

Town of Rowe
Board of Selectmen – Minutes
Wednesday, June 12, 2019 – 6:00 pm
Rowe Town Hall - Hearing Room 1

Call to Order: The meeting was called to order by Chair Chuck Sokol at 6:00 p.m.

Present: Chair Chuck Sokol, Jennifer Morse
Absent: Ed Silva
Executive Secretary Janice Boudreau
DPW Superintendent: Lance Larned
Audience: Jesse Albretch, Maggie Rice, Karen Soviecke, Mitch Soviecke, Dan Wessman, Bob Rice, Ruth Loomis, Deb Katz

OPEN MEETING

Announcement of recording devices & noteworthy information: one recording device
Member Morse said it was noteworthy that there were 3 Rowe students graduating from Mohawk, Jordan Rice, and Erin Laffond and Haley Danek, from Franklin County Tech.

EXECUTIVE SESSION – 6:00 p.m.

MGL Chapter 39, Section 23B, Reason 3 to discuss pending litigation, with invite to Board of Health Chair and Conservation Commission Chair.

Selectman Morse opened the meeting at 6:00 p.m. and announced that the Select Board would move to enter into Executive Session for Purpose Number 3- Pending Litigation:

To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

and to reconvene into Open Session following the Executive Session.

Motion to enter into Executive Session:

Chair Sokol: aye
Jennifer Morse: aye (vote: 2-0)
Ed Silva: absent

Open Meeting reconvened at 6:29 p.m.

Motion to re-enter from Executive Session to Open Session:

Chair Sokol: aye
Jennifer Morse: aye (vote: 2-0)
Ed Silva: absent

APPOINTMENTS

- 6:30 p.m. - Highway Superintendent : Meet with Concerned Citizens to Discuss Davenport & Davis Mine Roads:

Superintendent Larned discussed issues:

- Larned said he had used gravel on the lower portion of Davenport Rd. and it had held up ok until this year. This year was such an extreme condition nothing helped. Larned said a local supplier had won the bid for the coming year and he discussed strategies including digging requires digging down 32 inches and putting in woven geo-textiles in areas that will allow. In addition, will add some stone and pipe in areas.

- It was agreed to contact Gill Engineering to have them come out to formulate plans for road improvement.
- Grading will be done and ditches will be cleaned out. Larned report the backhoe was out of commission will receive by next week to clean ditches, then line with gravel and grade
- Jesse Albrecht asked about the driveway issues, and Larned agreed to look at it to see if there issues on the town owned portion and look at the ditch that was
- Larned will clean ditches near Silvas home.
- Next Spring Larned said he will have a stockpile of gravel on hand at the ready
- There were requests to have better signage to notify drivers at the beginning of the road and at the bottom or Legate and Maxwell Roads in Charlemont in the future and Larned agreed to do so
- When progress is made regarding the engineering report citizens will be notified.
- Discussion about the amount of bottles/can etc. led to the citizens asking for more police patrols late at night. All citizens noted the amount of out of town and state traffic on the road. Jenn will discuss with Chief Shippee the request for additional patrols.

The audience of citizens left the meeting at 6:58 p.m.

The Meeting continued with Superintendent Larned:

- Dept. Head Meeting: Selectmen Morse said that Lance would need to come give a report to the Board in an upcoming meeting. Superintendent Larned said that Selectmen Silva had sent a list of questions and Lance responded.
- Suggestions from Danek Excavating: Superintendent Larned provided an email from Danek Excavating with some suggestions for road improvement.
- Zoar Road over Shippee Bridge: Larned said the work was being performed and would be completed soon and would reopen following MassDOT inspection
- Oil Tank Removal: Selectmen Morse asked if DPW could remove the oil tank next to Town Hall and Superintendent Larned said it was more involved than what he was qualified to do.

Superintendent Larned left the meeting at 7:01 p.m.

