

Town of Rowe – FY2013
Board of Selectmen – Meeting Minutes
Tuesday, October 9, 2012 – 6:00pm

Call to Order: The meeting was called to order by Chairman Abbott at 6:06pm.

Present: Chairman Noel Abbott, Vice Chairman Paul McLatchy III, and Selectman Marilyn Wilson

Audience: Betty Lenth, Ann Foshay, Dot Page, Judy Pierce, June Brown, Cindy Laffond, John Magnago, Lenny Laffond, Jim Davidson, Florence Veber, Myra Carlow, Betty Vernes, Lisa Lamore, Jodi Brown, Julie Shippee

Cost of Correcting Treasury Matters: Cindy Laffond asked for a financial report on how much has been spent on Treasury matters dating to back when problems first surfaced concerning the Treasurer's office. The Select Board agreed to provide this information stating they could have it in a few weeks. Selectmen Wilson will determine what costs for Lynn Hathaway will be. Selectman McLatchy will get information on legal fees paid, Sue Williams' pay, Internal Control Review cost, etc.

Town Counsel Opinion—Control of School Property: An email was received this afternoon from Town Counsel Joel Bard that states that it is his opinion that "...the Rowe School Committee has care, custody and control of the property." He further states:

Based on the information I have been provided, it is my opinion that the following are the key facts. At a June 10, 1960, Special Town Meeting, under Article 2, Town Meeting voted to appropriate \$500,000 to acquire land for, and to construct, an Elementary School. At the same meeting, under Article 3, the Town voted to authorize the Board of Selectmen to acquire land, a certain 30 acres, "for the purpose of erecting the new Elementary School authorized under Article 2 above" By Order of Taking recorded August 16, 1960, the Board took by eminent domain three parcels of land totaling approx. 30 acres "for the purpose of establishing, constructing and operating an elementary school." I am not aware of any subsequent Town Meeting votes or other actions altering these basic facts.

Based on the above facts, it is my opinion that the School Property is dedicated to school purposes and the Rowe School Committee has custody and control over the School Property. That will be the case until two events occur. First, the Rowe School Committee would have to determine that the property is no longer needed for school purposes and, second, Town Meeting would have to vote, by two-thirds majority, to transfer the use of the property to another purpose. G.L.c.40, s.15A. In addition, Article III, section 7 of the Town Bylaws states, "The School Committee shall have the care, management and control of all school buildings, school grounds, and all other school property, except insofar as the same may be voted at any town meeting." The above Town Meeting vote is consistent with the Bylaw.

Attorney Bard further specifically states his opinions as follows:

1. The School Committee controls and has authority over the School property.
2. The School Committee has the authority to make the decisions when or whether to demolish the remains of the school building.
3. Until the School Committee votes to relinquish control of the property and until Town Meeting votes to transfer the property to another use (or to "general municipal use"), the School Property shall remain "a school", in the sense that the land will be reserved for school use.
4. The School Committee, as custodian of the Property, and consistent with the above-cited Town Bylaw, controls the contents of the school. [This encompasses both real and personal property.]

He asked that the Board let him know if he has overlooked any questions the Board has, and states that he will convert the email into a letter to the Board when all are satisfied that it is complete. The Select Board agreed that once the Board of Selectmen and School Committee determine that the opinion is complete it will be posted on the town website. *[Note: A memorandum citing the above information was sent to the School Committee on 10/18/12 asking that they discuss the disposition of the property at their October 24th meeting and inform the Board of Selectmen of their thoughts or decisions concerning the property.]*

Demolition of School Building: The Select Board voted unanimously (3/0/0) to request that the School Committee take a vote on the demolition of the damaged school building. School Committee Chair Lisa Miller will be asked to email the Board of Selectmen the results of this vote. Selectman Wilson cautioned that she feels the school site is an “attractive nuisance,” and that if the School Committee won’t make a determination to demolish the building at this time, that the Select Board may have jurisdiction to step in and demolish the building for safety reasons.

Town-Wide Call re SchCom Meeting: Ms. Miller was asked to put out a town-wide call reminding citizens about the Thursday, Oct 11th School Committee at the Hawlemont School at 4pm.

MIIA Report: Ms. Miller was asked to call Tom Donaldson at MIIA to ask if we can have their final report by this Thursday at noon. She will send a copy to the School Committee as soon as it is received.

Architect and/or Planner: An architect and/or planner should be retained to guide in the process of rebuilding. Perhaps this(these) individuals should run the Nov 17th forum. MIIA has stated they would help with finding an architect and/or planner. DESE may have these resources as well. The Board of Selectmen voted unanimously (3/0/0) to hire a planner to guide us through the process of determining what the best course of action is. The planner would provide the following: 1) absorb town information and opinions; 2) set up structure of town forum; 3) work with architectural firm; and 4) work with an education expert.

