

Town of Rowe – FY2013  
Board of Selectmen – Meeting Minutes  
Wednesday, June 26, 2013 – 4:00pm – Rowe Town Hall

**Call to Order:** The meeting was called to order by Chairman Wilson at 4:00pm.

**Present:** Chairman Marilyn Wilson, Vice Chairman Susan Gleason, Selectman Noel Abbott (Note: Selectman Abbott joined the meeting at 4:30pm as he had been teaching tennis at Rowe Park)

**Also Present:** Town Coordinator Ellen Miller, Ann Foshay, Robin Reed, Rosie Gordon, John Magnago, Paul McLatchy III (videoing meeting)

**Series of Announcements:** Chair Wilson announced that the Audience of Citizens section will be held at the end of the meeting if time allows, and I will personally stay behind to listen to anybody. A board meeting is not a public hearing. It is a time for the board to get the work done, and we have too much work to indulge disruptions. We have court cases that show that in fact—and this is from the U.S. Supreme Court—the Constitution does not grant to members of the public generally a right to be heard by public bodies making decisions or policy. There is no absolute right to speak at a public meeting. Audience of citizens is at the discretion and pleasure of the Chair, and I will allow it, but at the end of the meeting. Further, citizens cannot demand that anything be put into the minutes. What goes into the minutes is what is decided by the Board. Anonymous letters are not to be entered into the minutes. This is a policy that Lenny Laffond, Ellen Miller and Jack Williams enacted when they were Selectmen. Their policy stated that anonymous letters not even be read.

**Police Department:** Officer Shippee (who will become Chief Shippee on July 1<sup>st</sup>) addressed the board concerning the appointment of police officers. She asked that Christopher Mattson be appointed as a Special Police Officer for the Town of Rowe to fill the vacancy created by the promotion of Officer Shippee to the Police Chief position. The Board voted unanimously (2/0/0) to appoint Christopher Mattson as Special Police Officer for the Town of Rowe for the 2014 fiscal year. Officer Mattson also works in the towns of Heath and Leyden. Officer Shippee provided Officer Mattson's training records to Chair Wilson. At the request of Officer Shippee the Board also voted unanimously (2/0/0) to appoint the following Special Police Officers for the month of July 2013 only: Jared Bellows, Henry Dandeneau, Greg Dekoschak, Melinda Herzig and Melissa Salls. [Note: Melissa Salls had been appointed a Special Police Officer for the town for the full FY2014 fiscal year on June 5, 2013. Ms. Miller will re-do her appointment paper to make it effective only for the month of July 2014.]

**Minutes:** Minutes of the May 29<sup>th</sup> and June 3<sup>rd</sup> meetings were reviewed.

- **May 29:** The board voted unanimously (2/0/0) that comment #1 by audience member Cindy Laffond be stricken from the minutes. Minutes will be amended and resubmitted. [Note: Selectman Abbott was not in attendance at the time.] Chair Wilson made a motion to remove comment #3 by audience member Cindy Laffond, but the motion failed for lack of a second. Vice Chairman Gleason stated that she was not at the referenced April 24<sup>th</sup> meeting and could therefore not take action on the item. When Selectman Abbott joined the meeting he requested that Chair Wilson provide him with documentation concerning her statement that by law the audience has no standing and can therefore not request that documents be attached to Board meeting minutes. She will provide the information and the minutes will be addressed again at the next meeting.
- **June 3:** Amend minutes to add wording in the IT Support section stating that Northeast IT Systems offers more services for less money, and to bring the amended minutes to the next meeting for approval.
- Ms. Miller was asked to have all minutes available at the next Board meeting.

**ZBA Resignation:** Ms. Miller explained that the original resignation note from the ZBA by Paul McLatchy III that was handed to the Board at their meeting on June 5<sup>th</sup> was turned over to the Town Clerk by Ms. Miller. Chair Wilson had asked Ms. Miller about the disposition of the note.

**Treasurer Vacancy:** Chair Wilson reported that the individual that was seriously considering accepting the Temporary Treasurer's position has a conflict and will not be able to take the position. Chair Wilson will work on a job posting tonight and will see Ms. Miller tomorrow to get the vacancy posted. The appointment will expire on May 17, 2014 (the next Annual Town Election). The job description for the Treasurer comes from MA general laws.

