

**Town of Rowe – FY2013**  
**Board of Selectmen – Meeting Minutes**  
**Wednesday, April 24, 2013 – 3:00pm**  
**Rowe Town Hall**

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**Call to Order:** The meeting was called to order by Chairman Wilson at 3:00pm.

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

**Also Present:** Town Coordinator Ellen Miller, Jodi Brown, Ann Foshay, Cindy Laffond, John Magnago, Kris Swenson, Susie Zavotka, Doug Wilson, Jim Taylor

**Chapter 90:** On the recommendation of DPW Supt. Taylor the following action was taken on Chapter 90 items:

- **Project Reimbursement Request:** A project reimbursement request in the amount of \$103,149.15 for work on Yankee Road and Ford Hill Road was unanimously approved (3/0/0) for submittal to MassDOT for reimbursement.
- **Project Redirection Request:** A letter requesting that \$10,000.00 of Chapter 90 funds approved for the Yankee Road/Ford Hill Road projects be redirected to the **Right of Way Acquisition** for the Depot Street Bridge project #606911 was unanimously approved (3/0/0) for submittal to MassDOT.

**Citizens' Petition:** Douglas Wilson of Leshure Road presented a Citizens' Petition requesting that an article be placed on the Town Meeting warrant for Monday, May 13<sup>th</sup>, 2013, for a new zoning bylaw placing a moratorium on the construction of large scale wind energy systems. The moratorium would expire July 1, 2014. The petition had fourteen (14) signatures, meeting the ten signature minimum required. The article as worded in the petition will be placed on the Annual Town Meeting warrant. Mr. Wilson is aware that as this is a zoning bylaw change that it is required to go through the statutory process of a public hearing process; however, he and the other citizens are interested in bringing the matter before townspeople to get discussion started.

**Expenditures for School "Post Fire" & New School Project:** Kris Swenson asked for an itemized list of monies taken out of the insurance proceeds for the school, and an itemized list of expenditures from the \$250,000 appropriated January 23<sup>rd</sup> for preliminary work on a new school. Ms. Miller said that itemized lists are not available, but a print out from the FundWare system will show vendor payments made from these accounts. You would have to research each individual invoice to see details of payments.

**Franklin County Sheriff's Office Regional Dog Control Services:** The Select Board voted unanimously (3/0/0) to join the Sheriff's Offices Regional Dog Control Services effective immediately, and to pay \$500.00 for joining for the remainder of FY2013. The full fee for next year is estimated to be \$700. Ms. Miller will obtain appropriate paperwork for joining the regional dog services. The Select Board is grateful how the regional facility handled—at their own expense—a recent dog matter for Rowe involving a Pitbull dog that owners Lisa Bryant and companion Michael of 11 Hazelton Road had let run free with no tags. The dog had entered some homes in Rowe. It picked up and brought to the facility by Rowe's Animal Control Officer. The regional facility vaccinated, neutered, and sheltered the dog at their own expense. The owners, when told of the fees they would have to pay to pick up the dog, asked that the facility euthanize the dog instead. When told the fee for euthanizing was \$300, the owners decided to do nothing. The facility ultimately agreed to let the owners have the dog if they obtained a local license for the dog, as Pitbulls are difficult to place for adoption. The owners did obtain the license and picked up the dog. In the end, the owners' only expense was the \$3.00 license fee.

**Minutes:** Ms. Miller did not present minutes for the previous meeting, April 17<sup>th</sup>. It was a busy week getting the final FY2014 budget and town meeting documents prepared. The minutes will be ready for the Monday, April 29<sup>th</sup> Selectmen's meeting.

**Police Chief Job Advertisement:** Chairman Wilson stated that she would like to rework the advertisement for the Police Chief's position, adding wording requiring that the chief reside within a certain distance of the town. Selectman Abbott asked what the distance would be. Chairman Wilson said that she didn't have a particular requirement in mind, but brought it up for discussion. She stated that MGL requires that a Police Chief can't live more than 15 miles as the crow flies from the border of the town where he/she is chief. Selectman Abbott stated that he has concerns about the matter, and asked that it be revisited at next Wednesday's meeting. He asked if any of the applicants had received responses from the town acknowledging receipt of their letters of interest. Chairman Wilson stated that she had sent some responses, but that all applicants had not been responded to. The matter will be discussed again next week. Seven letters of interest have been received to date. The application deadline is May 31<sup>st</sup>.

**Firefighter Payment Method:** Chairman Wilson reported that Fire Chief McLatchy is researching how other area Fire Departments pay their firefighters.

