

Town of Rowe – FY2012
Board of Selectmen - Minutes
Wednesday, January 18, 2012 – 7:00pm
Rowe Town Hall

Call to Order: The meeting was called to order at 7:07pm.

Present: Chairman Noel Abbott; Selectmen Paul McLatchy III and Robert Clancy

Audience: Jodi Brown

Minutes: Chairman Abbott requested that the minutes of the January 12th meeting be deferred to the next meeting regular meeting. Board members McLatchy and Clancy agreed.

Berkshire Highlands Pentathlon: Mike McCusker sent an email concerning the March 31st event asking who he should speak to about having the EMS folks or the town police patrol at the top of Monroe Hill from approximately 11:30 until 1:30 to inform cyclists to use serious caution going down Monroe Hill Road (see email attached). Ms. Miller had previously emailed Chief Dandeneau's contact information to Mr. McCusker following his first request. She will provide Mr. McCusker with this information again.

School Payphone: The Selectboard voted unanimously to discontinue paying for the payphone located on the front porch of the Rowe School effective April 30th. Ms. Miller will draft a letter to the School Committee informing them of this decision.

National Flood Insurance Program (NFIP): Ms. Miller reported that information concerning zoning bylaw and flood plain designation needed to participate in the NFIP has been forwarded to the Planning Board. The Planning Board hopes to have the zoning bylaw/flood plain designation portion ready for the Annual Town Meeting in May.

Repository of Meeting Minutes for Town Boards/Committees: The Town Clerk was to attend this evening's meeting to discuss this matter. Ms. Miller will prepare a draft memo to her requesting that she provide information concerning her request that boards/committees forward their meeting minutes to her as the town's repository of these items, and that she attend an upcoming meeting to discuss.

Tuition Agreement: Chairman Abbott reported that he, Bill Loomis and consultant David Newell met with special counsel (Attorneys Lenny Kesten and Naomi Stonberg) on Friday, January 13th to provide documentation and historical information concerning Rowe's tuition agreement with the Mohawk Trail Regional School District.

Meetings Concerning Tuition Agreement: At the January 10th School Committee meeting School Committee member Lisa Danek-Burke stated that at any Selectboard meetings where the above mentioned tuition agreement is discussed these meeting should be held jointly with the School Committee. Chairman Abbott read aloud the following opinion that he received from Town Counsel Joel Bard concerning this matter:

**Statement Regarding Select Board's right to make School Issues
"a matter of interest" and Executive Session**

When an issue affects the Town, even if elements of that issue belong to a different committee, the Selectmen have the authority to make this issue a "Matter of Interest" to them. That means that the Select Board can have its own discussions, conduct its own investigation, and pursue its own individual process.

When another elected Town committee is involved, both the BOS and that committee have their independent legal roles and responsibilities. When decisions regarding this matter fall to the different committee, the Board of Selectmen cannot supplant the authority of that other committee. The Selectmen can however choose to discuss and take a position on a matter under the jurisdiction of that other committee, but their vote will serve as an advisory vote and not a decisive one.

The Board of Selectmen has the right to appoint a single Selectman and, perhaps other individuals, including a single member of that other committee, to pursue an issue of interest and report back to the Board. There is no legal requirement to make any related meetings between these two representatives and third parties open as the Open Meeting Law does not apply.

Specific Relevant Examples:

- The BOS has chosen to appoint Noel Abbott, Select Board Chair and Bill Loomis, School Committee Chair to pursue issues regarding both the town and the School Committee. As this does not create a quorum of a governmental body, the Open Meeting Law is not invoked in their discussions and in meetings with third parties.
- The 1983/1992 Regional Agreement ratified by all towns is a matter for the Selectmen, not the School Committee to oversee. Even though the content of that agreement affects the educational structure and process, it was voted upon by the Town's citizens, not the School Committee.
- Three District Cost Sharing Agreement is entered into and signed by the School Committee. As such the decisions regarding this agreement fall to the School Committee, and not the Selectmen. The Selectmen have the right to discuss and take an advisory position on the issue.
- Bill Loomis and Noel Abbott, as the Town's representatives, can meet with legal counsel and that meeting does not fall under the Open Meeting Law.

Chairman Abbott will read the above statement at the School Committee meeting tomorrow evening, Jan 19th.

Audit: Chairman Abbott reported that auditor Josephine Sarnelli started work yesterday, Jan 17th, and that he met with her yesterday. Selectman McLatchy stated that he expected that the auditor would initiate contact with individuals she wanted to meet with, and not the other way around (individuals contacting her to request to meet with her). Chairman Abbott stated that she had asked him to meet with her.

FY2013 Budgets: Audience member Jodi Brown stated she had received a call asking where FY13 budgets should be sent. Both Selectmen Bob Clancy and Ms. Miller responded that all budgets are to be sent to the Town Accountant, as required by MGL, which has been the practice. Ms. Miller asked Ms. Brown why she had been contacted concerning this question, and stated that all departments/boards/ committees had been given this information in writing.

