The Board has learned that most towns do not hold money this way; most appropriate funds as needed. The feasibility of changing the way the town handles such funds is something that should be considered.

In 2004 accumulating of sick time was eliminated for all but a few employees who were grandfathered. The policy at the time was 8 days of paid sick per year. Vacation time was not grandfathered; the current policy is use it or lose it.

Planning Board (PB) Present: Michael Fitzgerald
Mike had several issues to discuss with the Board:.

1) Regarding the new posting regulations; it falls to him as chairperson of the PB to see that postings of meetings are made. He has found that this is problematic, since the bulletin box is locked. DeHerdt explained that it had become necessary to lock the box so that postings were not removed by unauthorized persons. Fitzgerald should speak to Nancy Dunne about the location of the key.

2) Revolving fund - Fitzgerald said he was of the opinion that due to the nature of PB activities, which the need to hire consultants and on occasion seek legal advice, a revolving fund such as one which the Animal Control Officer has would work well. It would be used to hold fees assessed and could be drawn upon for expenses. He thought some of the cases could cost as much as \$2,000 – 3,000 in fees. The Board suggested he talk to the Town Accountant, Lisa Braccio, to see how this could be done. Fitzgerald said 5 years ago he was told it was impossible for the PB to have a revolving account. DeHerdt says, "Let's find out."

3) Permission to consult counsel – It is a matter of public record that a complaint has been received from someone wishing to appeal the PB decision regarding the anemometer tower on Leue property off Cape Street. This particular tower is temporary and intended to collect data that would likely be important in determining feasible sites for wind turbines. Fitzgerald wishes to discuss this with Counsel.

4) Wind tower siting committee - This led to a brief discussion of who will have jurisdiction over wind tower sitings. Everyone is waiting to learn what the language of the pending legislation will be. Of interest is the proposed composition of local boards

who will be involved in this issue. When the Legislature is back in session this will be revisited and some decision made.

Nina Coler suggested that the town develop its own by-law. The question with no answer at this point, is whether the state can supercede a local by-law. Russell suggested the town needs a group of people to study this issue. Care needs to be taken in selecting members of such a committee who are not advocates, rather objective persons would be give fair evaluation to all information available. Fitzgerald said he felt it might be necessary to map the town to establish zoning for wind devices which, he thought, could become expensive.

Outsourcing Payroll There has been some talk about hiring a payroll service. DeHerdt said he thought it would reduce liability to the town. Russell said it could reduce the number of persons that need to be bonded, as well. If this action were taken it wouldn't be necessary to pay the FRCOG for use of payroll software, which it does now. Russell has been checking into this to see how other towns handle this. Deerfield does. Conway doesn't.

Police Chief Search Field reported that there have been 344 hits on the town's website. He's pleased that it's working. Last time he checked four applications had been submitted. Next week everyone on the committee will begin reviewing applications.

Website Committee There have been two training sessions on how to post meetings and agenda. The members of the web committee are to be commended for working long and hard to get the site up and running. We will need to make a decision about how to handle this in the future.

OLD BUSINESS

Job openings Notice of employment opportunities for the positions of Town Clerk and Executive Assistant (Town Administrator) have been posted in the *Gazette* and *Recorder* Ted Murray and Anne Yuryan will review applications along with Norm Russell, beginning on August 17th with the goal of conducting a final interview by the Board at the August 25th open SB meeting.

Street Light Committee The inventory of street light locations has been located and provided to the committee.

Email service The town pays Hilltown Hosting to manage its emails. We need to find out what the cost is. Google is free. Russell will find out from Google how long emails stay on line before being archived.

Council on Aging In a letter to the Board, Colrain raises some questions about changes in the Senior Center by-laws that change oversight by town committees. The changes are intended to allow the Senior Center staff more time to develop programs, such as outreach. To do this some responsibilities are being returned to the council members.

Belding Memorial Park Present: Nina Coler

Back in June the Board met with a representative from the AG's office regarding progress in the park. DeHerdt produced a proposed agreement which the Board has recently received from Kerry Kosla of the AG's office. It contains a requirement that the Town establish a Maintenance Fund. He said the proposed agreement would tie the town into legal obligations that the town doesn't need to have. The previous agreement that the town had was simply to set aside funds and restore the portions of the park that the town had been using for town business.