**Computer Replacements:** Ms. Miller stated that both the Assessors' work station and Tax Collector's work station were slated for replacement in this year's budget. Both entities had wanted to put funds in their FY2013 budgets for these replacements, but the Select Board agreed to put the funds in the IT Hardware/Software line item instead so that IT purchases could more easily be tracked. Both entities agreed to this. Ms. Miller stated that their work stations are old and need replacement now.

**Library Request for Funds:** Chairman Wilson stated that the Library Trustees had requested action on two items in March. Neither item has been addressed yet. She submitted draft minutes of the Library Trustees' March 13, 2013 meeting which states that Cathy Snyder and Sue Gleason attended the Selectmen's meeting that day to request the following:

- Reserve Fund Transfer request in the amount of \$2,292.48 to cover vacation payout (96 hours @ \$23.88/hour) for the Library Director.
- Transfer request to move \$600.00 from Library Operations to Library Staff Wages

Ms. Miller will prepare a Reserve Fund Transfer request for tomorrow morning's Finance Committee meeting. The request for the transfer of funds will be placed on the May 13<sup>th</sup> Special Town Meeting warrant.

**IT Update:** Chairman Wilson reported that Jansen MacNay has dropped out as a potential vendor, as he does not have the time to commit to the job. The work he has done so far will be handed over to Northeast Systems. Veritech IT quoted \$18,000 for next year. Northeast Systems is preparing a revised quote. Akuity of Auburn MA has contacted the town and will bid on services. (They are on the state contract.) Chairman Wilson also reported that she spoke with Kevin Fox who works for the town of Colrain. They are looking to buy used computer equipment.

**School Demolition Contract:** Ms. Miller reported that Town Counsel David Doneski has prepared a Memorandum of Agreement for the demolition project. It has been approved by MIIA's attorney Patrick Markey. It is being sent to Baystate Contracting Services for signature, and will then be presented to the Rowe Select Board for signature.

**Public Water Supply (PWS)—Certified Water Operator Contract:** On the recommendation of the Board of Health, the Select Board voted unanimously (3/0/0) to enter into a contract with **Housatonic Basin Sampling & Testing** (aka Berkshire Engineering) of Lee MA to perform water operating services (collection, analytical testing, monthly and annual record keeping and reporting to Client, MA DEP, Boart of Health and Consumer where required) for the town's public water supplies **PWS #1253002 – Rowe Town Hall, and PWS #1253004 – Avery Fountain** effective April 1, 2013. PWS Certified Operator Compliance Notices (COCMs) certifying **Tom Lussier** as the Operator for the Town Hall PWS and **William Prendergast** as the Operator for the Avery Fountain PWS were also unanimously approved (3/0/0). Ms. Miller will get the paperwork to Housatonic BS&T this evening so they can submit it to MA DEP tomorrow, April 25<sup>th</sup>, which is the DEP's deadline. The town's prior Certified Water Operator was Bill Enzer of Berkshire Enviro-Labs of Lee MA. Mr. Enzer's license has been suspended by MA DEP.

### **Town Meetings:**

- It was agreed to hold the STM at 6:30pm and the ATM at 7:00pm on May 13<sup>th</sup> at the Rowe Fire Station.
- The STM warrant will have two items: 1) transfer of funds for School Mac Books and Laptops to iPads (\$10,000), and 2) transfer of Library Operations funds to Library Staff Wages (\$600).
- Ms. Miller reported that c.90 fund amounts have not been disseminated by MassDOT yet, so article was deleted from the ATM warrant. Once funds are known, they will need to be appropriated at an STM.
- It was agreed to move Article 25 concerning the approval of a bylaw change allowing the Planning Board to hire their own independent counsel to Article 3, which will come before the article with the Planning Board's budget line item.
- Ms. Miller will finalize the warrants for signature at a Selectmen's meeting on Monday, April 29<sup>th</sup> at 3pm.

**School Ordering System:** The Select Board voted unanimously (3/0/0) to authorize the Rowe School to use the Amazon account of the Mohawk Central Office for purchases for the Rowe School. The vote was then amended unanimously (3/0/0) to state that the Rowe Elementary School is authorized to use the Mohawk Central Office's Amazon account, subject also to approval by the Rowe School Committee.

**Legal Invoice—Rowe School Three District Agreement:** Chairman Wilson stated that she had spoken with Mark Terry of Mirick O'Connell, Worcester MA concerning their recent invoice for work on the new Three District Agreement between Rowe School District, Hawlemont School District and the Mohawk School District for Central Office Services. Mirick's original invoice was for \$5,669.54. Chairman Wilson realized the invoice was in error as they were charging \$335/hour for their work, and the agreement signed with the town stated the hourly rate was \$200/hour. The firm has sent a revised invoice for \$3,442.06. This invoice is being paid with "Loss of Income" insurance funds, so will not decrement from funds to be used for a new school building.

