

Voted and approved 03-08-2011

**BOARD OF SELECTMEN'S MEETING
TUESDAY, MARCH 01, 2011
TOWN HALL MEETING ROOM**

PRESENT: Michael Phelan, Chair
Douglas Blanchard, Vice
David McDougall (late)
Jess Dods
Ann Roy

ALSO PRESENT: Diana Schindler, Town Administrator

PLEDGE OF ALLEGIANCE

Call to order

SCHEDULED APPOINTMENTS

Tape was not started in beginning of meeting-minutes were taken from video off web page (which has now been removed)

7:00 P.M. OPEN TIME FOR PUBLIC

Nothing at this time

7:10 P.M. EILEEN COUTURE, TOWN CLERK Re: Voting *POSTPONED TO 03-08-2011*

Chairman Phelan announced town clerk will not be here tonight, she postponed to next week. There is a question as to where the election(s) will be held and a question of how and where the voting booths will be set up.

Ms. Schindler stated Eileen decided not to come in next week; she spoke with Eileen today. Selectman Blanchard asked what happens if we cannot get the legs fitted on the booths. Selectman Dods said he stopped by vocational school, he never heard back from them, and Ms. Schindler stated she called them twice and they never returned the calls. Chairman suggested Ms. Schindler to contact Westfield Vocational School. Ms. Schindler said they asked her to do that at their last meeting and she has not done that yet.

Questions: if and when legs are put on, how heavy are the booths going to be, who will move them, if they put the booths in the hallway, is it handicap accessible?

Selectman McDougall stated the flow pattern in the Senior Center is better.

The Board asked to have Eileen present at the next meeting so they can discuss further.

I. APPROVAL OF MINUTES

Nothing at this time

II. SIGNATURES

- Payroll Warrant – P11-36 \$227, 808.20

Chairman Phelan received a call regarding the payroll warrant. They had a question about the building inspector clerk receiving pay for the holiday. Ms. Schindler read aloud the Personnel Policy Bylaws. She further stated the clerk was on an unpaid leave, and she put in for the holiday pay, the bylaw requires you to work before and the day after the holiday. Ms. Schindler questions this regulation if whether or not the clerk falls under, she was on a “status” under these regulations. Ms. Schindler said it is one’s interpretation. Selectman Blanchard suggested leaving it up to the PPPB, to do the right thing for the employee.

MOTION: To request the PPPB give their interpretation of how this is done and table the employee’s pay until it is resolved, to deny holiday pay until they hear back from PPPB, and to change the amount of payroll by that holiday pay. (BLANCHARD, DODS)

Voted and approved

Selectman McDougall stated he does not want to deny her paycheck. They reduced the warrant by the two and half hours under each department. Ms. Schindler asked when the PPPB meeting.

The Board of Health payroll cover sheet has not been signed. Selectwoman Roy stated she does not want to see the employee get caught up in the middle of what is the interpretation. Selectman Blanchard suggested being careful on setting precedent.

- Bill Warrant – Nothing at this time
 - PCF’s & PRF’s and other Forms – FORMS TO REVIEW AND SIGN
- MOTION:** to approve the following PCF’s. (BLANCHARD, ROY)

(list here)

Voted and approved 5-0

Diana put on tape recorder during mid-discussion

7 :25 P.M. CON COM Re: Wetland Protection Bylaws

Present: Charlie McDonald, Chair and Matt Christy

Mr. McDonald stated the Con Com developed a draft wetland protection bylaw; the motivation is money, they would like to establish in the bylaw. There are a number of responsibilities; associated activities that require site visits and complete paperwork and they do not receive fees. The charges that they introduced in this bylaw on page nine, those charges based on bylaw into this fund, they have been spending money out of fund for trainings and for programs that will enable them to operate efficiently and that is the prime motivation of establishing the bylaw.

Mr. Christy said they are expanding on the feedback as town on whole protection of open space. They are not looking to raise revenues.

Selectman McDougall asked if they could remove line “by discretion”.

