

Voted and approved 06-29-2010

BOARD OF SELECTMEN'S MEETING
Tuesday, May 11, 2010
7:00 PM at Town Hall Meeting Room

Present: Jess Dods, Chairman
Douglas Blanchard, Vice Chairman
Michael Phelan
David McDougall (arrived 7:30)
Ann Roy

Also Present: Diana Schindler, Town Administrator

PLEDGE OF ALLEGIANCE

Call to Order

SCHEDULED APPOINTMENTS

7:00 P.M. Jason Desclos and David Latour: Sworn in
Present: Chief Silvernail and Eileen Couture, Town Clerk
Mrs. Couture sworn in Officer Desclos and Officer Latour

7:10 P.M. RICHARD OLEKSAK, BUILDING INSPECTOR RE: Mileage
Chairman Dods stated they reviewed the minutes from last year regarding his mileage and April 7 and June 30, 2009.
Mr. Oleksak was collecting mileage at the IRS rate and it was determined it was becoming too costly. Mr. Oleksak met with the finance committee and the select board and it was eventually agreed by all parties he was to receive 200.00 stipend for travel.

MOTION: To clarify the \$200.00 is not mileage money it is a stipend for using his vehicle for any part of the month he uses his vehicle. (PHELAN, BLANCHARD)

Voted and approved 4-0

Mr. Oleksak stated he is willing to give a portion of that stipend to the Alternate Building Inspector for his mileage during the time that he, Mr. Oleksak was out last month. The Board agreed.

Selectman Blanchard asked if Mr. Oleksak had a contract. No he was receiving a stipend up until 2008. Selectwoman Roy asked how many hours a week does he work, he stated he works 30 hours.

Selectman Phelan stated the job should get graded and they decide the salary and the hours. This job was changed from receiving a portion of the permits to salary and it was never scored by the PPPB. Selectman Phelan stated it should be graded and to go from there. Selectman Blanchard said once we get that position graded and clarify things in a contract. Selectman Phelan stated this is not a contracted position. This is an annually appointed position. Selectman Phelan said he has a job description that goes back to 2004, this should be sent to PPPB for evaluation. Selectwoman Roy asked if it was typical for a building inspector to have a contract. Ms. Schindler replied they can have a contract with people whether the contracts sits outside the personnel policy it is by statute, so there are only a few in MGL that allow it to be exempt by the personnel policies and this is not one of them.

Ms. Schindler stated Mr. Oleksak's position is similar to the Board of Health Agent, and if the PPPB grades his position he is not going to receive what he is getting now. He is currently getting \$45,000 a year based on a number of hours including the Zoning Enforcement Officer, based on

thirty hours a week. When he was receiving a stipend he was working 20 hours a week. Selectman Phelan stated the position should have been graded that is the policy. Ms. Schindler said they need to look at comparatives. Selectman Blanchard stated he does not want this to go to PPPB to be scored. Selectman McDougall stated they ended up in this position b/c they were trying to do away with the fees and mileage, even though the bylaws say something differently. The position should be graded and scored; he is not suggesting a cut in pay. Chairman McDougall suggested for Mr. Oleksak to come up with a recent job description.

MOTION: To send the position to the PPPB to be graded and scored. (PHELAN, ROY)
Voted and approved 5-0

Selectman Phelan asked if the Alternate submitted a log while he was out, Mr. Oleksak said yes.

MOTION: The auto stipend remains the same unless he is out and it will be reduced by the monthly stipend by what we pay the alternate. (PHELAN, BLANCHARD)

Ms. Schindler stated she wanted to add that Mr. Oleksak is still to complete and submit the logs.

I. TOWN ADMINISTRATOR'S REPORT

Warrant and budget

Ms. Schindler stated she did not give them the motions tonight; she plans to give them next week and wanted to verify that they received the warrant and budget with the increase.

Chairman Dods asked if there were any other changes to the budget amounts. Ms. Schindler stated there were small minor increases to expense accounts.

Notice of Sale for the Larrabee Bonding

Ms. Schindler stated she is getting ready for Notice of Sale for the Larrabee bonding borrowing for 20 years at a level principal amount. Level service principle will be 110,000 a year and an interest amount. \$110,000 for the principal and interest for next year is \$92,000, 4.25% is what she used for the budget the financial advisor is comfortable we will get a lower rate. Do they want it to be level debt or to have a declining principal balance, in the long run you will pay more?

MOTION: the borrowing for debt service for Larrabee building to keep it the way they have been doing it, keeping the principal for 20 years. (ROY, PHELAN)

Voted and approved 4-0

II. BOARD OF SELECTMEN UPDATES

Upcoming Events/Meetings

- Select Board June 1st, 15th and 29th.
- Annual Town Meeting May 18, 2010 7pm at Norris
- Selectman Dods announced the Barnes Air force meeting on May 27, 2010

Selectman Blanchard stated at the last meeting Selectwoman Roy was not sworn in as a Select board member and she took part in votes of last weeks meeting. Chairman Dods stated one way of interpretation the statute because she was the sitting person she technically is the enforce in office until such time of replacement in this case is herself the other interpretation is they could with draw her specific vote.

