

SELECT BOARD MINUTES November 18, 2009

Present: Ted Murray, Tom Ulrich and Dave DeHerdt

Approximately 50 residents were present

Meeting called to order 7:05 p.m.

Minutes

Motion was made, and seconded, to accept the minutes of October 5, 2009. Vote was unanimous (Tom and Dave). Motion was made, and seconded, to accept the minutes of September 29, 2009 with amendments. Vote was unanimous (Tom and Dave).

Motion was made, and seconded, to accept the open session minutes of November 4, 2009 with amendments. Vote was unanimous (Ted and Dave). Motion was made, and seconded, to accept the executive session minutes of November 4, 2009 with amendments. Vote was unanimous (Ted and Dave).

Motion was made, and seconded, to accept the open session minutes of November 12, 2009. Vote was unanimous (Ted, Tom and Dave). Motion was made, and seconded, to accept the executive session minutes of November 12, 2009. Vote was unanimous (Ted, Tom and Dave).

Conservation Restriction

Also present was Alain Peteroy from the Franklin Land Trust. Ms. Peteroy presented a conservation restriction for 10 acres owned by Peter Corens on North Bear River Road. After further discussion, a motion was made, and seconded, to approve the proposed conservation restriction for the Franklin Land Trust on the 10 acres owned by Peter Corens on North Bear River Road. Vote was unanimous. (Ted, Tom and Dave)

Police Chief

John Svoboda was asked to come to the front table to continue the discussion with the Select Board that was started on October 5.

BT/LIDAR Training - Because John took the BT Training while on suspension, Ted is waiting on final word from the Police Academy as to whether or not the training will be reinstated when John is returned to police chief. John still needs to complete LIDAR training, and he may be able to do that if and when he is reinstated.

Letter of Apology – The letter of apology was reviewed and discussed. John plans to use mediation services from EAP to help to restore relationships. The issue of retaliation was discussed. Dave pointed out that people are afraid to come forward because they may find themselves receiving a speeding ticket for going 2 miles over the limit. Ted said that many times the problem is not what is said, but the way it is said. Attitude and intonation have an influential effect on people.

John plans to hold public forums to allow people to come forward to report and address issues. He also plans to use a consultant such as a retired police chief to come up with a plan to address these concerns.

The Board agreed to accept the letter of apology. Dave said the final judgment on the letter will ultimately come from the people of town.

Firearms Training – John’s firearms certification dated September 25, 2008, was for calendar year 2008. He will need to complete this certification for calendar year 2009 by December 18. Dave asked John why he did not contact the Chief’s Association for certification in the east. It bothered Dave that John did not even try. Ted asked John if he uses the laser sight when he goes for firearms qualification. John said he does not and it could be sold.

Management/Administrative Objectives

The Board discussed with John the Probationary Protocols and Expectations. John felt it was an overwhelming list. He addressed much of the list in his goals and objectives. He also felt that some of the timelines will need to be adjusted.

Dave discussed with John the following specific list of objectives:

- a. Conduct a thorough inventory and accounting of all police department property including, but not limited to: weapons, ammunition, and equipment, including confiscated weapons, goods, and any other evidentiary material(s). **Report same to the Select Board no later than 14 days after you return.**
- b. Review and revise, as necessary, all policies and directives within the department for presentation to the Select Board **30, 60, and 85 days from the initiation of the probationary period.** One of the additional goals will be to create a tracking form for training for the personnel files. This will need to be completed by December 11.
- c. Satisfactorily complete the MIIA course, “Conducting Internal Complaint Investigations” to be given by Becky Schuster in Northampton **on November 18.**
- d. Complete LIDAR training by the **earliest practicable date, but no later than December 18.**
- e. Develop and present to the Select Board a detailed, analytically justified budget for FY 2011. Include in this a detailed cost/benefit analysis of a portable radar/electronic sign unit for the Town. **To be done no later than December 16.**
- f. Meet with the watch officers daily and check all logs daily, signing off on them. Ensure all logs are publicly posted for inspection by the public and police liaison.
- g. Meet with the Select Board weekly. (Periodically officers will be asked to come to the Board.) **First meeting to be week of Wednesday, November 18.**

- h. Schedule department meetings monthly and ensure police liaison attends each one. Meetings are to be professionally managed, and the police liaison will meet with the officers after each meeting. **First meeting to be held no later than December 11.**
- i. Policies re: sexual harassment and other forms of discrimination will be prominently posted in the police department as well as all other required employment posters. In addition the Law Enforcement Code of Ethics will be posted. **To be completed within 24 hours of your return.**
- j. Regular business hours will be posted as well as notification of whom to call if no one is there. **To be completed within 24 hours of your return.**
- k. Firearm qualification was last completed in September 2008. **Complete firearm qualification for calendar year 2009 no later than December 18, 2009.**

3. Policing Duties:

- a. Meet all expectations of the Chief of Police as set forth in Ashfield's current police chief job description and any amendments thereto (**ongoing**), **subject to this key condition: No police patrols or "community policing" activities are to be undertaken until the Select Board determines that sufficient progress has been made re: your goals and administrative/management responsibilities to warrant your return to active police patrols and community policing activities.**
Patrols will need to be arranged so that an officer is available to cover the day shift in the event of an emergency call. The officer on duty will then be expected to make any copies at the copier next door that John may need done. John pointed out that when he stopped at town hall on a Board of Health issue that an officer was sitting at the front desk. Dave responded that it will be John's job to minimize the amount of times that the officers and himself need to be at town hall.

John asked about the possibility of working on the policies at home. He was concerned about the amount of interruptions he would get at the office for people seeking FID's. Dave said he would need to seek permission from the Board on a case by case basis.

John was asked to give concrete details as to what he would do to meet these goals and objectives.

After further discussion, Tom made a motion to give a one year notice of intention to not reappoint John Svoboda as police chief that would retroactive to June 30, 2009. If said notice is overturned by a higher authority, then the one year notice would be effective as of November 19, 2009. Dave did not second the motion, but instead moved to table the motion for one week. This motion was not seconded. Tom's motion was seconded by Ted. Discussion: Dave would only agree to the motion as long as it was stipulated that John could be reappointed if he was making significant progress. Ted agreed that was the case. The vote on the motion was unanimous.

Liaison Reports

There were no liaison reports.

Polling Place Change

After discussion regarding the study done by the Office on Disabilities for Polling Place Accessibility, motion was made, and seconded to move the polling place to Sanderson Academy for the next 2 state elections. Vote was unanimous.

Town Common Application

Motion was made, and seconded, to approve the application of Laura Stravino to hold the Winter Solstice Celebration on December 21, 2009. Vote was unanimous.

Signatures

The Board agreed that Ted should sign the Highland Ambulance waiver which allows them to operate with one paramedic and one EMT.

The Board signed letters of support for Shelburne Dispatch.

Fire Proof Curtains

Because of a complaint, Fire Chief Del Haskins is informing all building owners in town where the public gathers, that any curtains need to be fire-proof. If they are not, then the curtains need to be taken down.

Public Forum

Steve Greenman presented a confidential memo to the Board.

Johanna Pratt asked for clarification on the status of John Svoboda.

Bill Perlman asked that any firearms inventory also include confiscated firearms. He also asked that the last executive session be reheard.

Tiertza-leah Schwartz asked that clarification be given to employees that they should not engage in political lobbying.

Mary Quigley asked for clarification if the Board accepted the letter of apology.

Bev LaBelle questioned the gun inventory.

David King commented on past Board oversight.

Meeting adjourned at 9:45 pm.

Respectfully submitted,

Town Administrator