

Town of Rowe – FY2012
Board of Selectmen - Minutes
Wednesday, May 9, 2012 – 7:00pm
Rowe Town Hall

Call to Order: The meeting was called to order by Chairman Abbott at 7:04pm.

Present: Chairman Noel Abbott and Selectmen Paul McLatchy III and Bob Clancy

Also Present: SchCom members Bill Loomis, Lisa Danek-Burke, Lisa Miller, School Supt. Michael Buonoconti, School Business Manager Joanne Blier and Rowe School Principal Bill Knittle

ATM Article Wording: FinCom Chair Marilyn Wilson stated that there was a problem with the wording of the ATM article to pay off the Sun Trust ESCO equipment lease. Ms. Miller stated that she has sent the warrant to Town Counsel Joel Bard but had not heard back from him that there was any problem. She will check with him to make sure the language is correct.

Incident at Rowe School Today: An envelope was received today via US Postal Service at Rowe School that contained a white powder that when opened spilled onto the school secretary's desk. An enclosed note made a reference to Al Queda. Authorities were promptly notified. The school was immediately placed on lock down, and all students were confined to their classrooms until it was deemed safe for them to be released. A team of state public safety officers and HazMat personnel contained the situation. Six staff members took precautionary showers and donned clean clothing. Emergency Management Director Ed May reported to the Selectmen that the white powder was tested and confirmed to be potato starch. He stated that the Fire Department does have a suspicious letter/envelope protocol, but it only addresses unopened envelopes. This item will be addressed and appropriate training will take place.

Police Dept: Chairman Abbott will ask Chief Dandeneau to attend the next regular meeting to give a department update.

IG's Letter re BJ's Membership: Chairman Abbott stated that there had been a request from a resident for a copy of this letter. He will check with Town Counsel Joel Bard concerning this matter.

FRCOG Accounting Services Contract: Ms. Miller spoke with Bob Dean of FRCOG on the status of the Rowe contract. He stated that FRCOG is in the process of moving to their new office building. It is at the top of his list when he gets situated next week.

Payroll Services: Four services have been looked into: Paychex, Harpers, ADP and CheckWriters. Chairman Abbott reported that two services were not being recommended: ADP (too expensive; inflexible; unprepared); and Paychex (too expensive; no presentation given). Two services were viable: Harpers and CheckWriters. Both Ellen Miller and Marilyn Wilson recommend Harpers. They offer a highly sophisticated full feature service, very user friendly, 3-year price guarantee. CheckWriters did give a good demo, but the payroll software did not seem as developed as Harpers. A motion was made and seconded, and the vote unanimous (3/0) to award the payroll services contract to Harpers Payroll Services in the amount of \$4,250.80 (annual estimated charges) and \$250.00 for one-time implementation charges. There is a two-day turnaround with their service. Payroll data will be uploaded by 3pm on Tuesdays (bi-weekly), and checks will be overnighted to the town hall by courier. The package will need to be signed for at the town hall. Ms. Miller will check to see if payroll warrants can be signed during the day on Tuesdays—not at a posted BOS meeting.

Internal Control Review: Specific recommendations will be looked at during the next BOS meeting on May 23rd. Items that the board agrees on will be identified. Other items will be looked at on a case-by-case basis to determine what action, if any, will be taken.

Oct 18th Executive Session Minutes: A resident has asked when the October 18, 2011, executive session minutes will be released. Selectman McLatchy stated that the minutes were approved at a subsequent executive session. Chairman Abbott will check with Town Counsel Joel Bard at the ATM to see if the minutes can be released.

School Payphone: Chairman Abbott reported that he and Bill Loomis met with Principal Bill Knittle today at Rowe School concerning the outdoor payphone. The phone did not work today. It would have been very helpful during the incident concerning the white powder. Chairman Abbott had found a viable option at www.payphone.com. They have a phone that uses an existing phone line and can be blocked to only access local or toll free calls. The phone costs \$165.00. The Selectboard voted unanimously (3/0) to have the town pay for the purchase and installation of the Rowe School outdoor phone and to pay for any maintenance costs. The also voted unanimously (3/0) to purchase the same phone for the town common phone booth. The cost is presumed to be \$330 (\$165 x 2), plus installation.