Transfer of Laptops/MacBooks to Town Hall: Ms. Miller stated that Ed May could not attend this evening’s meeting, but she did speak with him about removing, cleaning and transferring the (18) laptops and (18) MacBooks and their charging cabinets at the school to the town hall. The Select Board voted unanimously (3/0/0) to have the computers stored in the town hall fitness center where they can be plugged in, until the School Committee determines their disposition.

Central Office Costs Associated with School Fire: Chairman Abbott had sent an email to Supt. Buonconti on August 20th asking that the Central Office provide us with bi-weekly or monthly invoices for any additional Central Office billing time related to the Rowe School Fire. No response has been received. The email was put into a formal letter dated October 2nd to Supt. Buonoconti and was signed by all three Selectmen and sent on October 3rd. Ms. Miller was asked to email this letter within the next 24 hours to all parties involved (BOS, SchCom, FinCom, Sch Superintendent, Sch Business Manager, Sch Facilities Manager, Judy Willis).

FY2013 School Budget vs. Loss of Income due to Fire: An accounting needs to be determined as to what items are being funded by the school’s FY2013 budget vs. what expenditures are considered loss of income. Ms. Miller stated that Laurie Laffond is reviewing all paid invoices and will provide her with a listing of any invoices paid to date that should have come from the regular budget, but were paid from the school fire deficit account instead. These expenditures can then be reclassified to the regular school line item. Selectman McLatchy asked that Ellen Miller forward to him a copy of the school’s FY2013 budget. She will email it to him tomorrow. Items purchased from the deficit account—those considered “loss of income”—should tie into the inventory being prepared by Principal Bill Knittle.

Fire Chief’s Report: The chief is working on the report. He is gathering input from the other officers. Chairman Abbott asked Vice Chairman McLatchy if the chief needed help gathering information and formatting it into a report. A copy of the report sent to the state should be incorporated into this report. Both the Chair and Vice Chair will contact the fire chief this week concerning the matter.

Administrative Assistance: Chairman Abbott recommends that assistance be sought to work on the school fire matter. He presented a draft listing of duties for two different functions—accounting assistance and administrative assistance. Ellen Miller will contact MIIA to confirm that any expenses related to this will be covered under the “loss of income” portion of our insurance.

- **Accounting assistance:** The Select Board voted unanimously (3/0/0) to hire an administrative assistant with accounting skills to deal with the issues related to the school fire matter. Selectman Wilson will speak with Lynn Hathaway, who is assisting us with getting Treasury records up-to-date, to see if she is interested in taking on this task also. It was agreed that the accounting assistant would be hired as a contractor.
- **Administrative assistance:** The Select Board voted two in favor, and Selectman McLatchy opposed (2/1/0) to hire an administrative assistant to deal with the issues related to the school fire matter. It was agreed that administrative assistance should be hired via a temp agency. Selectman Wilson will work on this matter. Mr. McLatchy opposed only because of the uncertainty of how the position would be funded.

Assistant Treasurer Wages: Ellen Miller reported that there are insufficient funds to pay Sandy Daviau as Assistant Treasurer. Typically only \$100 is put in the budget each year to provide for an assistant to handle limited duties (mainly sign checks) in the event the Treasurer is unavailable; however, the assistant this year has actually been fulfilling all duties of the position, and is now training the new Treasurer. The Select Board agreed to have a Reserve Fund transfer for the needed funds prepared for action by the Finance Committee. Ms. Miller stated that perhaps \$300 or \$400 is needed. She will prepare a Reserve Fund Transfer request for \$400.

Cultural Council: The Select Board voted unanimously (3/0/0) to appoint Jodi Brown to the one vacancy on the Cultural Council. That makes a full complement of five (5) members; however, one member has moved out of town, and has not responded to any phone calls by LCC Acting Chair Robin Booth. Ms. Miller asked Selectman McLatchy if he would contact this member—Meghan McLatchy—to see if she is still interested in serving. The Cultural Council will be meeting soon to act on the FY2013 applications (which are due Oct 15th).

Conservation Commission: The Conservation Commission—normally a 5-member board—is down to three members. Recommendations are being sought for two new members. At the request of ConCom member Bob Clancy, Ellen Miller will find out if a super majority (4 out of 5) is needed for any of the actions needed to be taken by the Conservation Commission.

Dog Officer: Dog Officer Russ Powers has resigned the Dog Officer position effective September 30th as he is moving out of Rowe in early October. Selectman Wilson will contact Loretta Dionne to see if she is interested in being appointed to the position.