OLD BUSINESS

- Follow-up on previous meeting's Action Items:
 - Ms. Boudreau gave generator maintenance information to David Dvore
 - Paul McLatchy included materials he researched about town counsel it was agreed to wait to discuss with Selectman Silva
 - Selectmen Morse sent an email to Chief Shippee regarding tickets and received a response which was emailed to all board members.
 - It was agreed to ask Administrative Assistant send in updates for the meeting
 - The Liberty flag on Potter Road was delivered by Superintendent Larned
 - Ms. Boudreau said the quotes for the oil tank removal will be in by next Monday.
- MLP Updates: Chair Sokol said that installs were happening today and testing on the network was occurring today.

NEW BUSINESS

- Selectman Morse: Discussion regarding potential Executive Session regarding Employee Interactions: It was agreed to hold an Executive Session for conflicts between two employees. Selectmen Morse said once a complaint of discrimination or harassment comes to the board or legal threat by an outside entity the board had no choice but to act on it and conduct an investigation. She also stated that during her time as chair she dropped the ball on taking complaints and not holding executive session with employees on many occasions.

7:06 p.m. Cemetery Commission Chair Jim Williams entered the meeting and asked to discuss Cemetery items.

- Cemetery Commission Discussion: Mr. Williams asked about the accounting and procurement process to have a fence installed at West Cemetery. It was suggested by Member Morse that the administrative staff assist the cemetery commission with this project. It was agreed on by both members.
- 7:17 p.m. Mr. Williams left the meeting
- Executive Session Discussion Continued:

It was agreed to conduct the Executive Session at the onset of next meeting on June 27, 2019.

Motion to Hold an Executive Session: Selectmen Morse made a motion to hold an Executive Session with Municipal Light Plant Manager on June 27, 2019. The motion, seconded by Chair Sokol, was accepted. (2-0-0)

- Chuck Sokol: Discussion regarding use of Town Counsel for Inter-Departmental conflict: Chair Sokol discussed a request from an employee to confer with Town Counsel. Chair Sokol said that the role for Town Counsel is to protect the town it is not appropriate for employees to contact Town Counsel.

Selectman Morse said that she discussed the Conflict of Interest issue with Police Chief regarding detail to obtain guidance and get it in writing. A Disclosure form from Police Chief was reviewed. Town Counsel advised that Police Chief needs to follow the advisory regarding detail, CMR 700 6.0 and that she cannot do detail work unless she cannot find anyone else. It was agreed to review the CMR further and confer with Town Counsel. It was agreed that Police Chief should not work on detail until conflict of interest question is resolved.

Town Counsel Advice: It was agreed that anyone obtaining Town Counsel's advice in the future should either obtain her opinion in writing or have her approve discussion notes.

- Selectman Morse: Protection from Birds: Selectman Morse discussed power washing Town Hall where the birds were nesting and install plastic sheeting to protect the building. She also thought a structure could be built for the birds to get them away from Town Hall. Chair Sokol agreed to contact Custodian.
- Selectman Morse: Town Issued Emails: There was discussion about having town issued emails. Chair Sokol asked that a for the town issued emails that a line about emails be considered public records be included and sent to Town Employees and Board Chairs. Selectmen Morse said she wanted town issued emails for all town officials. Executive Secretary said that she was working with Northeast IT on the issue which involved many factors. Following discussion, it was agreed that the Select Board would

meet with Joel Mollison of Northeast IT to review options. Town managed email addresses and archiving as well as formulating an email policy.

- Selectman Morse: Response to OSHA violations regarding public safety building: Selectmen Morse reported the Fire Chief has completed a response to the Occupational Safety and Health Administration (OSHA) concerning their compliance requests. The last item requiring a Board of Selectmen decision is to decide who will clear the rear egress at the Safety Complex. It was agreed to have DPW Liaison Selectman Silva ask Superintendent Larned to add to his winter duties.
- Chair Sokol: Bylaw Committee Proposed Changes: Chair Sokol said the Bylaw Committee was going to wait until the new fiscal year before going to Town Counsel with proposed non-substantive changes. Selectmen Morse said the changes were fine and it was decided to send them to Town Clerk for review. The Board of Selectmen process of approval for the changes needs to be determined.
- FY20 Appointments – Start Process: tabled until a later date
- Discussion of Process for Assigning Projects and Tasks by Administrative Staff: Chair Sokol said he would like to see tasks for the administrative staff fall on particular employees when appropriate, otherwise action items to the staff will be assigned and they can work out who will perform. Executive Secretary added that it was important that she be copied on all correspondence and that pertinent documents for meetings be copied to her to properly prepare for the meeting.
- Sign Agreement to Purchase Police Cruiser: The Board reviewed the purchase proposal for the 2019 Cruiser for signing.