Town Clerk Conference: Town Clerk Jenn Morse would like to attend a Town Clerk's Association conference on Cape Cod June 6th and 7th. The Cost of the conference is \$255, with a \$50 fee for late registration. She is not requesting mileage reimbursement. The Selectboard voted unanimously (3/0) to approve the expenditure of \$305 for the clerk to attend the conference, with the clerk paying for her own transportation.

MRTs: The following MRTs were unanimously (3/0) approved:

- **MRT #2012-01—Veterans' Benefits:** \$100 from Veterans Administration Operations to the Veterans' Benefits account for pay for a deceased veterans burial benefit,
- **MRT #2012-02—DPW Vehicle Fuel:** \$12,000 from DPW Wages to DPW Fuel for Town Vehicles.
- **MRT #2012-03—DPW Electric:** \$1,200 from DPW Winter Roads to DPW Electric.
- **MRT #2012-04—ESCO M&V:** \$100 from General Administration to the ESCO Measure & Verification account.

MRT #2012-05 for Election/Teller Expenses: Town Clerk Jenn Morse stated that extra funds are needed for this account, and requested a Municipal Relief Transfer request of \$600. The Selectboard voted unanimously (3/0) to approve an MRT transferring \$600 from General Administration to Election/Teller Expenses. Ms. Miller will forward the MRT to the FinCom for concurrence.

Appointments for Election Day: At the recommendation of Town Clerk Jenn Morse, Selectman McLatchy made a motion to appoint Kris Swenson and Heidi Cousineau as election workers for the remainder of FY2012. Selectman Clancy seconded the motion. Chairman Abbott stated that he had concerns about one of the appointees, Kris Swenson. He stated that Ms. Swenson had sent a letter to residents advocating certain candidates for the annual town election. Selectman McLatchy withdrew his motion. The Selectboard then voted unanimously (3/0) to appoint Heidi Cousineau as an election worker for the remainder of FY2012.

Town Meeting Vote re Accounting/Payroll Software: At the April 25th BOS meeting Ms. Miller had stated that she took exception to an email that Chairman Abbott had sent to Town Counsel Joel Bard following the STM on April 24th as the email inaccurately quoted comments she made during discussion of the article concerning the appropriation of funds for accounting and payroll software/services. Chairman Abbott stated at the April 25th meeting that he would listen to the audio recording of the meeting and would apologize this evening if his email was inaccurate. Chairman Abbott did listen to the audio recording and compared it to his email. He then read his email aloud and a transcription of her comments from the recording. He stated that he strongly misrepresented Ms. Miller's comments and then apologized to Ms. Miller. He also emailed Town Counsel Joel Bard to inform him of his misstatement and of his intention to apologize to Ms. Miller. Ms. Miller did accept Chairman Abbott's

apology. He further stated that he places a high value on trust, and invited anyone to challenge anything he says that is not true.

Free Cash Certification: After repeated requests over an extended period of time the *Treasurer's Quarterly Cash Report* for the period ending June 30, 2011, still had not been submitted by the Treasurer. This is the final document needed to get July 1, 2011, Free Cash certified. Free Cash will be needed to balance the FY2013 budget. Ms. Miller reported that as the town's hands were tied, on Saturday, April 28th, she completed the cash report, Selectman Bob Clancy brought it to the Treasurer for her signature, and Ms. Miller submitted the report to the DOR. On Monday, April 30th the DOR certified Rowe's Free Cash as of July 1, 2011, in the amount of \$194,929.

ESCO Measure & Verification: It was noted that the \$4,305 needed in FY2013 for the ESCO Measure & Verification was inadvertently not included in the FY2013 budget. Selectman Clancy suggested that the ATM article for the General Administration line item be read \$4,305 higher (\$30,752 vs. \$26,447) rather than calling an STM for this one item. It was agreed to add the amount to the General Administration line item at the ATM.

