

SELECT BOARD MINUTES June 23,2010

Present: Dave DeHerdt, Doug Field, Norm Russell

Meeting called to order at 7:00 pm.

Minutes:

Motion was made, seconded, and unanimously voted to approve the minutes of open meeting of June 14, with one correction to indicate the Town Administrator would contact Phil Pless, rather than the Moderator.

A motion was made, seconded, and unanimously voted to accept the open meeting minutes of June 16th as presented.

Motion made, seconded , and unanimously voted to accept Minutes of June 16th executive session .

Appointments

Fall Festival - Sandra Lilly presented an application for use of town hall. The applicant is the Fall Festival Committee; responsible person is Sandra Lilly. The event will be October 8 – 11, 2010. Hours of use: 8:am to 6:pm. There is no admission fee. Food will be served, but no alcoholic beverages. Beverly Duncan will be in charge of town hall lifts. DeHerdt noted the application needs a signature from the Fire Dept. and the Police Chief needs to be notified. Lilly reported that Pat Farrell will take care of those items. Historically, Mike Skalski has volunteered to mow the Town Common , but he's not doing it this year. Lilly asked who is doing it this year? Note was made to have the Town Administrator to check on the status of mowing of Town Common.

Some issues that have come up of use of town hall: 1) Certain vendors, such as the Grays, like to use the town offices to raise the dough for fried dough in the warmer back room. 2) Another issue is the parking while loading and unloading along the side of town hall. Russell said one year bringing in pies was not allowed by police, forcing persons bringing pies for sale to "truck" them in from a distance. Lilly explained that the road in front of town hall is a state highway and it has to be kept open. Early in the morning vendors are allowed a few minutes to unload their stuff, then they have to move their vehicles. During the day vehicles are not permitted to park in front of the building to unload. Lilly said Police had always been good about assisting vendors. 3) This will be a matter to discuss with the police chief along with making sure there are enough officers to meet the needs for that weekend. The problem is that in the past we have relied upon mandatory volunteer duty by police officers which may not be the situation this year. A motion was made, seconded and voted to approve the application subject to approval from the Fire Chief and notification of the Police Chief. DeHerdt signed the application.

Cultural Council Ms. ? Fitzgerald representing the Cultural Council , which consists of 5 members, was present to have Dawn Fessenden appointed to the council. Ms. Fitzgerald explained that members may serve no more than two 2 year terms before they must rotate off the council. Each year a sum of money is allotted to cultural councils in the state by the legislature. The amount varies from year to year but averages around \$4,000. Applications for funding from the local council are accepted until the end of October. They are reviewed during November and awards are made in December. In 2009, 30 applications were received and 20 received some funding. There are also PASS grants available for schools that provide transportation or tickets to various events. Application forms are available on-line,

although not on the town's web site, yet. A motion was made, seconded, and voted to appoint Fessenden to the Cultural Council.

Liaison Reports

Police 1) The Chief was finally able to open a small safe after obtaining a new key from the manufacturer and with the use of some WD-40. Contents included some vodka, Capt. Morgan rum. 30-6 amo, black powder, a single gauge deer slug and 22 caliber amo. Interestingly, the reason that there had been a problem opening the safe was that someone had manually turned off the locking mechanism. 2) The Taurus has been remarked so that it is clearly identified as a police vehicle. Actually, this could help with traffic control, as people tend to slow down even at the site of a sitting unmanned cruiser. 3) There is a deficit of about \$1,500 in the police chief budget line item. The Chief says this is because he has had to spend more hours than expected due to conditions in the office. The reserve officer pay item has only been 76% expended. There is still money in the fuel account. DeHerdt is hopeful that monies from other line items in the police budget can be used to cover the shortfall. 4) Renewal of the chief's contract – DeHerdt expects that now that things have calmed down 10 hrs/ week will be sufficient.

