

## **SELECT BOARD MINUTES - October 27, 2010**

**Present: Dave DeHerdt, Doug Field, Norm Russell**

Meeting called to order at 7:08pm

Minutes of October 20, 2010 accepted as written.

**Elections** Russell reported that Nancy Dunn and Nancy Intres recently attended a meeting of Town Clerks. At that meeting they learned that in addition to swearing in election workers, the workers (those who count ballots, etc) should be appointed. This was not previously known has not been done. There isn't time to act on this before the election next week, but oversight will be corrected in future annual appointments.

**Public Records** DeHerdt reported that some requests for copies of public records remain outstanding as the Board is still reviewing the large number of "lost emails" that have been recovered. As the Town Clerk is the official custodian of records, he suggested a letter should come from her explaining the delay. The Board hopes to complete the review and sorting process by its November 17<sup>th</sup> meeting.

**Employment Application Form** Suzanne Corbett has been working on a revised employment application form that will be compliant with changes in the new CORI regulations. Information about previous convictions can no longer be requested on the application form. DeHerdt said he wanted to take a look at the application, as proposed, to see if anything "jumps out at him" before forwarding it to Town Counsel for review. Later in the meeting there was further discussion about some of the items on the form.

**Library Matters – Present: Marcine Eisenberg**

Eisenberg reported that the library would not be in compliance (financially) for the next fiscal year. She attributed this to the confusion that occurred at annual town meeting over the revolving fund maintained by the library. At town meeting no one knew what the balance in that account was. She said one result of actions at town meeting is that there is no money in the revolving fund. That should be easy to remember.

A report of library financing is due to be filed with the state. She said it would show a \$3,000 shortfall. There is the possibility of obtaining a waiver, but she wasn't confident that it would be granted. It would depend upon what resources the state had available. The state looks at how the town appropriated funds for all of its accounts to see that all budgets were affected (reduced) equitably. The library FY'11 budget was reduced by \$3,000, which represents a 10% reduction. DeHerdt said this is about the amount all departments were reduced. Eisenberg said this would be viewed as a good thing. She also said 20% of the library budget is spent on books and educational materials.

Eisenberg said that when the library Trustees submit a budget this time around, she doesn't want to simply submit a sheet of paper, she wants a dialogue so that everyone understands library funding and that at the very least the library must be level funded. De Herdt said there is a need to understand what the state will require – what % should be paid by the town. Russell wanted to know what formula the state used. Eisenberg didn't know, but would try to find out. Eisenberg reported that the state would be interested to know whether the town considered an override. Asked if there were other ways the library could be funded that would count toward an appropriation from the town, Eisenberg responded that

she didn't know. DeHerdt, brainstormed that if every taxpayer donated a dollar or perhaps five dollars ( Faye Whitney will check with DOR to see if is legal) this would help to make up the shortfall. But, would this count as an appropriation from the town? The needs of the library have been on the back burner for a long time; it's time to bring it forward.

Friends of the Library have agreed to fund an intern position on Saturdays so that Ann Judson can be freed to work on bar coding all of the materials in the library. (It takes 2 minutes to bar code one book.) The intern needs to be someone with some experience working in a library.

**Telecommunication activities – Present: David Kulp**

Kulp reported that a wireless broadcast company, GAW, has approached his committee with a request to present information about providing service to the town, provided the town (committee) is willing to do some leg work (data collecting). He had filed a request for use of town hall because he wasn't sure if one would be needed. It appeared that this is really a town committee meeting that might be of interest to the public, so a use of town hall permit would not be needed. A date of November 10<sup>th</sup> was announced as the likely time for this meeting.

Russell wanted to know if this company was in competition with WiredWest. Kulp said ,no, as GAW is completely wireless, whereas Wired West is fiber optic. GAW would rely upon existing high spots such as barn roofs to locate its devices. Kulp said if given a choice people would probably prefer the fiber optic route as it's faster.

**WiredWest - Present: David Kulp**

The article prepared for inclusion of the warrant for a special town meeting has been submitted to counsel for review. Kulp reminded everyone that the proposal to participate in the Municipal Lighting legislation must be passed by a 2/3ds vote at two different town meetings. Comment was made that DSL service for new customers is no longer available. According to Kulp, Verizon says its central office is full , leaving no room for additions. As for the warrant article that will appear before the town, Kulp said he is prepared to explain what voting to accept the provisions of the Municipal Lighting plant legislation is all about. He thought that Verizon was very quiet about the activities of WiredWest. Russell asked if the legislation allowed takings by eminent domain. Kulp didn't know, but thought that would not be necessary as existing structures (utility poles) would be utilized.