Electricity Contracts: Ms. Miller reported that the town's three-year electricity contract with NEXtera expires on June 30th. Geoff Rogers of Hampshire Power will meet with Ms. Miller and Jack Packard on Tuesday, May 22nd to discuss their services. Selectman McLatchy will also attend the session.

c. 32B Implementation Report: As required by c.32B, an implementation report on Sections 21 through 23 is due to the state in June each year. This report compares the town's health insurance plan costs with HCGIT (Hampshire Country Group Insurance Trust) to the state's GIC plan costs. It also compares specific plan benefits. The report identifies an annual savings to the town of \$11,742 with HCGIT compared to the state's plan. The Selectmen voted unanimously (3/0) to approve and sign the report prepared by HCGIT, which Ms. Miller will forward to the state Secretary of Administration and Finance.

Ballot Question re Capital Expenditure Exclusion: Ms. Miller phoned Town Counsel Joel Bard to inform him that the ballot question concerning the capital expenditure exclusion was inadvertently omitted from the annual town meeting/town election warrant. He informed her that there is a remedy for this which requires an act of special legislation by the Governor. He will draft the appropriate letter and actual wording of the legislation needed and will forward it to her. He suggests not having the Selectboard sign and send the letter until after both the town meeting and town election. If both votes pass, then the request should be forwarded. If one or the other does not pass, the matter will be moot. The Selectboard voted unanimously (3/0) to authorize Chairman Abbott to sign and forward the request to the Governor if both votes pass.

Siemens Contract Amendment #1: Ms. Miller reported that she had found in her files that Amendment #1 to the Siemens contract had in fact never been signed. There had been several iterations of this document. She confirmed the final version with Siemens and forwarded it to Attorney David Doneski at Kopelman and Paige for his review/recommendation. Following his review the Selectboard will sign the document and forward it to Siemens for signature.

Open Meeting Law Violations: Chairman Abbott is attempting to get an answer to the question about the attendance at school committee meetings of both he and Selectman McLatchy. Selectman McLatchy attends as minute taker and does not enter into any discussion at the meeting. Chairman Abbott has been attending in part due to concerns about the three district agreement with Mohawk and Hawlemont, and the tuition agreement with Mohawk. He believes that he has the right to speak in meetings without violating Open Meeting Law provided that he and Selectman McLatchy do not deliberate. Several OML violations have been filed concerning their attendance at these meetings.

Forensic Financial Audit: Resident Cindy Laffond has requested that the town obtain a written opinion from town counsel concerning the fact that town meeting voted \$30K last December for a Forensic Financial Audit, but the Selectmen had an Internal Control Review performed instead. She wants to know if it was legal to purchase something other than what the specific town meeting vote was for. Chairman Abbott will get town counsel's response to Ms. Laffond.

FY2013 Increase for Town Hall Custodian: Ms. Miller reported that she had learned from town hall custodian Julie Shippee that two members of the Finance Committee had informed Ms. Shippee that she was not getting the 3.6% COLA next year that all of the other town employees were getting. Ms. Shippee was quite upset by this. Ms. Miller informed her that this was not true—that she indeed was getting the same COLA as the other employees. Ms. Miller asked that in the future such questions be brought to the employee’s supervisor or directly to the Selectboard.

Warrants: Treasury Warrant W24 and Payroll Warrant P23 were unanimously (3/0) approved for payment.

Police Report: Report for month of March 2012 was reviewed.

Executive Session: At 9:40pm the Selectboard voted by the following roll call vote to go into Executive Session for the purpose of discussing strategy with respect to litigation, because meeting in open meeting may have a detrimental effect on our litigating position; and to reconvene in Open Session following the Executive Session: Chairman Abbott – aye, Selectman McLatchy – aye, Selectman Clancy – aye. Ms. Miller was unanimously (3/0) invited to the Executive Session as minute taker.

Reconvene Open Session: At 9:55pm Chairman Abbott called the reconvened Open Session to order.

Adjournment: The Selectboard voted unanimously (3/0) to adjourn the meeting at 9:56pm.

Respectfully submitted,

Ellen B. Miller
Town Coordinator

Approved:



Noel R. Abbott, Chairman



Paul McLatchy III

June 19, 2012

Date Approved

Robert J. Clancy

Attachments:

- Agenda
- Harpers Payroll Services Contract
- MRTs #1-5
- Town Clerk memo re Election Worker appointments
- Noel Abbott Apology
- Free Cash Certification
- C. 32B Implementation Report
- Town Counsel’s draft letter to Governor re Election Ballot question