Police Chief Succession: Chairman Abbott stated that he has identified two individuals that could be very helpful to the town in the process which needs to begin soon to find a successor for Police Chief Dandeneau who will be retiring at the end of this fiscal year. Chairman Abbott spoke with Kurt McKenzie of the Western MA Regional Policy Academy who suggested that Phil Adams, Hampden MA Police Chief (Ret.) and Executive Director (10 yrs) of Western MA Chief of Police Association, and Richard Marchese, East Longmeadow Police Chief (Ret., Executive Director (7 yrs) for MA Police Chief’s Association, and Greenfield Interim Police Chief, would be good resources that would probably be available for a modest cost. It was agreed to have Chairman Abbott contact Mr. Adams and Mr. Marchese to discuss his possible assistance to the Select Board in this effort. The Select Board is hoping to identify an individual for long-term hire as our new Police Chief.

Challenge of Recall Petition: School Choice parent Lisa Lamore submitted an email to the Select Board Chairman Abbott on Oct 4th which she asked be placed on the BOS agenda. It voiced her concerns about the matter concerning the recall petition (see email attached). Chairman Abbott stated that Brandon Sprague (Town Clerk's spouse) had asked his wife to sign for him, and stated this in a letter to the Select Board. Vice Chairman McLatchy was asked to scan this letter in and email it to the Board members. Chairman Abbott further stated that even if Mr. Sprague's signature was discounted, the matter would be moot as there were significantly more than enough signatures for submittal of the petition. The Select Board is not taking any action on this matter; however, Chairman Abbott stated that if a state agency challenges the matter, then the Select Board can address it at that time.

Resident Jodi Brown stated that she was sad about this matter, believing that an elected official would have had to have done something wrong in order to be recalled. She stated she was telephoned by someone asking her to sign the petition recalling Lisa Miller. This person stated "we can't get Cindy [Laffond] off, so we're going after Lisa Miller." Mrs. Brown feels this is not at all ethical.

The bottom line is that there are no requirements or guidelines for reasons behind recall petitions.

WiredWest: Chairman Abbott asked permission to have Ellen Miller send out a town-wide voice message to residents suggesting that they consider signing up for WiredWest as their internet provider. Both Selectmen McLatchy and Wilson denied his request as they stated it would be a conflict to promote this entity at the town's expense.

Broadband Committee: The Select Board voted unanimously (3/0/0) to rekindle the Broadband Committee, to be made up of three (3) members for the purpose of studying and presenting to townspeople options for internet service providers.

Rep. Paul Mark: Chairman Abbott reported that Rep. Paul Mark will be holding officer hours in Greenfield on Mondays from 9am to 4pm, and in Charlemont on Thursdays from 9am to 12 noon. Major issues he is focusing on are employment and high speed internet service.

Kesten Invoice: Chairman Abbott requested that the Select Board approve using the FY2013 Legal Expense line item to pay an invoice recently received from Brody, Hardoon, Perkins & Kesten in the amount of \$175 for legal services incurred to formally drop the lawsuit concerning the Three District Agreement. The Select Board voted unanimously to pay the invoice from the FY2013 legal expense line item.

Treasurer's Office: Selectman Wilson reported that Donna Flagg has been working with Lynn Hathaway, and that things are going well. She needs to sign signatory cards at both Greenfield Savings Bank and Unibank. The Select Board voted unanimously (3/0/0) to send correspondence to Greenfield Savings Bank authorizing Donna Flagg as a signatory on all Town of Rowe accounts. Sue Kelly of Unibank will be here Thursday at 10am to obtain Donna's signature on their signatory documents.

Thank you letters: Ms. Miller presented thank you letters to both the Rowe Historical Society and the Rowe Camp & Conference Center for their allowing the use of their facilities for town business. The letters were signed and will be sent out tomorrow.

Minutes: Minutes of the August 5th and 6th meetings were unanimously (3/0/0) approved as amended. Ellen Miller will print final versions for signing next week.

Warrants: Treasury Warrant TW13-08 and Payroll Warrant PW13-08 were unanimously (3/0/0) approved for payment.

Adjournment: The Selectboard voted unanimously to adjourn the meeting at 10:20pm.

Respectfully submitted,

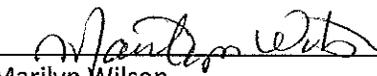
Ellen B. Miller
Town Coordinator

Approved:

Noel R. Abbott, Chairman



Paul McLatchy III, Vice Chairman



Marilyn Wilson

10/30/12
Date Approved

Attachments:

- Agenda
- Town Counsel opinion re who has authority over school site
- School Fire Administrative Assistance outline
- Reserve Fund Transfer Request – Asst Treasurer Wages
- L Lamore email re Recall Petition
- Kesten invoice
- Thank you letters to RC&CC and RHS