Website – Kulp expressed concern that chairpersons of committees are not posting meetings and information on the new web site. He reiterated that the chairpersons are responsible for getting notice of meetings posted 48 hours in advance. He is further concerned that things such as by-laws are not getting posted. He was reminded that the web site is only a couple of months old; new habits take time to become established.

He has spoken to the Town Clerk, who assured him that she knows it is her responsibility to have meeting information posted 48 hours before meetings take place. However, it remains the chairperson's responsibility to be sure that the posting has happened, as required. DeHerdt pointed out that persons have been overwhelming the Town Clerk, by cc'ing her with messages that don't need to come to her. This increases the time needed for her to get the notices posted. The intent of the Open Meeting Law is to be sure the public is informed. When posted , notices are conspicuously marked with the date of posting.

**Police Chief Search Committee - Present: Nina Coler**

DeHerdt said he put the committee on the agenda because he was hearing concerns about what the committee could do or could not do, mostly prior to and after interviews, when deciding the final cut. He suggested town counsel be contacted. Coler said she had contacted counsel and had sent her the questions intended to be used in the interviews. Counsel said she would get back to Coler by Friday. Coler said the committee planned to ask each candidate the same questions, like the script of a play. Counsel advised that, if needed because the candidate didn't provide the information asked for, a follow-up question could be asked. DeHerdt suggested the committee invite Counsel to a meeting to help with this part of the process. He thought it made sense for them to hold this session with counsel, to make sure everyone understands what the legal restrictions are. As DeHerdt put it, "We don't want unintended blunders that expose the town to potential lawsuits."

Coler said letters have just been sent out requesting more information from the candidates. She anticipates interviews will be held in early December.

Suzanne Corbett said, as a taxpayer she disagrees with the advice received from Counsel. DeHerdt said there is a unique defense called "Advice of Counsel" when counsel has provided erroneous advice. The source of advice could be critical.

**IT Services** – Note was made that there continue to be strange quirks in the computer networking. A recent problem occurred when a computer set up for Fitz-Gibbon to use seemed to have lost the programs installed, as noted in Russell's town office report. How this happened is a mystery.

DeHerdt said there are lots of people coming in checking on the system. Each person seems to use someone he/she trusts as various problems crop up. The office staff seems to be comfortable with Paul Swem; John Cotton uses someone he trusts. DeHerdt thinks it's time to get some proposals from two or three IT people who will look at the whole system, assess what needs to be done and provide a cost estimate.

**Nondisclosure Agreement** - WiredWest has requested that the Board contact WMECO regarding signing an agreement that would permit WMECO to disclose the locations of utility poles. The Administrator will make a call to obtain the necessary paperwork to do this.

**Hold-over Appointments** – DeHerdt reported that he has recently learned from the Town Clerk that there is a legal provision which provides that when a position, elected or appointed, is not filled, the previous holder "shall" remain in that position until a replacement is appointed. The intent of this provision is to insure that public business can continue without interruption.

#### **LIAISON REPORTS**

There were no reports from: Fire, Police, or Highway Departments.

**Emergency Management**- Field reported that the town is qualified and has received NINS certification, which means that 75% of its officials are trained in emergency procedures.

**Town Office** – Russell reported that the staff met on Monday to rearrange schedules so that the offices can be open to the public more days. He expects a new schedule will become effective by December 1<sup>st</sup>.

**Council on Aging** - The Board has been invited to meet with the Select Boards of the towns that are part of the senior center consortium to discuss what's going on at the center. The meeting will be on November 16<sup>th</sup>.

**FRCOG** – Executive Director, Linda Dunlevy plans to meet with the Board on November 10<sup>th</sup> at 7:pm to discuss what the FRCOG is and what it does.

**MAIL**

Request for Public Information – The *Independent* has requested copies of all of the items sent by Bill Perlman since his resignation from the Board.

David King has requested copies of the missing e-mails.

A letter from Rona Leventhal regarding a contained fire during a story telling on the town common Halloween eve.

School Committee member, Emily Robertson requests to be on the SB agenda . Of her proposed dates the Board selected December 1<sup>st</sup>.

A member of the select boards is needed to represent all of the selectmen at the collective bargaining table. Meetings begin December 10<sup>th</sup>.