**Access to Town Information:** Chair Wilson stated that last week the Board voted to have access to town information. She stated she has several opinions about this. She stated that Town Counsel Joe Fair has two concerns—one is about town medical records and the other concern is about CORI checks. The town nurse

does keep all medical records in locked cabinets in her locked office. Chair Wilson stated that CORI checks done by Police are more detailed than CORI checks done by town employees, and feels they should be done by the Police Department and kept in the Police Department. Chair Wilson asked Ms. Miller for a copy of the town's CORI policy and Ms. Miller's certification to perform CORI checks. Ms. Miller retrieved both documents from her office and gave copies to the Board members. The Board voted unanimously (3/0/0) to have the town nurse continue to retain medical records in her locked file cabinets. The Board then voted unanimously (3/0/0) to have CORI checks performed by the Police Department. Marilyn Wilson asked Ms. Miller what medical records she had in her office. She stated that she does not have medical records. She does have worker injury reporting information, but no medical records. Chair Wilson then asked Ms. Miller for her personnel file. Ms. Miller retrieved the file. Chair Wilson then stated that two items were missing from Ms. Miller's personnel file—one concerning a false accusation against a previous town clerk, and the other concerned the turnover of worker compensation checks in a timely manner. Ms. Miller was asked to find copies to place in the file. Discussion then ensued as to where Ms. Miller's personnel file should be kept. The Board then voted unanimously to have the file temporarily stored in the Police office until such time as a permanent spot can be placed in the Selectmen's Office. Selectman Abbott stated he had one proviso...that the employee have access to view the file upon request. Chair Wilson stated that any employee can make an appointment to view their personnel file as per the Personnel Policy Manual. Ms. Miller requested to make a copy of her file before turning it over. [Note: She made a copy immediately after the meeting adjourned and turned the file over to Chair Wilson.]

**Computer Password and Login:** Chair Wilson then asked Ms. Miller for the password and login to her computer. Ms. Miller handed the information to Chair Wilson on a slip of paper. Ms. Miller stated that she would like a release form in her file releasing her from responsibility for any paper or computer files that others now have access to. She asked Chair Wilson if this was a reasonable request. Chair Wilson replied that yes, it was.

**Depot Street Bridge:** Ms. Miller reported that action needs to be taken by the Select Board by the July 26<sup>th</sup>. She will obtain more information from Town Counsel Katie Klein of Kopelman and Paige.

**Animal Control Officer (ACO):** Ms. Miller reported that she will be meeting in the next few weeks with the Buckland ACO. There is a possibility that the Buckland ACO could perform ACO duties for the Town of Rowe on a contract basis. The towns of Heath and Monroe will also be taking part in the discussion, along with Ted Harvey of FRCOG.

**Scully Repayment:** Ms. Miller reported that repayment was received from former school psychologist Mary Scully.

**Warrants:** Chair Wilson reiterated that warrants can only be changed by the Town Accountant or the bill originator. Ms. Miller stated that that would eliminate the approval process of those boards having approval authority of the warrants; i.e., the School Committee and the Board of Selectmen. Both of those boards should have the authority to remove any bill they do not approve for payment. Prior to July 1, 2012 warrants were not posted and checks were not cut before the warrants were approved by the Board of Selectmen. The warrants are now posted and the checks are cut before the Select Board approves them. Chair Wilson agreed that this process needs review. Vice Chairman Gleason stated that she would like to see more consistency. She stated she noticed that the Park Commission doesn't sign invoices. Ms. Miller stated that the Park Commission has given Park Ranger Sean Loomis the authority to sign invoices up to a certain level.

**Employee Evaluations:** Chair Wilson gave Selectman Abbott and Susan Gleason several samples of employee evaluation forms for review. The forms will be discussed at the next meeting.

**Job Descriptions:** Ms. Miller was asked to provide copies of any job descriptions she has for employees of the Board of Selectmen. She provided copies of her job description to the Board members.