Nina Coler, chairperson of the Park Commission was quite vocal in taking DeHerdt to task for bring this matter up at this meeting. She felt it should have waited until the Park Commissioners had been informed. DeHerdt listed the places and ways that notice had been posted of the plan to hold this discussion at this meeting.

DeHerdt pointed out that the letter was to the SB, not the Park Commission. He later corrected himself, noting that there is a place for Coler, as Chairman of the Park Commission, to sign. The agreement proposed to remove the town from the process of deciding how much money it wanted to budget for the park. He said he was getting tired of people coming into town and trying to tell it what it was going to do. He did note that Coler was listed as someone who was to receive a copy. Coler said she had not received it.

DeHerdt said earlier the Park Commission had come before the board in a very adversal position threatening to go to the AG. Now the AG was involved. The parties involved are now the Town of Ashfield and the State. The Park Commission has no say right now, except through the budgeting process.

In the discussion that ensued it was learned that there had been a complaint to the AG when it appeared that the town might be planning to use park monies for other things. Coler said the complaint had not come from the Commission, but she admitted she had some such concerns. At one point when park restoration money was to be discussed, a decision to table the matter, angered the commissioners who wanted to air the matter. She felt many people had no knowledge of the history behind the establishment of the fund, and such information should be known. DeHerdt said he understood, he himself had learned a great deal at the meeting with the AG's representative.

What was discussed at that meeting seemed to DeHerdt to be more about improving the park, rather than restoring the park to a condition prior to the town's using the space for a number of years. He felt the discussion should have been limited to the terms of the first agreement – removal and restoration. He did not recall any mention of restoring the hay barn, which is assumed to be the white barn next to the road. DeHerdt and Coler agreed that the intent really was to improve the park, but not restore it to original condition. At that meeting, it appeared to be understood that the intent was really a compromise between restoring and improving. Improving would be based upon an understanding of what the use of that portion of the park would be.

The Board advised Coler that the town needed to know from the Park Commission what it really costs to maintain the park. Without that information, the town will likely continue to underfund the park budget. DeHerdts himself did not feel the SB could participate in an agreement that committed the town to take actions it did not support.

Coler said there had been a fear that the town would yank any money not needed to meet the terms of the first agreement and use that money for other things. DeHerdts said, no that the money could be reallocated to other park things, such as a revolving maintenance fund.

The thought was entertained that if the party that complained were to notify the AG that it was satisfied, the AG might step out.

This matter will be brought up on the August 25th Board meeting when the whole Park Commission and other interested persons can be present.

Coler said she had a dream that someday there would be a Park and Recreation Commission that could do more than just maintain the parkland.

New Business

Budget Review The SB had copies of current standings of accounts which it will review to see how decisions about funding match actual use. There will probably need to be a Special Town Meeting to move monies around at the end of the first quarter.

Vocational students It appears that 13 students from Ashfield will be attending Vocational schools this school year. In order to respond to Hawley's suggestion about sharing a van, the number going to Smith Voc needs to be known.

Acts & Resolves of 2010 Special legislation has ratified, validated, and confirmed that the ballots used in an election which did not conform to regulations (names not being in alphabetical order) were deemed valid.

Requests from Town Office A letter drafted by the Auditors verifying that its report was accepted without changes needs to be signed. It will be reviewed and signed at the next open SB meeting. The Accountant, Lisa Braccio needs the results of the STM held in June. They have just been received.

Dog Officer Warren Kirkpartick would like permission to that the delinquent dog owners to court. The SB would like to see the list and would like the owners on that list to be notified by mail of pending actions before granting permission.

Use of Town Hall equipment The town is not in the habit of loaning out town hall equipment. Recently some chairs were allowed out in error.

WWTP A request that an article be placed on the next STM warrant authorizing the Sewer Commission to take \$30,000 from the Enterprise Fund to replace the roof at the treatment plant.

RT 116 Notification has been received that there are plans to go forward with repairing the retaining wall along the South River in S. Ashfield.

Cycle club A thank you note from the Northampton Cycling club has been received.

Letter A resident of Hawley wrote asking that the opinions of other than advocates be considered with regard to wind turbines.

Requests for public records A request has been made for SB minutes of July meetings. Perlman has requested a copy of the police chief activity log. The police chief is not required by law to make available an activity log.

A motion was made, seconded and voted in a roll call vote to adjourn the open session and enter into executive session to discuss on-going litigation.

Meeting adjourned at 10:02 PM

Respectfully submitted,

Priscilla Phelps