Fire DeHerdt met with Fire Chief Del Haskins and Capt. Mark Hurley. They were just returning from training. 1) The Dept. is doing a lot of training to meet new regulations and new programs. They are also pleased to have several new younger members. Although there haven't been fires in town, the Department has been busy responding to medical emergencies, mutual aid and other types of calls. 2) The Chief reports he is instituting a new policy that if a member is not active for a year, that member must turn in his/her turn-out gear (which costs about \$3,000) so it can be used by someone else. He's still having issues with one member who refuses to turn in his gear. 3) Fire Dept budget is only 44.76% expended.

Highway Department Field reported he has spoken to Tom Poissant. Poissant hopes, in August or September, to resurface all of Beldingville Rd, Hawley Rd from Bear Swamp to Bug Hill Rd with a process used in other towns that involves spreading of ¾ " stone, and a layer of tar sprayed with a rubber based mixture. It's supposed to last 10 to 15 years. Field wasn't able to discuss the budget with Poissant, as he was busy getting in hay.

Emergency Manager 211 - Field reported he spent today at a MEMA meeting in Agawam. He learned about an emergency phone number that can be used after a disaster to learn the whereabouts of relatives in affected areas. Field said If food were needed it could be obtained by calling 211 for help. This number has been in existence for 8 years, but almost no one in attendance was aware of it. The presenters were talking about the great job they did during the ice storm in late 2008, but they were not talking about our area. Field said during that ice storm, Ashfield could have used that number to get assistance. As it was, assistance from the Red Cross, which had been sought, was denied. An apology was offered for that. The 211 service is available 24 hrs per day/ 7 days a week.

Town Administrative Offices Russell has been meeting with town hall staff to find a way to make town hall more responsive to the public. Under discussion is possible readjusting of hours so that the building can be open more hours. He's not sure how things will shake out, but he'd like to see the addition of time on one more day and possibly an evening so that the building is open portions of four days per week. He's waiting until Monday to talk further with one individual, but he feels the staff is very cooperative about this effort. He wanted to note that the Town Administrator was very gracious and co-

operative and offered to use some of her experience to train and help others. He is most appreciative of this. He thinks there is the possibility of discontinuing the Town Administrator position, in favor of reverting to an Administrative Assistant and Town Clerk model. He has talked one on one about the proposed changes. At this point several questions were raised about staffing hours, to which Russell explained that one of the difficulties that he has learned about is that part-time positions had to be less than 20 hours per week; more than twenty required additional costs (i.e. benefits) which could defeat the effort to reorganize the office within the existing budget.

Communication with the public In response to a comment from persons in attendance about being better informed, DeHerdt said he was concerned about that; so, in addition to posting the agenda online he posts a copy in the post office. Once approved, he wants the minutes posted. It is important that information get out to people. When the agenda is set, DeHerdt sends it to *the Recorder, the Ashfield News, the Independent, the blog, and the web site*. If these persons want to post the agenda they can; he can't control whether they do or not, but the information is out there. When an issue is going to come back for further discussion, notice is included in the minutes so that people will know it's coming back. An example is street lights. It's on the agenda for a third time tonight because people want to talk about this some more. It is important that the town be involved in decisions.

Town Hall Committee Russell reported the new signs for the bathrooms are in. The committee had questions concerning whether or not it has authority to move on actions agreed upon as necessary. Mary Quigley reported the feeling is that there are a number of small things that can easily be taken care of. In some cases supplies will be donated. DeHerdt said the first question is whether or not there is a cost. If not, "Do it and tell us." Where cost is involved the board should be involved. Wayne Gardner spoke of problems that are on the outside of the building. He would like the folks in Boston (ADA officials) to come out and verify that what is planned is compliant. Then the things that need to be funded will be priced out and presented to the board. At that time funding arrangements can be determined. The board agreed with this procedure.

