

Board of Selectmen Meeting
Memorial Town Hall
Chairman:

Edmund E. Jaworski

June 12, 2018 @ 5:30pm
Approved: July 31, 2018

Present:

Selectman Brian Moriarty, Selectman Cindy Doty, Selectman Edmund Jaworski, Marlene Michonski, Town Administrator

Selectman Jaworski called the meeting to order at 5:30p.m. He announced the Board would go into executive session via a roll call vote. Selectman Moriarty moved to go into executive session in accordance with MGL Chpt 30a, § 21A to conduct negotiations with non-union personnel, and then return to open session. Selectman Jaworski seconded. A roll call vote was conducted and with Selectman Moriarty voting aye, Selectman Doty voting aye, and Selectman Jaworski voting aye, the motion was approved. The Board returned from its executive session and regular session resumed at 6:26p.m.

Announcements: Selectman Jaworski noted that Thursday is Flag Day. A ceremony will be conducted at 6 at the pavilion with the Boy Scouts, the Legion and the Fire Department. Flags can be retired and also dropped off at town hall.

Cessie Pelis passed last week. She was a town EMT for many years and condolences are sent to her family. Father Coonan was wished a happy 80th birthday.

Public Forum:

Resident, Chris Smith asked to have the recent audit results put on a Board of Selectmen's agenda for a televised meeting. Ms. Michonski said Mr. Sullivan has no further recommendations at this time.

Ed Lesko – 350th Anniversary Committee co-chair, with Laurie Banas

Mr. Lesko announced the winner of the 350th Anniversary Logo Contest as Madelyn Nagy of 40 Elm Street chosen from 4 finalists. He said of 49 entries, the committee had a hard decision to choose 4 finalists identified as Ryan Flanagan, of Elm Street, Ki Eno, a town employee, and a 2018 Smith Academy senior, Connor Fill, State Road, Whately. Ms. Banas asked for volunteers for events planned throughout the year. Meetings will be open to the public and there will be a Facebook page set up. Selectman Jaworski thanked the committee.

Members of the steering committee are: Van Higgins, Mike Paszek, Ed Lesko, Laurie Banas, Lucinda Williams, Bobby Betsold, Anna Holhut, Lynn Omasta, Cher Nicolas. Planned events are a gala on New Year's Eve, a parade in June 2020, block dance, firemen's muster, and historical committee events throughout the year. An events calendar will be forthcoming.

Recreation Trails Grant –

Ms. Michonski explained that this is a reimbursable grant for the White Rock Hiking Trail on Horse Mountain which was funded through an article at Annual Town Meeting. Students will work on the trail and camp out on town property just past the reservoir during August. Open Space will be making trips up there. Selectman Jaworski moved to accept the contract for the Recreation Trails Grant and student conservation work. Selectman Doty seconded. The motion was approved.

Letter of Resignation – Planning Board

Selectman Jaworski moved to accept the resignation of Ron Sassi, Planning Board. Selectman Doty seconded. The motion was approved. A letter from the Planning Board indicating that they want to fill the position is needed.

Conservation Commission Appointment

Selectman Jaworski moved to appoint Harry Bardwell to the Conservation Commission. Selectman Doty seconded. The motion was approved. Lydia Szych, Town Clerk, explained that Harry Bardwell will fill Jan Adamski's position.

Class II License Correction

Selectman Jaworski moved to grant a license to Brandon Leblanc dba Big B's auto Body. Selectman Doty seconded. The motion was approved.

Agreement with Diocese for use of space-

Regarding Our Lady of Grace Parish on School Street, Ms. Michonski said she is in communication with William Labroad, a representative of the diocese. Town counsel has reviewed the agreement and inserted line 6 – "... to the extent fully permitted by law." Ms. Michonski notified the Council on Aging and Father Coonan. Selectman Jaworski moved to accept the agreement with the diocese for use of space. Ms. Michonski addressed a question about the town's insurance for the space.

Smith Academy Parks Project Update-

Ms. Michonski reported landscaping improvements are complete. All required reports have been submitted. Ms. Michonski said she doesn't expect construction of a pavilion to be started until next year.

Green Communities Grant Project Update -

Ms. Michonski said this has been closed out. An education and outreach portion done by PVPC consisted of graphic and design work for posters and a report on the website. Online there is a tab for each project with charts of the savings for weatherization measures, and LED lighting change-outs.

DPW Director Report-

Water Transmission Project Phase 3

A letter included in the meeting packet recommends Geeleher Construction for the project. Mr. Genovese said all MA DOT permits are in place. He said Phase 3 is for \$780,800. An amount of \$75,000.00 would be for final pavement which will not be done by Geeleher. He noted our prices through HCOG are cheaper. He described the route of the water line. Selectman Doty asked if Chestnut Street is a State road. Mr. Genovese is to get clarification

Selectman Moriarty moved to award the contract to Geeleher Construction as the low bidder. Selectman Doty seconded. The motion was approved.

