

Town of Rowe – FY2012  
Board of Selectmen - Minutes  
Wednesday, March 14, 2012 – 7:00pm  
Rowe Town Hall

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**Call to Order:** The meeting was called to order by Chairman Abbott at 7:07pm.

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

**Also Present:** Jason Whittet of MBI, Chip Brodeur of Western MA Connect, Rowe School IT Tech Director Ed Skutnik

**Fiber Optic Connections:** Messrs. Whittet and Brodeur attended the meeting to update the town on the status of the MA Broadband Initiative (MBI) which is bringing fiber optic high speed internet to unserved/underserved towns in western MA. The first phase of the program is to bring the fiber to Community Anchor Institutions (CAI). The CAIs in Rowe are the **Town Hall, Fire Station, Library, Gracy House Community Center and the Rowe School**. MBI has chosen AXIA as their network operator to operate and maintain the system. \$40 million in state funding and \$40 million in federal funding is paying for this program which will bring fiber optic connections to 1300 CAIs, and will be finished by June 2013. The network is an open access, non-discriminatory network. Documentation for 32,000 utility poles has been completed, and they are now obtaining licenses for poles. Any pole that is out of code will get replaced. G4S has been contracted to install the fiber. They have 3.5 million feet of fiber in their West Springfield MA yard. It costs approximately \$50K per mile to install.

Rowe will be getting its feed from the Charlemont POI (Point of Intersection). It will head out of the POI up into Heath, and across into Rowe along Stone Hill Road, down Leshure Road/Pond Road to Rowe village. Each of the five Rowe buildings will get its own backer board with connection boxes. Each port is separate.

AXIA is a wholesale provider. They are working to attract last mile providers. They have 18 signed on so far. Towns will issued their own RFPs to purchase the amount of service they want. Ed Skutnik stated that Crocker, who will be one of the providers, has estimated the school's cost for 10mb will be about \$150/month.

Messrs. Whittet, Brodeur and Skutnik were thanked for attending the meeting.

**Nurse's Wages for FY2013:** BOH member Jodi Brown asked the Selectboard if they intend to decrease the nurse's wages for FY2013 [thereby leaving her hours at less than 20 per week]. Chairman Abbott asked that the BOH bring the Selectboard justification for the 24 hours per week and costs related to these hours. The Selectboard will then study this information and discuss jointly with the BOH. Ms. Brown stated that if the reduced wages are put in the budget, then a citizens' petition will be submitted to put the full wages (for 24 hours of service) and the ATM warrant.

**Public Water Supply Upgrades:** Ms. Miller stated that the final item—a distribution map—is being prepared and will be ready shortly.

**Audit:** Chairman Abbott stated that today was Ms. Sarnelli's last day at the town hall.

**Depot Street Bridge:** Ms. Miller reported that trucks are still using the Depot Street Bridge, which now has a maximum weight limit of 3 tons. Chairman Abbott will speak to Police Chief Dandeneau about this.

**Veterans' Services Officer:** Ms. Miller reported that Leo Parent has agreed to be Rowe's VSO effective 7-1-12. Ms. Miller will inform David Scrivens of this. Mr. Scrivens had offered to stay on as Veterans' Graves Officer, in the event that Mr. Parent becomes the VSO. She will confirm that he will stay on as VGO.

**Retirement Party for Ed May:** Ms. Miller will make up tickets and posters for the Saturday, June 23<sup>rd</sup> event, and will get an item to Paul for the *Goal Post*.

**AGO Approval of New Solar Bylaw/Zoning Map:** Correspondence was received from the Attorney General's Office stating that they approved the recent Official Zoning Map (dated 9-13-11) and Solar bylaw passed at the November 2, 2011, STM, but asked that the town have town counsel ensure that the new bylaw does not impinge on c.40A, Sec 3. Ms. Miller corresponded with Town Counsel Joel Bard. Mr. Bard stated that the AGO's comment was cautionary and did not require a response from the town. Attorney Bard stated:

*The comment you forwarded is a "caution", a conservative approach the AG has been taking for the last few years. They are simply saying that the solar bylaw cannot be applied in a manner inconsistent with state law. They are not saying that the bylaw is in fact inconsistent with state law or improper in any other way. At present, we do not know how the courts will apply the solar language in c. 40A, s.3 to specific town bylaws or if the courts will set certain standards under the statutory language. In my opinion, in the absence of specific guidance from the courts, the bylaw adopted by the Town last year "reasonably regulates" solar uses. [They do not expect a response. They simply send their "cautions" as guidance.]*

**Complaint of Vicious Dog:** The following investigation of the vicious dog complaint was received from Dog Officer Russ Powers on March 13, 2012:

*Dog Tag # 0018  
Certificate of rabies on file with town clerk  
10 month old Aussie Shepard "rescued"*

*Rebecca [Bradley] states that she's been working with the dog as in training and has socialized the dog with guests at her B&B and finds no aggressive behavior from the dog.*

*Rebecca cannot understand why Gail May wouldn't call them to inform them that she will be walking so they can work with her and their dog.*

*Rebecca also stated that she will make sure the dog isn't loose without supervision until the ground thaws so that she can install an electric fence system.*

*Rebecca also denies the possibility of this event occurring on this date of the 18<sup>th</sup> because she was at home with the dog all day w/her guests and had not seen Gail May.*

A letter will be sent to Ms. Bradley confirming that they will keep their dog under control and will be putting up an electronic dog control fence.