FY2013 Budget Meetings: The following meeting schedule was set up (Ms. Miller will email information to pertinent committee/board/department heads):

Wed, Feb 8, 2012

6:00pm DPW/Cemetery Com
6:30pm Board of Assessors
6:40pm Library
7:00pm Park Commission
7:15pm Board of Health
7:35pm Police

Wed, Feb 22nd

6:00pm School Committee

Wed, Feb 29th

6:00pm Fire/Emergency Management

Fire Department Review: The Fire Department review will be held at the next regular meeting on February 1st.

Planning Board Vacancy: The Planning Board is interested in having Marilyn Belval appointed to the vacant seat on the Planning Board (seat vacated by Sharon Hudson). Chairman Abbott stated that he did not know Mrs. Belval. Jodi Brown (Planning Board member) stated that she would have Planning Board Chair Jack Williams contact Mr. Abbott to discuss the matter.

FRCOG Planning Board—BOS Rep: A notice will be placed in the February *Goal Post* asking if there are any residents interested in being the Selectmen's representative to this regional board.

Gracy House Committee: The Selectboard voted unanimously to appoint Marilyn Belval to the Gracy House Committee.

Veterans' Agent: Ms. Miller will ask VSO David Scrivens to attend the next regular meeting to discuss the state's new training requirements for all VSOs (Veterans Services Officers).

Surplus Truck: There has been a request from a resident to purchase the truck cap only from the 1999 surplus Ford F150 pickup truck. There was a motion to advertise for bids for the surplus truck and cap as follows: truck only, cap only, and truck with cap. The motion was seconded. Selectman McLatchy stated that he felt the cap should be sold to the resident without going through the bidding process. Selectmen Abbott and Clancy stated that in fairness the bid process should be followed. The motion passed 2 to 1, with Selectman McLatchy dissenting.

Town Hall Tower Clock: Chairman Abbott reported that resident Ron Gordon has offered to be the keeper of the tower clock, keeping it set with the correct time. [It hasn't been correct for many years.] The Selectboard were appreciative of the offer and wholeheartedly accepted. Ms. Miller will inform Mr. Gordon and thank him for the Board.

Police Dept: Chief Dandeneau stepped into the meeting. Following items discussed:

- **MIRCS/CJIS:** Chief stated that the MIRCS/CJIS system will be operational by January 31st. Department training in these systems is not squared away yet.
- **FY2013 Budget:** He hopes to finish it tomorrow, and will get it to Ms. Miller in the next couple of days. He was informed that his budget meeting with BOS is February 8th.
- **Radar Training:** Officer Shippee will attend radar training next week.
- **Police Report for *Goal Post*:** The Selectboard voted unanimously to have the Chief submit his monthly police report to the *Goal Post*, redacting names and times. This month's tip for residents concerning Home Security will also be published in the next GP.
- **Departmental Meetings:** Monthly meetings were begun in November. They are held third Wednesday of the month.

Fire Chief Recognition: Selectman Clancy recommended that recently retired Fire Chief Ed May be recognized for his 25 years of service with a retirement dinner and gift. He suggested a Firemen's Bugle, which is a customary retirement gift for firemen. Cost of bugle is approximately \$400. Can town money be expended on this gift? Ms. Miller will check with the DOR. A motion was made and seconded to allocate up to \$400 for the bugle (pending DOR concurrence) in honor of Chief May's years of service to the citizenry of Rowe. The motion passed 2 aye/ 0 no/ 1 abstention (Selectmen McLatchy). The date of Friday, March 30th, was chosen for the event (not a surprise party). Selectman Clancy will email Ed's son Paul to ask if the date is good, and which location is preferred—Mohawk Park Restaurant or the Warfield House (both in Charlemont). Food/drink will not be funded by the town.

Town Counsel Correspondence: Following notices reviewed: Storm Water reporting, new Gender Identity Law, Evergreen clauses in employment contracts, lifting of cap on Class 2 (used auto sales) licenses.

Warrants: Ms. Miller reported that the General Fund checking account balance is approximately \$90,000. Treasury/payroll warrants presented this evening = \$287,000. The Selectboard voted unanimously (3/0) to approve TW16 and PW15 for payment, but instructed Ms. Miller to hold vendor checks above and beyond \$90K, after payroll accounted for, until sufficient funds are in the checking account to cover these checks. All payroll checks will be released.

Police Log: Log for Dec 2011 was reviewed.

Adjourn: The Selectboard voted unanimously (3/0) to adjourn the meeting at 9:33pm.

Respectfully submitted,

Ellen B. Miller
Town Coordinator

Approved:



Noel R. Abbott, Chairman



Paul McLatchy III



Robert J. Clancy

Feb 15, 2012

Date Approved

Attachments:

- Agenda
- Berkshire Highlands Pentathlon email
- Town Counsel opinion statement
- Town Counsel Correspondence
 - Storm Water Reporting
 - New Gender Identity Law
 - Evergreen clauses in employment contracts
 - Lifting of cap on Class 2 (used auto sales) licenses