

SELECT BOARD MINUTES - January 13, 2011

Present: Dave DeHerdt, Doug Field, Norm Russell – Select board
Mary Fitz-Gibbon – Assistant Administrator

Meeting called to order at 7:00 PM

Minutes of January 6, 2011: There were several changes/ corrections to the minutes . A motion was made, seconded and voted to accept the minutes, as amended by Fitz-Gibbon.

Appointments: Suzanne Corbett

Ms. Corbett said she didn't want the Board to think she had gone away. She wanted the Board to know she was going to file a complaint against the Town for not safeguarding her personnel file. She said the Town had a responsibility to keep personnel files secure. According to Corbett, Sgt. Nunez was the last person to have her file, which she (Nunez) allegedly said she was taking to secure it. Corbett considered this action a threat. After Nunez left the department Corbett requested the file and found it missing. She holds the Town responsible for this.

On another issue she said a former Chair of the Select Board, who she later identified as Mr. Murray, thought that her suggestion that State Police be called in to run or shut down the Police Department a "slap stick joke." She feels such action would have safeguarded information (such as the missing file) and made interim Chief Cotton's job much easier. She complimented Chief Cotton's efforts to get the department back under control in accordance with regulations.

A third complaint was that when she requested copies of logs involving an incident where Sgt. Nunez threatened to have her (Corbett) arrested for attempting to steal a cruiser, Nunez refused to turn over the public documents, even upon written request. Corbett says she has done a lot of stupid things. But she accepts that she makes mistakes and accepts responsibility for them and doesn't blame them on others.

As a final item, she requested an explanation of the removal of a service weapon from an officer.

In response, DeHerdt said upon discovery that officer Konopko was not properly certified to carry a weapon, Chief Cotton thought it best to remove the weapon until such time as he became properly certified . DeHerdt said he decided to look into the legal requirements to determine whether or not officers actually needed a permit to carry side arms. He found some gray areas in the law. In MGL Chapter 140 section 129c he found that some persons such as persons in the military, police officers, and peace officers are exempt and may carry such weapons , if duly authorized, by persons such as the Chief of Police . DeHerdt thinks this means police officers are exempt and can carry side arms while on duty. His question is: Should the officer be allowed to carry only while off duty? To him it means that, if authorized to carry as a police officer, he can carry that weapon even while off duty, as well.

Suzanne Corbett said she had contacted the full-time Police Academy and had been told the academy requires a permit to carry, but that it was not a state rule. She thought that when she was an officer, the Ashfield Police Department required the certification as part of its rules. In her conversation, she said she presented numerous violations by graduates from the academy and suggested that the curriculum be restructured to include emphasis on integrity.

DeHerdt said he wanted to see whether Ashfield 's job descriptions for police positions require certification of permits to carry. If not, that should become an expectation. The situation with Officer Konopko was that he came to the Town having already completed he part-time academy. The Town did not sponsor his training. Perhaps the assumption was made that he held the proper certification.

Corbett then reported of two incidents that occurred more than a year ago on New year's Eve, where an officer reportedly made a comment to at least one party that was stopped about having his weapon drawn. She doubted that there was any record of this, and felt it was dangerous to have officers out there pulling their weapons without cause. She would like to have the chief pull paperwork from that time period to see if there is any report and investigate why that happened. Her concern was that there was probably more gun pulling than anyone realized.

DeHerdt said he thinks part of the issue is that the part-time academy doesn't offer weapons training. It's left up to the Town. The full-time academy provides training because a permit is needed to carry a weapon back and forth. Officer Konopko is going to attend a Smith & Wesson gun course which is a prerequisite to getting a permit to carry. Even though he is not FID certified, Officer Konopko has been trained on the weapon he was issued.

A person in the room said that sometime in July of 2009 a meeting was held upstairs at which a stack of papers were brought in supposedly containing the rules and regulations of the department. Was it possible that the information currently being discussed was in that pile?

DeHerdt said the reason this issue came to light is that a federal data base is being created and information is required of officers on the department.

Budget meeting: Present: Finance committee - Carl Satterfield, Ted Murray, Tom Carter, Lynn Taylor, Janet Rogers; Assessors declined to be present but agreed to provide information upon request.

Fitz-Gibbon passed out packets of budget information.

DeHerdt said tonight's meeting was to go over the schedule and review the recap sheet from last year so that everyone would be working from the same information. All departments with budgets have been advised that budgets need to be turned in a week before their scheduled meetings, so that they can be reviewed ahead of time. Fitz-Gibbon said she could e-mail the budgets to finance committee as soon as she receives them.

Concentration was on the "early estimate" recap sheet where the best estimates of items used to calculate levy limit are found. DeHerdt said things like the growth rate was an estimate. Carter reminded that that number won't be known until the FY'12 tax rate has been set. The recent ly set tax rate was for FY'11. Cherry sheet assessments are not available yet. Some areas where there may be surpluses are: vocational schools – one student less than anticipated; sick leave/vacation buy back fund; unexpended police chief salary; health insurance. How to handle the number for free cash, which is known to be less than is shown is an issue.

Murray and Carter felt the sheet as presented was far too rosy. They suggested the assumption should be made that state revenues would be lower than last year. Carter also said the anticipated Voc surplus would only be available if it were voted out before the end of the year. Known potential concerns include the library having problems meeting certification and assessors needing a new computer.