MOTION: To reaffirm all the votes that took place at the last Select Board meeting of May 4, 2010. (PHELAN, BLANCHARD)

Voted and approved 3-1

Selectwoman Roy abstained

III. OLD BUSINESS

Fournier APR

Ms. Schindler stated they reviewed this at a prior meeting and they announced the DAR considering the acquisition of the property and they never signed it and she asked them to sign it. Ms. Schindler further stated the question came up if they were willing to sign the certificate of notification waiver saying they waive the 120 day notice requirements set for the in law before the closing can happen with this propriety. Questions also came up about the property itself. It is in APR is now held by the Winding River Land or Franklin Land Trust, the town did make a contribution to that property, the Franklin Land Trust is trying to transfer to the Commonwealth DAR. This week or next week Brandon Vicory and Barbara Hopkins are doing a site visit on the Fournier Farm. The Commonwealth will not go forward with the closing unless the farm is in active production and has been productive for two years. They are working on contracts with other people in the community to try to demonstrate that the farm will be an active production. She spoke with Barbara and she asked if they would be willing to sign the certificate, if they decide to go ahead with closing and they don't sign it, it will cause a delay. Selectman Phelan stated our concern last time was it already in APR and he asked if it is correct to say this is a transfer, it is not costing us any money, they just want permission to close between the two agencies. Ms. Schindler stated yes.

MOTION: To sign the certification of notification waiver (120 days notice requirement)
(PHELAN, BLANCHARD) Voted and approved 4-0

Labrie APR

Old County Road

Ms. Schindler stated this is a new APR. The Department of Agricultural Resources would like the board to read the announcement aloud. Ms. Schindler stated in order for this to be considered by them the Town would need to complete the Muni-ap. She needs help with #9-18. Selectman Phelan stated #10 was completed many years ago.

Chairman Dods reads aloud the announcement from Department of Agricultural Resources for Assessor Map 40, Lot 101-Valley Road; Map 43, Lot 18-Old County Road.

Selectwoman Roy read the Confirmation of Notice.

Ms. Schindler stated the Con Com will complete the section on page six and once they complete and sign it, it will come back to the Board to be signed.

Committee Handbook (June 1, 2010)

Postponed to June 1, 2010

IV. NEW BUSINESS

Nothing at this time

V. OTHER CORRESPONDENCE AND SIGNATURES

Letter from Virginia Ahart, CPC Chair re: Request to contact Town Counsel

Chairman Dods read aloud the letter from Virginia Ahart, CPC Chair requesting to contact Town Counsel.

MOTION: To honor Mrs. Ahart request to spend funds to contact Town counsel.
(BLANCHARD, PHELAN) Voted and approved 5-0

Timber Cutting O'Connor Land

Chairman Dods read aloud the timber cutting permit. Ms. Schindler stated they are receiving these as notification but they do not have jurisdiction.

MOTION: To make sure the Police Chief and the Highway Department receives copies of future timber cutting permits. (PHELAN, BLANCHARD)

Voted and approved 5-0

Charlie McDonald has been working with Sean Libby the forester and if they have any comments they can contact him.

VI. MINUTES OF MEETINGS, APPROVAL & SIGNATURES

Payroll Warrant #P10-46 \$225,703.05

MOTION: To sign payroll warrant #P10-46 \$225,703.05. (PHELAN, MCDOUGALL)

Voted and approved 5-0

Minutes of May 4, 2010

MOTION: To approve minutes of May 4, 2010. (PHELAN, BLANCHARD)

Voted and approved 5-0

VII. OPEN TIME FOR PUBLIC

David Silvernail, Police Chief, spoke to the Board regarding Capital Improvement Plan and the lack of communication. He stated historically the departments had been included on the discussion of warrant articles and capital improvement plan articles. The police articles he submitted have both been eliminated and he has not had an opportunity chance to discuss with the board. He further stated he was surprised to see the warrant articles that were posted; they have not had a chance to speak with the board. Last Tuesday the Board made the decision to close Town Hall and only discuss the re-appointments at their meeting. He asked why weren't the departments notified about the discussion of the articles.

Chief Silvernail briefly updated the board about his discussion with Ms. Schindler regarding communication.