Chairman Wilson then asked Selectman Abbott why the agreement with the law firm was not brought to the Select Board for signature. Selectman Abbott stated that the Select Board had authorized him at their January 23, 2013, meeting to assist the School Committee in finding an attorney to advise them on the Agreement. The school's counsel Fred Dupere and the town's counsel Kopelman and Paige could not act on the matter due to conflict as they also represent other parties in the matter. The School Committee has authority to hire their own counsel. It was not an agreement needing approval by the Select Board.

Chairman Wilson asked why Mr. Abbott had presented himself to Attorney Terry as Chairman of the Rowe Board of Selectmen. Selectman Abbott explained that when he had his first—and only other—conversation with Mr. Terry in May or June 2012 that he was the Chairman of the Rowe BOS. Perhaps Mr. Terry assumed that Mr. Abbott was still the Chairman. Mr. Abbott did not present himself as such in his recent email to Mr. Terry.

Chairman Wilson asked Selectman Abbott why he had not copied School Committee member Lisa Danek-Burke on a January 24<sup>th</sup> email he had copied the other two School Committee members on. Selectman Abbott stated that he no longer includes Ms. Danek-Burke on any communications he sends, as she has filed fourteen (14) Open Meeting Law violations against him for communications he has sent in the past, which he feels is a misuse of government. Ms. Wilson stated that this is government business.

Chairman Wilson asked Selectman Abbott why he had copied Bob Clancy on one of his emails. Selectman Abbott responded that he did so only to ensure that Lisa Miller (Mr. Clancy's spouse) received the email immediately, as time was a factor. Ms. Miller only intermittently looks at her personal emails, whereas Mr. Clancy reads his emails regularly. Mr. Abbott needed this information to get to Ms. Miller ASAP. Ms. Wilson stated that as a town official, Ms. Miller should be responsible for checking her emails regularly.

Selectman Abbott said he had concerns about an email that Chairman Wilson had sent to Attorney Terry. Mr. Terry had forwarded the email to Mr. Abbott. Mr. Abbott then asked Chairman Wilson if he could read the email aloud. Ms. Wilson stated that she did not want the email read aloud. Selectman Abbott agreed not to read it aloud, but he did state that it was totally out of bounds and there were items that were not true. Chairman Wilson stated that what she said to Marc (Mr. Terry) was in the heat of the moment, and that she apologized to

him. Only one thing was wrong. She said he (Attorney Terry) corrected her, and she apologized to him. Marc Terry said three things that were wrong and Ms. Wilson stated that she gave Marc Terry the opportunity to correct his statements and he did so. Marc Terry did not correct Ms. Wilson.

**Fire Department Appointment:** Chairman Wilson stated that she had had concerns about the recent Fire Officer appointment, and discussed the matter at length with Fire Chief McLatchy. She did not have concerns with the appointee (Brandon Sprague) as Lieutenant. She did have concerns that the town must be careful in not discriminating for any reason—including gender. Anyone is capable of handling and driving large fire apparatus and equipment. She said a couple of people had come to her stating they were surprised that Julie Shippee had not been appointed as a Lieutenant, as Ms. Shippee has consistently attended all trainings and has many years of uninterrupted service with the Rowe Volunteer Fire Department. Mr. Sprague had been on the Fire Department, but then left town for a period of years. He is now again residing in Rowe and has rejoined the Fire Department. Julie was recommended for the position of Lieutenant by several people; however, she was not chosen. Vice Chairman McLatchy, who is the Fire Department liaison, stated that he had conversations with Chief McLatchy about the Lieutenant appointment, and stated that Chief McLatchy had his reasons for the decision he made. Chairman Wilson stated that she was concerned specifically for Ms. Shippee because of two other downward actions recently made by the town concerning Ms. Shippee: 1) downward action on the Police Chief's salary, and 2) downward pressure on the Town Hall Custodian's wages by attempting to cut her weekly hours of 8.0 hours/week. Both Vice Chairman McLatchy and Selectman Abbott stated that there were not two downward actions affecting Ms. Shippee. The Police Chief's stipend is actually increasing in the FY2014 budget from \$10,360/year (\$19.93/hour) this year to \$13,224/year (\$25.43/hour) for next year. The Town Hall Custodian's hours have been at 8.0 hours per week for several years, and the budgeted hours for next year are to remain at 8.0 hours per week. The only change was that the first draft budget called for \$7,445 per year that averaged 9.0 hours per week. The number was changed to \$6,620 to accurately reflect 8.0 hours per week.