**PUBLIC FORUM**

Ricki Carroll asked to read her response to the emails from former Selectman Bill Perlman to the Board. As she noted he had chosen to publicly victimize her. (See Attached Exhibit "1")

A motion was made, seconded, and voted to adjourn the meeting at 9:25 pm.

Respectfully submitted,

Priscilla Phelps

10/27/2010

To the Ashfield Board of Selectmen,

Since I was publicly chosen by Mr. Perlman as his victim of choice I would like to take a moment to respond to his letters.

My first question is: Are there any other known letters of this ilk that have been written by Mr. Perlman to any public official? Since they would be public record I would like to obtain copies of them all.

I was at the select board meeting the night Fall Festival was being discussed. It seemed very civil, all about how the event went for the town. People were thanked by Dave for their participation and there was no mention of any names or insinuations of people who did any wrongdoing. The only thing I heard was a report from Norm talking about the food vendors concerns about the board of health coming. This was new and they thought they might not be able to sell their goods. He hoped to speak with Glen Ayers, the health inspector and ask him next year to give a little more advanced notice to the group, it was all very matter of fact and.

As for my permit for my roof, I actually hired a contractor who said he had taken care of it. Therefore I was quite surprised when I got a letter from the building inspector asking me to get a permit for the job. I went right away to the contractor who told me that he had not been able to get into town hall on the days when he was in town because it was closed and he immediately got the permit after that.

As for a tent, who knew? I have lived here for 36 years and I have never seen a posting anywhere of what has to be permitted and what does not. I was not aware of having to get a permit for a tent. I guess now I am, I'll see to that if I ever need another one here. I would recommend that the town post a listing for all to see in the Ashfield News explaining what is required by all.

Now does this make me "trouble for the town?" Well let's see what I have done in my 36 years here:

Raised a Family

Been a Grange Member and helped with Turkey Dinners every month.

Ran a Food Co-op for 150 families in the church basement.

Run a quiet mail order business and support local businesses in town.

Through my business I upgraded the Ashfield Post Office, which gave people jobs.

Exhibit 1 to SR minutes of 10/27/10

I bring to town between 600-1000 people a year, who then shop at the Hardware Store, Farmer's Market, Neighbors, Scotts, Eat Meals at Elmer's, Sleep at local B&B's including Nan's, the Bullfrog Inn, and others.

Raised enough money in town for the Ashfield Community Hall to hook up to the sewer system, and put in a new kitchen. I restored the entry hall of the building to make it beautiful so it can be open to the Community. This building currently holds dance classes, music programs, has had a Full House Program about the Garment Industry, has been able to become a part of the Fall Festival and the Boy Scouts and Cub Scouts have a safe place to meet.

I have volunteered at the Town Hall, helping with mailings, the phone and other small office tasks.

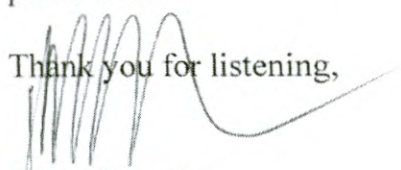
I have put our beautiful town of Ashfield on the map in many ways, including articles in the New York Times, Opera Magazine, Good House Keeping, Food & Wine, Mother Earth News, Organic Gardening, along with hundreds of articles in every other major publication around the country. I have mentioned Ashfield on an appearance on The Today Show and most currently I am a chapter in Barbara Kingsolver's Animal Vegetable Miracle which also mentions the town, the Hardware Store and Paul & Amy's great Trust tomatoes.

I can not count the number of people who pass my house with a smile and tell me how beautiful it is to see all the flowers in bloom.

I have been attending select board meetings regularly for the past year or so and I do not see Mr. Perlman here to participate. I often wonder why someone who does not participate wants to be contentious. To make fun of others and to sit back and make slanderous comments from home and not come in and share the work of our wonderful town. I have watched as select board members work hard to keep everything open to the community people who have been on boards come in to pitch in. I have also watched as Mr. Perlman, makes fun of, ridicules, slanders, uses others and gathers a following of people who think that this behavior is good for our town.

At this point I have said enough but I do NOT want to sit back and condone this behavior by ignoring it any longer, it is truly inappropriate and I for one would like to ask Mr. Perlman to join the wonderful people of this town in working together instead of trying to so quickly condemn. Mr. Perlman not only does a disservice to himself with this type of attitude but a disservice to all of us who work so hard to keep this town a wonder-filled place to live.

Thank you for listening,



Ricki Carroll  
292 Main Street