Finance Committee – Mr. Darryl Williams, Mr. Sean Barry, Mr. Paul Fisher, and Ms. Betsy Rider

Mr. Williams described requests from Ms. Michonski for \$2,410.00 and \$1500.00 from the Assessors. These were transferred from Finance Committee reserve. Ms. Michonski has had conversations with Justin Cole, Baystate Municipal Accounting, and Tony Roselli, Roselli and Associates. She reported that it was unlikely that Mr. Roselli would complete the audit and have a draft report ready and filed by June 11. However over the weekend there were some developments and he sent email that issues were pretty much resolved, and he may file the report by the 18th.

Mr. Cole said he will be finishing Schedule A and free cash on Monday, the 18th and will meet with auditors tomorrow via conference call. Responding to a question from Selectman Moriarty, Ms. Michonski said the accountant was out yesterday and today but is expected tomorrow. Selectman Jaworski noted the warrant has to be filed tomorrow for a town meeting on the 27th. Mr. Williams said 81k of bills attached to FY18

have to be paid at another town meeting. Ms. Michonski said the Police Department, Fire Department, Council on Aging and Town Clerk may turn money back in.

The Board and Finance Committee discussed free cash and stabilization with Ms. Michonski. Regarding whether a Special Town Meeting would be possible Selectman Moriarty said it is easier to schedule it now and then decide what we want to do. Mr. Williams said we came up with a priority list last week. Tomorrow is the deadline for posting the warrant. Ms. Michonski noted another article request from DPW to Capital Planning about extending the water line. Mr. Williams said they have not taken up any of the capital items. He explained why it was important to have a Special Town Meeting it might be possible to get caught up with the right decisions with new free cash certified. Mr. Barry noted that FY18 bills cannot be paid with FY19 money.

The Finance Committee briefly discussed with the Board of Selectmen what the cost might be to outsource the accountant's job or if there would be enough money. Selectman Jaworski asked if we would also need a clerk to do the data entry. Mr. Williams said that can be answered tomorrow. Selectman Moriarty requested Ms. Michonski ask for guidance from some of the professionals to straighten us out. In response to a question from a resident, Mr. Williams pointed out that the bills being discussed are FY18 bills and we are in FY18. Mr. Barry described what had to be done by the end of June in order to be able to spend free cash.

Mr. Williams said we could transfer money from within departments or use stabilization. Mr. Barry said a lot of departments don't know how much money they have left in their budgets. Ms. Slys said they can't give you an estimate because it's all based on the balance sheet. Mr. Williams said both the auditor and Baystate are telling us we're ok for the Special Town Meeting. Mr. Williams has confidence in Baystate and Rosselli. Ms. Michonski said financial officers have been working closely with DOR and they are pleased we are staying in touch and making progress.

Ms. Michonski said regarding Special Town Meeting the Board now must decide to sign a warrant or cancel. Selectman Jaworski said we are going forward with Special Town Meeting. Selectman Moriarty and Selectman Doty agreed. Selectman Jaworski said tomorrow's discussion will be a determining factor regarding possible options. Ms. Slys said this will be a 2 phase project because FY18 ends in 20 days.

Warrant articles were gone over at the request of the Finance Committee. Articles 5 and 6 are reimbursements to stabilization and \$40,000.00 to Ambulance. The next meeting date was discussed. Selectman Moriarty suggested Weds, June 20th at 6:30. Ms. Michonski said Terry Williams will be here tomorrow and we should have all the information by then.

The Board of Selectmen took a short break at 7:53; afterwards the meeting resumed at 8:04p.m.

EMD Position –

Selectman Doty left the meeting, Selectman Jaworski noting that Selectman Doty can't vote on any matters regarding the Emergency Management Director as she is the serving in this capacity. Ms. Michonski said regarding conflict of interest, legal counsel recommends Selectman Doty resign her position on the Board of Selectmen if she is EMD Director.

Selectman Jaworski summarized, that at present Selectman Doty works under the Fire Chief and can continue in that capacity unless the position were to change and report instead to the Board of Selectmen. In that case she would have to resign and reapply after 30 days. Selectman Moriarty noted a request from the Police Chief, Fire Chief and Emergency Management team to move the EMD under the Board of Selectmen. Selectman Moriarty believes we should post that position and Selectman Doty can stay on the Board of Selectmen and give the EMD position to someone else.

Selectman Jaworski asked Selectman Moriarty if they knew she would have to resign when they asked to move the position. Selectman Moriarty said he didn't know. Ms. Michonski said Selectman Doty made her aware that if there isn't a vote then she still continues though the position would still be under the Fire Chief.

Selectman Moriarty addressing a question from Ed Lesko said the reporting structure is under the Fire Chief in his contract. Ms. Michonski has a copy of the legal opinion of Attorney Mullen. Selectman Moriarty said at the last meeting the fire chief and police chief's said the EMD should be under the Board of Selectmen. Mr. Lesko read some items from the charter. Selectman Moriarty said the discussion was about the reporting structure.