**Three District Agreement (3DA) Between Rowe School School District, Hawlemont School District and Mohawk School District:** Chair Wilson reported that the Rowe School Committee has not signed the renewal of the 3DA agreement that expires June 2014. She asked how her fellow Selectmen felt about this as she feels that it will cost the town an enormous amount of money to not continue that agreement. Selectman Abbott stated that he had learned in the last day or two that Rowe School Supt. Michael Buonoconti has informed the Rowe School Committee that he does not want to renew his contract with the Rowe School Committee when it expires in June 2014. Discussion ensued. All three Selectmen agreed that they do not have any statutory authority over school matters. Chair Wilson made a motion that the Select Board make a statement to the School Committee that we urge them to sign the 3DA and by so doing show fiscal responsibility to the town, because without this agreement we will be responsible for providing 100% of the services at 100% of the cost, whereas we are now paying 7% of the cost for 100% of the services. The motion was seconded by Vice Chair Gleason. Selectman Abbott stated that he would like the following points added to the minutes: 1) It is impossible to be part of a 3DA where the Superintendent has by his own statement stated he will not serve this town, and the Superintendent's position is imbedded in the 3DA. He is the core person. It is illogical to sign

a 3DA with a Superintendent that refuses to serve. 2) Given that there are many unintended consequences that can be identified in each direction I strongly question that we would be spending more money, and I take exception to the idea when we imbed the opinion of fiscal irresponsibility with another elected board—I don't believe it is our opinion to say that. It implies our judgment around the School Committee which has its own authority. The motion passed (2/1/0). Selectman Abbott opposed the motion.

**USPS Leased Space Accessibility Program (LSAP):** Communication was received from the USPS on May 6, 2013 and were given to the Select Board on June 26, 2013 and it needed a 10-day turnaround. It stated that they performed a handicapped accessibility survey of their leased space in the Rowe Town Hall and found items that need to be upgraded concerning customer access; i.e., parking spaces and signage, entry doors and doorways, and handrails. Ms. Miller has supplied a copy to DPW Supt. Taylor for his review of parking items needing to be addressed, and she will seek quotes for upgrades to other items (entry ways and hand rails). The USPS requests a written response indicating whether or not we agree to undertake the work and the approximate time frame for construction.

**Town Counsel Letter to Auditors:** Copy of letter from Town Counsel to auditors was received. It was stated that there was no pending litigation as of June 30, 2012.

**Contract File:** At the request of Chair Wilson Ms. Miller retrieved the contract file from the safe. Chair Wilson will provide the Northeast IT Systems IT Support contract and the Melanson & Heath audit contract to Ms. Miller for the file.

**HR Policy Manual:** Selectman Abbott stated that he had received the electronic version of the policy manual from Chair Wilson. He will edit it for spacing, etc., and will place footers on pages. He will not change any content.

**Town Coordinator:** The Select Board voted as follows concerning the Town Coordinator: that office hours be Monday thru Friday 8:00am to 5:00pm, that her office be closed for one hour for lunch, that she return her town laptop and any reports to the town hall. The motion was seconded by Vice Chair Gleason. Vice Chair Gleason then made a motion to amend the original motion to add that Ms. Miller be afforded compensatory time for any time she puts in beyond those hours for Select Board meetings, town meetings, etc.; i.e., and if she stays beyond 5:00pm for a Select Board meeting, that she come in later the following morning to compensate for that time. The amendment passed (2/0/1). Selectman Abbott abstained. The original motion as amended passed (2/1/0). Mr. Abbott opposed the vote. Ms. Miller was instructed to turn her computer in the next morning (Thursday, June 27<sup>th</sup>). Selectman Abbott stated that hours that Ms. Miller's office is to be closed to the public so that she can get work done should be identified and the public so notified. Also, he stated it is the Selectmen's responsibility to identify those services and items that the public can obtain from other town employees so that Ms. Miller has less interruptions.

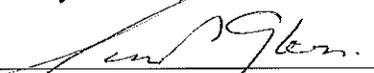
**Adjournment:** The Select Board voted unanimously (2/0/0) to adjourn the meeting at 6:40pm. [Note: Selectman Abbott had already left the meeting.]

Respectfully submitted,

Ellen B. Miller, Town Coordinator

Approved:

  
Marilyn Wilson, Chairman

  
Susan P. Gleason, Vice Chairman

*JUL 19, 2013*

Date Approved

Noel Abbott, Selectman

**Documents:**

- Agenda
- Recommendations for Police Dept appointments
- USPS Leased Space Accessibility Program
- Town Counsel letter to Melanson & Heath