Old Business

Street Lights At annual town meeting the street light item was zero'ed out, which means that on July 1st all of the street lights in town will go out. Since that time the reality of that has lead us to the realization that some lights should stay on for safety reasons. On the upcoming Special Town Meeting Warrant there is included a line item restoring \$600.00 for lights. Since publication of the warrant, it has come to our attention that there may be other lights that should stay on.

Nancy Hoff understands budgets, but feels there needs to be provision for keeping on lights in the library – pizza shop area. It's not so important in June, but in February when daylight is short it's a different matter. She has witnessed many near misses of people walking their dogs, kids in the street, etc. We have sidewalks that aren't plowed in winter, so people walk in the street. \$2000.00 for street lights is modest in comparison to someone getting hurt.

Ricki Carroll would like the lights out. She said the lights Nancy spoke of shine in her bedroom window, which she finds annoying. She noted research pointing to light pollution, presence of carcinogens known to cause cancer. She suggested if the lights were thought necessary, the persons desiring them make arrangements to have lights that limited the range of lighting. She thought limiting the time they were on as a possible solution.

Nina Coler, Park Commissioner offered to have the light next to the tennis courts on Buckland turned off. The board had agreed to that at a previous meeting.

Phil Nolan spoke of the need to keep the lights on at the boat ramp area . He said people may not be at the tennis courts, but they are certainly using the boat ramp at all hours of the day and night. Phil was asked about the light in front of Neighbors, where the public phone booth is located. Paulette Leukardt commented that if branches around that booth could be cut back the light would be more effective.

Rick Chandler, who lives at one end of town noted lights serve as a visual que that there is a town ahead. He said some time ago residents , at considerable expense, planted trees which now block the light from reaching the area intended to be lit. He suggested replacing tall lights with some that are lower level and which could also be shielded so the light is directed where needed.

Mary Fitz-gibbon gets a lot of light from street lights and would personally like to see them go away. She feels some of the lights on Main Street overlap. Perhaps some of them could be eliminated. She also thinks lower lights are a good idea.

Tiertza Swartz had a concern about the lights in front of the fire station and town hall. DeHerdt assured her that those lights would stay, citing a need to keep the flag lit, plus safe access for emergency personnel called out at night. He also said a light at Spruce Corner/ Plainfield Road intersection would stay on because that area tends to get a lot of fog and the lines in that area are not painted very well. Street lights help illuminate the intersections. Alan Taylor suggested considering lighting at other intersections, as well.

DeHerdt gave a brief history of the lighting issue. Basically in preparing the FY'2010 budget ways to reduce the budget lead to the decision that perhaps some street lights were not needed. As a result some lights were turned off. That seemed to be acceptable, so when preparing the FY'2011 budget we decided to make additional cuts – all of them.

Someone asked how the lights are turned off. Pole numbers are provided to WMECO, who in turn shuts them off. DeHerdt reminded that although he thinks it doesn't cost to turn lights off, it does cost money to "fire them back up" so we want to be sure which lights we need to leave on. Someone asked if the lights could be changed to LED. Norm Russell , to the groans of some, thought we could have a lighting committee, or perhaps a commission, to study the options.

Carol Liebo (?) said she thought there might be grants for safety, which reminded Field that he was aware of grants for street lights. Field said grants for street lights to improve safety were discussed at the meeting he attended today. There is money available. At one point had talked to Tom Poissant about applying. Deherdt said he remembered a letter about grants for solar powered street lights.

A motion was made, seconded, and unanimously voted to create a Town Lighting Committee to have no less than three members and no more than five to study the town's street lighting needs. Several persons were volunteered: Nancy Hoff, Rickie Carroll, Barbara Maloney, Rick Chandler (said he was willing to be drafted) and Anne Yuryan. At the next board meeting a committee created and members appointed.

After further discussion, a motion was made, seconded and voted that at the Special Town meeting the board will propose to amend article 2 to fully fund the street light line item at an amount equal to the

2010 budget, but no more than \$2,000.00. This would give time to really look at the lights and what they do. He thought there is no reason that later in the fiscal year the board can't make a decision to turn out lights.

