

Town of Rowe – FY2012  
Board of Selectmen - Minutes  
Wednesday, April 11, 2012 – 7:00pm  
Rowe Town Hall

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**Call to Order:** The meeting was called to order by Chairman Abbott at 7:05pm.

**Present:** Chairman Noel Abbott and Selectman Paul McLatchy III and Bob Clancy

**Also Present:** Josephine Sarnelli, CPA, and Bob Dean, FRCOG Director of Regional Services

**Audit Findings:** Chair Abbott introduced Ms. Josephine Sarnelli who then read aloud the findings from her recent internal control review of the town (see report attached). Ms. Sarnelli was thanked for her report.

**FRCOG Accounting Program:** Bob Dean, FRCOG Director of Regional Services, gave a brief overview of their accounting program (attached). They use *FundWare* software and provide accounting services to approximately 10 towns. They do not provide payroll services. Mr. Dean was thanked for attending the meeting to explain their program.

**MTRSS Three District Shared Expense Agreement:** Chair Abbott stated that the board will be taking a vote to go into Executive Session concerning the Three District Shared Expense Agreement (aka the 2008 3 DA) between the Mohawk Trail Regional School District (MTRSD), the Hawlemont Regional School District (HRSD) and the Rowe School District (RSD). Phil Grandchamp, the attorney hired by Mohawk, claims that the current 2008 3 DA that was ratified by all three school committees [in early 2008—to take effect July 1, 2008] was unenforceable. We are very clearly claiming that this 2008 3 DA agreement is enforceable. Our legal counsel in this matter Brody, Hardoon, Perkins and Kesten, has done meticulous work in this regard. Unilaterally the MTRSD and the HRSD have constructed and signed a two new agreements: One is a Three District Cost Sharing Agreement to take effect July 1<sup>st</sup>, 2012 for Fiscal Year 2013 (aka the 2013 3 DA) without input from the RSD. Mohawk and Hawlemont School Districts have also signed a new 2 District Regional Cost Sharing Agreement (aka the 2013 2 DA) to take effect if Rowe did not sign on to the 2013 3 DA. Mr. Abbott stated that these agreements will almost certainly be found to violate Rowe's rights and be found not binding. He also reported that a recent MTRSD school committee meeting agenda included an item for "Rowe funding for litigation against Rowe". Chair Abbott stated both he and Bill Loomis have tried to meet with MTRSD officials and other Selectmen to put together a group that can come to the table to discuss these matters for the past three months, but those attempts have not borne fruit. In addition, Rowe is being positioned as the aggressor, which is the opposite of the reality. Unless this issue can be resolved, there is a strong likelihood of litigation. [Note: Matters of litigation ultimately fall under the purview of the Selectboard.] At 9:15pm a motion was made to go into Executive Session under reason (3) of c.39 [c.39, §23B(3) "...with respect to...litigation...if an open meeting may have a detrimental effect on the...litigating position of the governmental body..."], to discuss the issue of the Three District Agreement in terms of a judicial intervention and to reconvene in open session following the Executive Session. Roll call vote as follows: Noel Abbott – aye, Paul McLatchy – aye, Bob Clancy – aye. The board invited Ms. Miller to the Executive Session to record the minutes of the session.

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EXECUTIVE SESSION held from 9:15pm to 9:36pm

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**Call to Order:** The Selectmen reconvened their open session with Chairman Abbott calling the meeting to order at 9:36pm.

**School Payphone:** The Selectboard had voted unanimously (3/0) at their January 18, 2012, meeting to discontinue paying for the school payphone effective April 30, 2012. Chair Abbott reported that the school principal and the central office need more time to sort this out, and recommended that the town pay for the phone for one more month. The Selectboard voted unanimously (3/0) to extend the town's paying of the school payphone through May 31, 2012.

**School Paving Project:** The bid opening for the school paving project will be held on Thursday, May 10<sup>th</sup> at the central office, and the bid review/award will take place at a joint meeting of the School Committee and Board of Selectmen on Monday, May 14<sup>th</sup> at 6pm at Rowe School. DPW Supt. Jim Taylor will be requested to attend the May 14<sup>th</sup> meeting. Ms. Miller will email Ms. Blier confirming this schedule.

**BJ's Membership:** The Selectboard voted unanimously (3/0) to drop the BJ's membership. Chair Abbott will construct a response to the Inspector General's Office.

**FinCom Liaison:** Marilyn Wilson, FinCom Chair, offered to be the liaison between the FinCom and the BOS. The Selectboard voted unanimously (3/0) that Ms. Wilson be the liaison between the Board of Selectmen and the Finance Committee.

**Citizens' Petition:** BOH member Ann Foshay presented a citizens' petition that requests that an article be placed on the Annual Town Meeting warrant changing the BOH from a 3 member board to a 5 member board. The article will be placed on the warrant. The same petition was acted on at the FY2012 annual town meeting in May 2011, and was defeated by two votes.

**"Rescuing Our Democracy" Resolution:** Chair Abbott stated that he and Doug Wilson both recommend that this resolution be placed on the May 2012 ATM warrant. Selectman McLatchy felt it was inappropriate for the Selectboard to present this, and felt it would be better presented via a citizens' petition. Ms. Miller was asked to contact Doug Wilson to see if he would like to present this to the board via a citizens' petition.

**Request to Film at Pelham Lake Park:** Ms. Miller reported that she had received a call from a Mr. John Andrucci who is interested in filming a movie at the park sometime in June/July (approx. 3 weeks), for release at Halloween time. She obtained a sample application form from the MA Film Office, which she made into an application form and permit form for the Town of Rowe. Ms. Miller was asked to contact Park Commission Chair MaryJo Fuller to see if she can attend tomorrow evening's BOS meeting to discuss the matter. The Selectboard agreed that if this matter does proceed, any expenses incurred will be solely the responsibility of Mr. Andrucci. Ms. Miller will contact MIIA to discuss liability issues.

**FY2013 c.90 Funds:** Notice was received from MassDOT that Rowe will receive \$147,811 in c.90 funds for FY2013.

**Old Home Day Committee:** The Selectboard voted unanimously (3/0) to appoint Bob Dykeman to the Old Home Day Committee.

**OML Violations:** Two additional OML violations were received from Lisa Danek-Burke. Chair Abbott is reviewing these and will report at a subsequent meeting.

**Warrants:** Payroll Warrant #21 and Treasury Warrant #22 were unanimously (3/0) approved for payment.

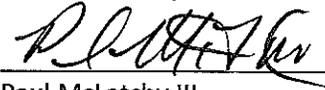
**Adjournment:** The Selectboard voted unanimously (3/0) to adjourn the meeting at 10:05pm.

Respectfully submitted,  
Ellen B. Miller, Town Coordinator

Approved:



Noel R. Abbott, Chairman



Paul McLatchy III

June 19, 2012

Date Approved

Robert J. Clancy

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**Attachments:**

- Agenda
- J Sarnelli Findings Report
- FRCOG Accounting Program Overview
- Citizens' Petition re BOH membership
- "Rescuing our Democracy" resolution
- c.90 Funding Notice
- OML Violations (2)