The Board discussed this topic with Ms. Michonski. Selectman Jaworski asked if the charter stated who the director reports to. Deputy Fire Chief, Bob Flaherty read a portion of the charter. Regarding versions of the charter being referenced, Ms. Michonski said the one in the packet is what is on file with the Town Clerk. Selectman Jaworski said there was a proposal to move the EMD under the Board of Selectmen but if the position is moved then the current EMD cannot work under the Board because she is a member.

Selectman Jaworski said if we move the position under the Board then we would lose our EMD who's highly trained and recognized by the State. Selectman Moriarty said if we post the position, then she would have to choose to be on the Board or the EMD.

Selectman Moriarty moved to extend the appointment of the current EMD until July 30th. Selectman Jaworski seconded. Selectman Moriarty noted we are only talking about this because it was brought forward by Emergency Management and the Police and Fire departments and now it appears they're backpedaling. The motion was approved. The Board now has a chance to get more information.

Abatement Requests

Mr. Genovese, DPW Director, presented three abatement requests for the Board's consideration. – These were for 77 Depot Road, 66 North Street and 98 Prospect. Mr. Genovese described the process of having meters checked saying most of the time the meter is working fine. He recommended denying the abatement request for 77 Depot Road as we don't do abatements if the meter works fine. Selectman Moriarty moved the Board not approve abatement for 77 Depot Road. Selectman Doty seconded. All voting in favor, the motion was approved.

Regarding 66 North Street Mr. Genovese said the person did put in a new lawn and the bill went up. There is an eyewitness that the water was used. Selectman Moriarty said we have to have a reason to support the abatement. Selectman Moriarty moved to deny the abatement request for 66 North Street. Selectman Doty seconded. The motion was approved.

Also, Mr. Genovese said 98 Prospect is an ongoing issue regarding a pool leak. The usage was high. Mr. Lastowski of the Water Department went out; there are new owners now. Selectman Moriarty said she was maybe given a false expectation by the former collector. Selectman Doty said she would like to see emails on things such as this. Selectman Moriarty moved to not approve the abatement for 98 Prospect. Selectman Doty seconded. The motion was approved.

Liaisons to Departments

Selectman Doty said she did not have a good experience as rep to PVPC. After discussion the Board decided to share this. Because CIPC needs to be voted Selectman Jaworski moved to appoint Selectman Moriarty to represent the Board on the CIPC. Selectman Doty seconded. The motion was approved. Selectman Doty will serve as FRTA rep.

Selectman Jaworski moved to discontinue use of LHS Accuvote SN#45632 Voting Tabulator and to begin implementing the use of a new LHS ImageCast Electronic Vote Tabulator beginning with the November 6, 2018 State Election. Selectman Moriarty seconded. The motion was approved.

Request to Carryover Vacation

Ms. Michonski informed the Board that the Police Chief and Police Sergeant have presented requests to carry over unused vacation. She explained that they can carry over 80 hours but in excess of that requires vote of the Board. Selectman Moriarty asked how many hours vacation is accrued per month. Selectman Doty asked to see the numbers before a vote.

Employee Personnel Form

Police Officer Ruddock is completing his probationary period. Ms. Michonski presented a form which needs to be signed but not voted. .

Ms. Michonski presented a disclosure form for a recently elected member of the school committee who works for the Hampshire Educational Collaborative. The Chair needs to sign and the disclosure form is filed with the town clerk.

Study Committee to Increase Board of Selectmen Membership-

Ms. Michonski drafted a charter for the Board's review. Selectman Moriarty said this is a very in depth look into this while the intent was to find out how you go about legally going from 3 to 5 members. Selectman Jaworski noted this is a 1st draft. He asked what the Board needed to do in order to fulfill the town's wishes. Ms. Michonski answered that a committee is needed. Selectman Moriarty suggested a committee of 3.

Selectman Moriarty moved to appoint alternates to the Emergency Management Committee as presented. Selectman Jaworski seconded. Selectman Doty recused herself from this vote. The motion was approved.

Ms. Michonski noted subcontractor bids are due June 20th, and general contractor bids are due June 29th. A pre-bid conference last week was well attended.

Approval of Minutes-

Selectman Moriarty moved to approve the minutes of April 25. Selectman Doty seconded. The motion was approved.

Selectman Moriarty moved to approve the minutes of March 21. Selectman Doty seconded. The motion was approved.

Selectman Moriarty moved to approve the minutes of March 29. Selectman Doty seconded. The motion was approved.

Selectman Moriarty moved to return to executive session according to MGL Chapter 30a, § 21a 2.

Selectman Doty seconded. The Board will not return to open session. A roll call vote was conducted and with Moriarty voting aye, Jaworski voting aye and Doty voting aye, the motion was carried and the open session ended at 9:35pm.

Respectfully submitted,

Ki J. Eno

Executive Assistant