Selectman Dods asked about the fines. Ms. Schindler stated they should revisit that MGL 40 d at town meeting

Selectman McDougall asked about the fines on page 12, they will have teeth. Selectman Dods stated are we putting ourselves at liability, which would be a question for town counsel. It is a Non-criminal situation. Chairman Phelan stated that would be appealed thru the municipal hearing's officer. Ms. Schindler stated she is the hearing's officer for the fire dept.

Mr. McDonald stated this is a model bylaw and understands town counsel will review it.

Chairman Phelan asked what the right process is. Mr. Christy stated he asked for a public information meeting and then getting it on the annual town meeting warrant.

Ms. Schindler suggested having one hearing and not two.

Mr. McDougall asked to have town counsel review. Mr. Christy asked to have the town's feedback and then give to town counsel to review. Chairman Phelan asked Ms. Schindler to contact Town Counsel and ask what the correct process is. Mr. Christy stated this document will not apply to the highway department, this is for development and open space, and this goes in concert with the Stormwater Bylaw. The Board asked for a memo send to Con Com and themselves as to the process.

III. TOWN ADMINISTRATOR'S REPORT

See attached-

Ms. Schindler stated they are running short on the Master Planning budget, due to vision process every year they have applied for location funds and in speaking with Jessica Allen she suggested to apply for \$2,000. Ms. Schindler drafted a letter with such request.

Ms. Schindler announced the Open Space Plan expires in September 2011

IV. OTHER BUSINESS/ANNOUNCEMENTS

Upcoming Events/Meetings

- ❖ March 8th & 22nd Select Board Meeting Room on Main Floor at New Town Hall, 210 College Highway
- ❖ Selectman Dods read aloud media release of Charter Communications Hearing, March 15, 2011 at 7pm
- ❖ Selectman Dods also read aloud media release PVPC Future Growth

V. ACTION LIST

- Appointment agricultural cultural liaison to master plan-Charlie Touchette
MOTION: to appoint Charlie Touchette as Agricultural Commission liaison to Master Plan (BLANCHARD, ROY) Voted and approved

VI. DISCUSSION ITEMS

- Charter Communications-Schedule Charter Hearing Scheduled for 03-15-2011
- Timber Cutting Plan(s) Review-Nothing at this time
- New Town Hall updates: Custodial, Grand Opening, Council on Aging, Furniture, Security, Punchlist etc.
Town hall updates:

- **Building:** Ms. Schindler stated they are aware of additional problems b/c of power outage, no fault or blame, we need back up power on boiler, they can get sb battery that will allow them to run, Selectman McDougall asked why wasn't this brought up prior. Ms. Schindler stated the fact that it goes to each person, the common sense questions don't get included. Ms. Schindler is finding each person has a piece in it and the final result is to work together; they have a tentative meeting next scheduled for Thursday.
Chairman Phelan stated we have money from furniture account, talked about purchasing a backup and put on boiler, if less than \$500

They asked to have a Memo sent to the highway department; they would like someone to reset the boilers, if there is a power outage or ask the police department to walk thru building until they have a secure backup system in place.

- **Doors**
Ms. Schindler stated we have a one year warranty on everything. She further stated they have purchase the fire alarm at this point and she has a list of things they need to check into such as annual maintain contract with SNE, the boilers themselves, we need to bleed the sprinklers, elevator inspection, lights cost for replacing light bulbs, humidifier, we were trained on it, annual maintenance, fire extinguisher and fire suppression.
Chairman Phelan stated this building is going to cost us more to operate than the other building. Ms. Schindler stated she is looking at ways to save money by gaining efficiency such as everyone using one copier.

- **Cost Benefit Analysis**
Chairman asked if a cost benefit analysis has been completed. He would like to see what they are paying for in utilities; he would like to compare what is being paid for old town hall and new town hall. He also asked what did it cost last year and what does it cost now.
Chairman asked to have the architect and the engineer present at the March 10th meeting to answer questions, such as why wasn't there a battery backup installed.