Questions were asked about the debt exclusion increase from \$202,665 to \$402,665. Fitz-Gibbon will get a breakdown from the accountant. The Assessor's overlay account may change by about \$5,000.

Library - A lengthy discussion of the library needs was held, with it being pointed out that there seem to be three sets of books. 1) trust funds, 2) money from Friends of the Library, and 3) the revolving fund. For some reason the trustees always seem to be uncertain of the amount of money in the revolving fund. To complicate things, the current treasurer recently resigned. A suggestion was made that the continual confusion over what funds the library actually has could be resolved by having an audit of all the pockets of library monies.

Carter said it wasn't so long ago that the town voted a sum of money, paid twice a year, and the library paid its own bills. The only reason the library monies pass through the Town is so that the Librarian can get benefits.

Satterfield said a frank discussion needs to be held with the trustees. He could see that the library needs to get a sizable amount of money to continue operation. He suggested that if the 400 users of the library were to donate \$100 @ \$2.00/ week, a sizable amount could be raised. Carter said Belding left the library to be free, so charging would probably not be possible. Satterfield said what he had trouble with was that the trustees, knowing the Town's financial situation, committed to a program that obligates the Town to provide \$4,000 a year for just that program.

A question was raised as to whether or not the Selectmen or the Town could authorize the Town's auditor to review the library finances. Carter said he thought a lot of the problem was that a few years back, the books had been messed up during a time of many turnovers in personnel and they'd never really been straightened out. At this point nobody trusts the numbers. To resolve this the suggestion was put forth that a finance committee member sit with the accountant, and the library trustees (all of them) with all of the books and review things. It was agreed that 100% of expenses and 100% of revenues needed to be known. Murray said he would be willing to be the finance committee member. He will talk to Marcine.

Parks - DeHerdt said the other budget that could be problematic would be the park. It is expected that there will be some funds remaining when the restoration project is done. He suggested that the surplus monies become the basis of a maintenance fund. The commission has been advised to come with a budget that reflects what they need. That would be a way to measure what the commission expects it should be doing.

Stipends - The stipends should be included within the department budget.

Senior services – Russell would like to know how the Town benefits from the funds voted for senior services. The Council of Aging in Shelburne Falls is revamping things now that Colrain has decided to withdraw. The idea presented last year was that the center in Shelburne would be decentralized with each town making more of its own decisions.

Capital expenses: Surplus equipment - There is surplus equipment available. All requests have to be made through the Fire Department. Field said the Town of Conway just got a truck for the Fire Chief.

Town Hall improvements - There are many matters that need to be addressed: heating, office space, handicap access items, energy improvements. Russell brought up the Green Community Act as a way to

participate a grant of as much as \$125,000 could be available. The requirements to do this were not , in his opinion too onerous. Stuart Harris has a plan that would cost roughly \$50,000. He has suggested trying to raise donations of \$25,000 with the Town providing the matching \$25,000. Satterfield said someone should check into ways to go about accepting money. That reminded Deherdt that he had suggested having donations for the library; he had wondered if it could be as a check off box on the tax bill. He learned it could be done, but would require an act of legislature.

Opening the dump during the week - Russell would like to see it back in the budget.

Police - Cotton has figured out a way to get the Explorer fixed. He will have it fixed at the Vocational school.

New Business:

Hockey face-off - While the Town has not been officially notified of this event, there is another hockey event being planned on Ashfield Lake at the end of January. This appears not to be a small local affair. . Last year there were 16 teams, this year there will be 48, which means there will be a lot of people in attendance. There are several areas on the lake being groomed for the action.

The event itself, which will be a two day affair, will take place on the ice, which is under DEP or DCR control. But the land around it will be involved, and that is town property. This means there will be parking problems, especially with all the snow, narrow roads, etc. Traffic control could be an issue. Questions were raised about who has liability. The last thing anyone would want is for there to be injuries on Town property.

This year , according to the information provided, there will be vendors and concessions that will involve food. The Lake House was very involved last year and will be again. The Board would like to talk with Judy Hamilton about this. Alcohol will be involved; people tend to come with coolers, plus the Lake House has a license to serve. Concessions selling food might need to be inspected; the FRCOG Health inspector should be notified. With the anticipated numbers of people there should be a police presence. This would be special duty for the officers which the promoters of this event should pay for. In addition to the activities of this event there will be snowmobilers , so Environmental Police will be out and about.

Fitz-Gibbon will make some calls, the first to the event promoters to learn what plans are in place. She will advise the Board of her findings and decisions will be made based upon her findings.

Mail:

A Girl Scout Troup would like to sell cookies at the Transfer Station.

December Animal Control Report

Judy Haupt – resignation from the Planning Board

FRCOG – notice of funding for local health – a push at the state level to regional health organizations

Dept of Agriculture wishes to put 56 acres of privately owned property in the APR program (Board asked to sign that this was announced)

Request for a pole hearing – date to be Feb. 3rd

Police Chief interviews set for 1/19 and 1/20.

Fall Festival Committee – This is a major event for the Town and the Board would like to debrief the committee before it begins planning for the next event.

Recovered e-mails are now ready for release.

The meeting adjourned at 10:05 PM

Respectfully submitted,
Priscilla Phelps