Appointments to the lighting committee will be made at June 30th, after the Special Town Meeting.

Town Hall Russell reported that the committee is looking at effectiveness of the current heating systems.

It is also considering a response to a complaint about damage to the floor in the upper hall. There has been discussion about improving the permitting process, possibly creating a position for someone to oversee the use of town hall and to provide strong enforcement of regulations. There has been discussion about what to call that person. A name suggested is Town Hall Steward. Persons wishing to use the hall would contact the steward who would walk them through the process. The steward with the potential user would inspect the area to be used prior to use to observe conditions. The steward should be someone familiar with the conditions, and would monitor use. Currently, users pay a security deposit and a cleaning fee. The current application addresses issues, including the issue of the floor in the upper hall. There is a hold harmless agreement [originally drafted by Town Counsel] which a potential user must agree to. DeHerdt said Town Counsel could be asked to give the current application a quick look to be sure concerns are covered. Karen Sullivan spoke to recommend Doug Cranson be asked to be the steward. Wayne Gardner was noted as an interested person.

A motion made, seconded and voted to create a position of Town Hall Steward, whose responsibilities would be limited to insuring that requirements set forth in the application are adhered to. Town Administrator will be asked if the board has overstepped its bounds in creating this position.

Police Chief Search Committee Field reports everything is all set. The goal is for final approval of the application to be made on Thursday night. The application form will be put on the town's web site.

Appointments for Fiscal year 2010 must be made by next week. Monday's executive session will be followed by an open session. The board still has question about who needs to be appointed. The answer seems to be that elected and persons who hold official positions need to be appointed, but substitutes and other temporary persons do not. WWTP is an enterprise fund and as such will appoint its own employees. This is the type of information the Town Administrator should provide to the board which is made up of three people who don't know everything. Norm Russell said it's sort of learning in public. Previously, appointments were done in a slate. The letter in packet today will be sent to potential appointees to see if they're still interested.

Special Town meeting Warrant Board members decided who would present each article: Art 1 – Ice Storm damage – Field will present – a breakdown of where money is coming from (shifting money within dept); Art 2 – Street lights – DeHerdt- explain the plan; Art 3 – Library – Russell – explain the finance questioned at annual town meeting; Art 4 – Council on Aging – DeHerdt – operating funds for the local unit.

Masse complaint [At a previous meeting note was made of a letter from Mr. Masse about the removal of stone from Sonam Lama's property in possible violation of his permit. Hawkins issued a cease and desist order while he investigated.] DeHerdt spoke to Building Inspector , Jim Hawkins, and learned that as long as Sonam is doing it on his own property, for himself, he can't be stopped from doing it.

For example, a permit is not needed to make a road to a well, etc. Sonam Lama has responded with a letter stating that he is preparing the property for well. He is moving rock to other property he owns. Hawkins said he is not done yet.

Wired West Two persons have responded to a request for someone to serve as an alternate to David Kulp. Andrew Smith has been working with Kulp and is familiar with the project. The second person is someone new to town who is looking for ways to be involved in town affairs. Motion was made, seconded, and voted to appoint Andrew Smith as an alternate to the Wired West project.

New Business

Interim Police contract The town's contract with John Cotton expires on June 30th. There is a provision for a thirty day extension. Cotton is willing to serve until the end of Sept, however contract limits what can be done. A motion was made, seconded, and unanimously voted to exercise the option to extend contract for additional 30 days.

Review payroll warrants At issue is whether an employee is considered to be working within assigned hours (8:am – 3:pm) when coming in either a few minutes early or late and leaving either earlier or later, but staying within the allotted working hours. The employee, who also prepared the duty roster, has a habit of logging in 10 minutes early and leaving ten minutes early, or coming in later and leaving later. For the period in question the supervisor refused to sign the roster. Is it appropriate to allow the change of hours, or should vacation time be applied? The warrant in question was signed by the board, subject to further review. As explained, if the time prior to 8:00 am is deducted and time after 3:00 pm is deducted, the time worked appears reduced. That time could be made up by applying vacation time.