- **Kitchen**
Selectman McDougall asked when is the kitchen going to be done. Ms. Schindler said there are issues, there is a conflict internally among officials, the plumbing inspector finish work, they are planning to do the rough work, they do not have a contract to finish work, she talked to Joe Slattery, the plumbing inspector is holding up the process, b/c it is the law, one project should be completed by the same plumber, although she has not explored the law.
Chairman Phelan asked to find out if that is correct, does the rough and the finish need to be completed by the same plumber.
They need to get the floor completed. Ms. Schindler stated Bud came back on Friday. Kevin came in they need to get everyone in the room, to look at it; the senior center cannot be used because of the floor damage by the water. The intention was to resurface or replace the floor. Selectman McDougall asked when is that going to happen, they have had two more issues with leaking in the vestibule area. Ms. Schindler said Cogswell took responsibility for the first

problem and is now questioning that that is the original problem. Ms. Schindler stated Bud admitted to her on Friday the problem goes back to Five Star, and they are taking responsibility. He is trying to get everyone involved. Ms. Schindler further stated after the meeting on Thursday, they will have a better idea of when the seniors can move in.

Chairman Phelan stated Town Counsel should be present.

Chairman Phelan said Five Star is taking responsibility but nothing is getting done. Ms. Schindler said there is a lot of discussion. Selectman McDougall said put the floor down, take up the baseboard, there may be sheet rock damage, and it is not a simple job.

Ms. Schindler thinks there have been speculative discussions, too many discussions; Bud wants everyone to go back to him so he can pinpoint. Selectman Blanchard said in the beginning from when the first pipe blew, it was a wet system in that room it should have been dry system. Someone drilled a hole to go outside and they did not plug it. He asked if there was heat in that room, or is it on a thermostat in another room.

Selectman McDougall talked with the plumber, when they replace ceiling tiles he suggested putting in a grate tile, and second the plumber said it was the discretion of the fire chief whether or not the need to pipe to go outside.

In October there was substantial amount completed they are dealing with the same issues as in October. Ms. Schindler stated she suspects it has come up three occasions and there was a question of responsibility and that is five star.

Chairman Phelan stated after substantial completion in October it took two months to get in here and it has been nothing but problems. Ms. Schindler stated the original punchlist is complete, the issues are the pipe, the roof and the insulation, the front doors and the work room door, the floor is the result of one of the issues.

Selectman Blanchard stated we still owe them \$100,000; we will not pay until everything has been ratified. He further stated at the last meeting they wanted half and the board said no.

Ms. Schindler said she added \$30,000 to the Capital plan for the snowmelt system and she will price out the ADA doors.

➤ COA

Ms. Schindler stated the Library asked the COA to move their things out of the library. Chairman Phelan asked to send a memo to COA informing them they are not to move anything. Ms. Schindler stated no one is in charge right now. She further stated if they can get their own mover they can move items in the basement. The COA has not been able to reach the director who is out on leave. The time requested of extension has been Feb 1 and she has not heard back from her. The Volunteer coordinator has taken over; she has been coming in two extra days a week.

➤ Furniture

Ms. Schindler said she has another list and she will email and discuss with them next week, regarding meeting room furniture and rugs, she will get prices and let them know. \$3,200.00 has been spent out of the \$20,000.

- Building Use Policy-Not at this time
- ESCO IGA (Investment Grade Audit)
Ms. Schindler stated the audit was sent to town counsel and it is not ready for review. She expects back for next week.

8:00 P.M. EXECUTIVE SESSION M.G.L. C30A, Sec 21 #3 Fire Chief Contract (Board members and TA only)

MOTION: To go into executive session under M.G.L. C30A, Sec 21 #3 Fire Chief Contract.

ROLL CALL VOTE: DODS – AYE, BLANCHARD – AYE, ROY – AYE, MCDOUGALL – AYE, PHELAN - AYE

Chairman Phelan announced they will not go back into regular session.

Adjourned
Respectfully submitted
Regina Shea-Sullivan
Administrative Assistant