**Town Meetings:** It was agreed that both the ATM on May 14<sup>th</sup> and the STM on May 21<sup>st</sup> would start at 6:30pm.

**Cash Reconciliations:** Marilyn Wilson stated that she would have Treasurer Heidi Cousineau get monthly cash reconciliations to Ellen Miller, including a copy for the BOS.

**Town Hall ADA Access:** Ms. Miller stated that the estimate she received for automatic door openers for the side entrance to the town hall is \$10,000. We currently have \$2,000 for the project. She was asked to find out if MIIA has any grants for this type of work.

**BOS Annual Town Report:** Selectman McLatchy offered to draft the annual report for the BOS.

**OML Complaint:** An OML complaint was filed by Cindy Laffond against the Audit Committee for holding an unposted meeting at the town hall on February 21, 2012. The Audit Committee plans to re-do this by holding a posted meeting to discuss the items discussed on February 21<sup>st</sup>.

**OML Complaint:** Received copy of acknowledgement of receipt by AGO of the February 7, 2012 OML complaint filed by Lisa Danek-Burke against the Board of Selectmen.

**Town Clerk Becoming Notary Public:** The Town Clerk has requested that the town pay for the \$60 cost for her to become a Notary Public. The Selectboard agreed that they would pay this cost if she agrees in writing to not charge for notary duties.

**Nomination of Animal Inspector:** The Selectboard voted unanimously (3/0) to re-nominate Russ Powers as Dog Officer. The nomination paper will be filed with the Dept. of Agricultural Resources once signed/notarized by Dog Officer.

**Special Municipal Employee Exemption:** A Disclosure of Financial Interest form was received from Bill Lattrell of Lattrell Ecological Consulting as required by c.268A. Mr. Lattrell is a consultant used occasionally by the Conservation Commission. The Selectboard voted unanimously (3/0) to approve the Special Municipal Employee exemption. Ms. Miller will provide the original document to the town clerk.

**Town Counsel Attend ATM:** The Selectboard voted (2/1) to have Town Counsel attend both the May 14<sup>th</sup> ATM and the May 21<sup>st</sup> STM. Selectman McLatchy dissented in an effort to curb costs. Ms. Miller will inform Kopelman and Paige.

**City & Town Software:** Notice was received from Scott Sawyer that City & Town Software will no longer be supported as of July 1, 2011. This will necessitate the town purchasing other accounting/payroll software. Ms. Miller provided information on VADAR systems. This matter will be discussed at the March 27<sup>th</sup> meeting.

**Inspector General's Letter re BJ's Membership:** A letter was received from the Inspector General's Office concerning a confidential complaint they received concerning the town's BJ's membership. The letter was taken under advisement.

**ISO Building Code Effectiveness Grading Schedule Classification Results:** Following a rating that took place over the past year, the ISO has downgraded Rowe as follows:

	Classification	
	Old	New
Class – 1&2 Family Residential property	4	6
Class – Commercial/Industrial property	4	5

The principal reasons contributing to this regression are:

1. Residential code prorated, due to residential sprinkler ordinance not adopted by the State of Massachusetts
2. Changes in certification requirements for all sub codes since the last survey.
3. Certification requirement prior to hire.
4. Department no longer pays certification exam fees.

Ms. Miller stated that she was surprised to receive this information as she had informed them last summer that Mr. Foster (who had been grandfathered from current certification requirements) was no longer our Inspector of Buildings, and that the town had switched to using FCCIP for all inspection/permit services. They said that they would update their records with this information. This would have eliminated reasons #2-4 above. The town has no control over item #1—the state not adopting a residential sprinkler ordinance.

Ms. Miller will respond to Tracy Shultz, Community Mitigation Analyst at the ISO Regional Processing Center in Marlton NJ informing them again of our change to the FCCIP and ask that they revise our classifications. She will also ask Terry Rae of MassONE insurance what the change in classifications will mean for Rowe property owners.

**Minutes:** Minutes of the Feb 2, 22 and 29 meeting were submitted for review/approval. Minutes were deferred to the next meeting,

**Warrants:** Payroll Warrant #19 and Treasury Warrant #20 were unanimously (3/0) approved for payment.

**Adjournment:** The Selectboard voted unanimously (3/0) to adjourn the meeting at 10:00pm.

Respectfully submitted,  
Ellen B. Miller  
Town Coordinator

Approved:



Noel R. Abbott, Chairman



Paul McLatchy III

May 30, 2012  
Date Approved

Robert J. Clancy

**Attachments:**

- Agenda
- AGO letter dated 2-28-12 approving zoning bylaw amendments
- Vicious Dog Complaint - Dog Officer's report of investigation
- OML Complaint against Audit Committee
- AGO acknowledgement of 2-7-12 L. Danek-Burke OML complaint
- Special Municipal Employee Exemption
- Scott Sawyer notice re discontinuance of *City & Town* software
- IG Letter re BJ's Membership
- ISO Letter re Building Code Effectiveness Grading