Chairman Dods asked Chief Silvernail based on his experience of prior process what would he expect to have happened. Chief stated in one of the meetings about a month ago, the Finance Committee made a recommendation all capital were forgo for a year in order to fund raise for employees. The Board did not recall that conversation. Chief stated in that discussion the board asked what his position was on that, he understood it they were not funding the capital improvement. Now there are articles on the capital improvement plan on the warrant and his articles that he submitted in the five year plan are no there and now there is an article for \$20,000 for Larrabee School that was not on the five year plan last year. Ms. Schindler stated the town had \$25,000 to do a PBX phone system and she researched it, and they have a Centrex Contract with Verizon they had to forgo that article. In the mean time all of the Larrabee furniture and moving expenses were cut out they substituted it. It was the Capital Improvement Plan to do that. She further stated they do not have money to move or for file cabinets. She suggested to the CIC to lower the amount to \$20,000 that CIC wanted to move ahead with that.

Chief continued to say he was not notified his article were not being considered, he didn't even get an opportunity to discuss the police dept needs. Chairman Dods stated the dept were here and two weeks ago they made the decision based on that not to raise wages. Chief stated back when they had the initial expense meeting with the FC and Select board

they were told they would have a meeting to discuss the salaries and wages. There was never an opportunity to discuss the wages and salaries for the police dept. Chairman Dods stated they made the decision not to fund it.

Chief further stated the point he is making there is a serious problem with communications. He believes the Town Administrator is the liaison and is failing to keep the communications open and he is concerned. He feels he needs to go to the board directly to get things to them accurately.

Selectman Phelan stated if they modify the dept head meetings, they are currently meeting once a month, now to have the depts at their meeting on Tuesday night, the first meeting of the month to sit down with them until they work out the filter of communications. If the dept have an issue they present it directly to the board and they have direct access to the board.

Selectman Phelan stated he does not recall how the articles were discussed. Ms. Schindler stated they had a discussion and one of the FC members suggested they drop 100,000 worth of the capital improvement plan this year, everyone agreed (Cauley, Silvernail and Hyde) they were asked if this made sense b/c of that time they (Silvernail) answered at that time they were discussing it in the context of wages. They subsequently did not give the wage increase. That is what they voted in a joint meeting collectively. Nancy brought that info back to the CIC. They did not specify what they were going to drop, the board told them to drop a 100,000 and that is what the CIC did. The committee did that and did not contact the dept head. It wasn't just the police dept that was dropped there are other items on there that were shifted around.

Selectman Phelan apologized, he said it was a series of small blunders he thinks part of it, he recollected the conversation Chief stated he would rather people to receive wages vs. new cruiser. Selectman Phelan further stated he would like to have everyone feel that there is good communication going on. Chairman Dods stated he would rather work thru the existing line of communication. Selectman Phelan stated at this point in time there is certain mistrust, until it is built up somehow even if it takes once a month conversation.

Selectman McDougall stated for the past year as chair he worked hard on communication, to get them to talk to each other. One of the reasons he has tried to fix that especially towards the end on that night of March 16th. His conversations with Ed there are issues of communication as well with the Treasurer and Town Clerk. He tried his best as he could to advocate communication. He believes he failed at that task he believes it will take the whole board to do it. Selectman McDougall further stated they would need to sit them down in a room all of them to get them to go in one director. Chairman Dods stated he would like to do that; he would like to get to the root cause of what the real issue is.

Selectman Phelan suggested sending the select board minutes to the department heads electronically.

MOTION: To have the Select minutes as they are available sent to the department heads.
(PHELAN, BLANCHARD) Voted and approved 5-0

Selectman Phelan stated when they make motions and they asked for things to get done. He would like to formulate a plan when they make a motion he would like someone to come back and check it.

(I have already created this chart)

MOTION: To have an all Boards, Committee and Department Head meeting on June 1, 2010. (PHELAN, BLANCHARD) Voted and approved 5-0

This is to have people tell them where they are, what they are doing, where they hope to accomplish this year and how can the Select board help them. Anyone can attend.

There was a question as to whether or not they are going to discuss the "snow policy".

8:00 P.M. EXECUTIVE SESSION M.G.L. CHAPTER 39, §23B #3 Police Union

MOTION: To go into executive session under M.G.L Chapter 39, §23B #3 Police Union (PHELAN, BLANCHARD)

ROLL CALL: DODS – AYE; PHELAN – AYE; BLANCHARD – AYE; ROY – AYE; MCDOUGALL - AYE Voted and approved 5-0

0:00 P.M. RECONVENED INTO REGULAR SESSION

ROLL CALL: DODS – AYE; PHELAN – AYE; BLANCHARD – AYE; ROY – AYE; MCDOUGALL - AYE Voted and approved 5-0

Chairman Dods stated he recently attended a school meeting who informed him the teachers are not going to open their contract and the superintendent suggested there are ways of the town saving money.

Email from EJ Brennan, Chairman of Goshen was read aloud by Selectman McDougall.

Selectman Phelan suggested someone to call Town Counsel regarding their action if they do not open their contracts.

9:30 P.M. MOTION: To adjourn and close the meeting. (PHELAN, MCDOUGALL)
Voted and approved 5-0