**Gracy House Door:** Vice Chairman McLatchy asked if the lock on the Gracy House has changed. Ms. Miller reported that the Gracy House Committee had a new door put on the back entrance to the building. The lock set was changed also. Ms. Miller will get him a copy of the new key. Chairman Wilson stated that the knitting group could not get into the building last Thursday. Ms. Miller stated that she received the new keys late that Wednesday, and that Marilyn Belval (Gracy House Committee member, and knitting group member) was to pick up a key from her.

**Town Hall Windows:** It was stated that there are several problems with the windows at the town hall (locks not working properly, etc.). Ms. Miller will see about getting these fixed.

**FRCOG Meeting re Accounting Program:** Notice was received about a Thursday, May 16<sup>th</sup> meeting by FRCOG to discuss their accounting program. All towns in the program were invited to attend. The Select Board and Ms. Miller will attend the meeting at 7pm at the Olver Transit Center.

**Treasury Warrants:** The Select Board unanimously (3/0/0) TW13-22 and PW13-22 for payment.

**Cafeteria Receipts:** Treasurer Donna Flagg reported that she is having difficulty with the school cafeteria turning over their receipts to her in a timely manner. The cafeteria manager has stated that she does not go by the town hall on her way home, so she will not bring the funds to the town hall. Treasurer Flagg has appealed to Principal Knittle for his help, but that has not worked. The Select Board instructed Ms. Flagg to send a letter to cafeteria manager Carol Lively—copying the Select Board, Principal Knittle, and Town Coordinator Ellen Miller—stating that the receipts need to be turned over to her in a timely fashion—at a minimum (per the DOR) on a monthly basis. If the Treasurer is not in her office, the receipts can be left in the locked box on the Treasurer's door. Ms. Miller stated that Ms. Flagg should mention in her letter that this will be an audit item on the upcoming audit if it is not rectified right away.

**Appointment Papers:** Town Clerk Jenn Morse has asked that she be given copies of all appointment papers issued so that she can keep track of all appointees. Ms. Miller stated that the Select Board had changed the process a few years back by including in the appointment paper that if appointees do not accept and get sworn in

to their positions within 30 days of the appointment notice that it will be deemed by the Select Board that they have declined their appointments. The Select Board was closing loop in the process. There had been a fire officer who was collecting the annual stipend (\$1030) for many years but was never sworn in and never attended any meetings or trainings. Ms. Miller will provide copies of the appointment papers to the Town Clerk, and will add a statement on the paper that the Town Clerk is to return a fully-executed copy of the paper to the Town Coordinator to close the process. After that time any appointee that is due a stipend or wage will then be added to the payroll system.

**Approval of School Items:** The Select Board voted unanimously (3/0/0) to approve the following items:

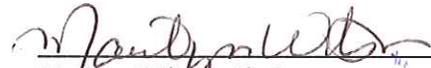
- **PO for CDW:** PO #138101 was approved in the amount of \$2,370.09 (school fire purchase for IT peripheral equipment).
- **Hawlemont MOU:** \$10,747.50 expenditure transfer from Regular School K-6 line item to the school fire account for portion of 2012-13 lease with Hawlemont School.

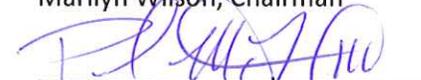
**"Payphone":** Ms. Miller reported that AVAYA was here today to complete the installation of the phone, but the wire for the phone installed by Palmeri Electric did not go far enough. It was brought into the phone/electric room, but needs to be brought into the server closet in her office. She will call Palmeri Electric in the morning to have them come back to extend the wire. AVAYA will then be notified to return and complete the project. The Select Board voted unanimously (3/0/0) to authorize whatever funds are necessary to get this project completed.

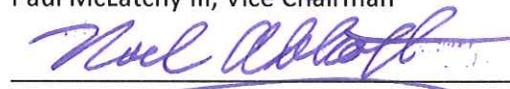
**Adjournment:** The Selectboard voted unanimously (3/0/0) to adjourn the meeting at 6:45pm.

Respectfully submitted,  
Ellen B. Miller  
Town Coordinator

Approved:

  
Marilyn Wilson, Chairman

  
Paul McLatchy III, Vice Chairman

  
Noel Abbott

May 15, 2013

Date Approved

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**Attachments:**

- Agenda
- c.90 Project Reimbursement Request: Yankee Road/Ford Hill Road
- C.90 Project Redirection Request: Depot Street Bridge ROW expenses
- Citizens' Petition re Large Scale Wind Moratorium
- Library Trustees Draft Minutes 3-13-13
- PWS Documents (contract, COCMs)
- Approved school items (PO \$2,370.09; lease funds transfer \$10,747.50)