Some persons present questioned whether this should be discussed in open session. This discussion is being held in open session because warrants usually come before the board in open session and would be routinely discussed in open session because it is a money issue.

Field felt that sometimes, due to circumstances, it might not be possible to leave promptly as scheduled. He pointed out a day (June 15th) when the employee worked 10 hours. Someone in the room tried to ask a question, but DeHerdt asked that it be held until the board finished its deliberation. DeHerdt suggested that he, as the liaison, should sit down with the supervisor to better understand the situation. A lot of what this is about is what that the employee was doing when calling in to report being enroute doing administrative duties. DeHerdt said, "We need to figure out what those administrative duties were."

The question that was finally asked was: "Is the employee in question aware that you are having this discussion; has the liaison talked to this employee; this seems to be an employee issue that should be in executive session." DeHerdt's response, "No this is not an employee issue. It is a warrant issue about whether the time card is compliant and whether the town should pay." He further explained that the board cannot go into executive session every time there is a question about an item on a warrant. He further stated, "This is not a disciplinary issue." To further assertions from someone in the room about privacy issues and irresponsible management, DeHerdt replied that the employee has been paid and has been advised that the board will discuss this further. He also said that if it became necessary to ask the employee about the reasons for deviations in schedule that would be reason to go into executive session; but that's not what this is about. Under the law anything that has to do with money issues are open meeting issues.

DeHerdt will meet with the supervisor and bring this matter back to the next open meeting.

Mail

Surplus material An invitation to participate in a military surplus program was given to the police chief to look at. The chief will look into this. It appears to be a program open to police departments.

Bike Ride Franklin Land Trust sponsoring 6th annual bike ride. It's a self-guided recreational bike ride, not a race. The information will be put in the library for people who are interested. [No dates were mentioned.]

Competitive Bike event Northampton Cycling Club providing a certificate of liability insurance. This is a race. [No dates were mentioned.]

Water District Report The board has received the annual report from the Ashfield Water District. In explanation of the report it was noted that the water contains calcium magnesium which is not problem except for people who have hot water boilers. It is no longer necessary to chlorinate the water as the source is ground water, not surface water.

Hilltown Resource Management Cooperative – A report from Eric Weiss, director of the HRMC will be passed on to the highway dept. as it pertains to the transfer station.

Future Meetings and Appointments

June 28, 2010 @ 3:30 pm Meeting of Select Board – Begin as open session, go into executive session – Disciplinary Hearing, and return into open session.

June 30, 2010 @ 7:00 pm – Special Town Meeting to be followed immediately by open Select Board meeting. Both meetings will be held at Sanderson Academy.

Public Forum

Question about appointments – DeHerdt said the only reason that the item was on the agenda was so that the board could identify who needs to be appointed and who does not. There was some confusion. Actual appointments will be made on the 30th

Request for a little more detail on the Police Chief search committee. Advertisements for chief will be released July 1st or 2nd. Applications will begin to be reviewed August 1st. The committee will review the applicants and narrow them down to four. The final four will be reviewed by the Select Board. Once the application review process begins, Doug Field will step aside and Lenny Roberts will chair the committee.

Comment: It appears that the interim chief's contract will need to be renewed again. Answer: yes.

Question about the problem with an employee's time sheets. It appears that the hours move around a lot, outside of the time set on the duty roster. Is it a blatant disregard to an order? No allegation of that

nature is being made. What is the relationship between the duty roster and the time sheet? The same person prepares both sheets.

A motion was made, seconded and unanimously voted to adjourn. The time 10:PM

Respectfully submitted,

Priscilla Phelps