Motion to Sign: Chair Sokol made to sign a purchase agreement for the 2019 Chevrolet Tahoe PPV, Four Door 4WD Utility Vehicle per specification of State contract # 18-19-20 for the amount of \$45,341.74 with Liberty Chevrolet of Wakefield, MA. (vote: 2-0-0)

- GIS Internet Services Annual Maintenance Agreement – Board of Assessors: Members reviewed an Annual Maintenance Agreement provided by the Board of Assessors.

Motion to Sign Agreement: Member Sokol made a motion to sign the GIS Internet Services Annual Maintenance Agreement for the Town of Rowe for the period of 07/01/19 to 06/30/20 with CAI Technologies. The motion, seconded by Selectman Morse, was accepted. (vote: 2-0-1)

- Mayflower Valuation Ltd. Assessing Services Quote: Members reviewed an “Assessing Services Quote” for Fiscal Year 2020 Building Permit Inspections and Interim Year Valuation Adjustment.

Motion to Sign Agreement: Member Sokol made a motion to sign the “Assessing Services Quote” for Fiscal Year 2020 Building Permit Inspections and Interim Year Valuation Adjustment presented and approved by the Board of Assessors. (vote: 2-0-0)

MINUTES

- The Minutes of May 1, 13, 17 and 20, 2019 were reviewed.

Motion to accept Minutes of May 1, 13, 17 and 20, 2019: Upon review, a motion was made by Chair Sokol to accept the Minutes of May 1, 13, 17 and 20, 2019 as presented. The motion, seconded by Selectman Morse, was accepted. (vote: 2-0-1) Chair Sokol added that he did not comment on the Meeting Minutes of May 17, 2019 due to the conflict of interest.

UNFORSEEN BUSINESS

- Yankee Road Project: Administrative Assistant forwarded an email to the Board from State Representative Paul Mark who reported having a productive meeting with Congressman Neal concerning Yankee Road. Rep. Mark said that Congressman Neal would visit Rowe to assess and spoke Senator Markey who was interested and willing to help. Selectman Morse praised Paul McLatchy for his efforts.

EXECUTIVE SECRETARY UPDATES

- Zack Blake Chief of the Municipal Financial Assistance Bureau at the Department of Revenue: Mr. Blake said he would be in contact in the next couple of weeks to perform a staff review. Selectman Morse said that, in addition to Town Hall Staff, she wanted to see that dept. heads, Wayne Zavotka and Board of Selectmen all had the opportunity to participate in the review.
- Proposal for Oil Tank Removal: Executive Secretary said she is working on additional quotes. I have spoken with DEP to inquire about requirements.
- Septic Tanks Pumped: Septic tanks pumping scheduled for 7/8/19.
- Admin Position Ad: In Newspaper 4 dates, on website in 2 places- news & employment opportunities, Town bulletin board
- IT Updates: Northeast IT will be replacing the 2 servers as soon as possible. In conversation with Joel Mollison of Northeast IT, it was agreed to make an appointment and have the Board meet with Joel to discuss IT issues.
- Line Item Transfers: Executive Secretary said the Line Item Transfers that were approved at the prior meeting and Town Accountant asked for corrections to be made.

Motion to Approve Line Item Transfers: Chair Sokol made a motion to approve the corrections to Line Item Transfers 4, 5 and 6 for FY19:

LIT 4: Transfer \$ 1500.00 from Account # 01-5-151-400 Legal Expenses
to #03-5-122-510 GASB45 OPEB Study

LIT 5: Transfer \$ 721.09 from Account # 01-5-124-400-52 Gen Admin/Print Town Reprts
to #03-5-122-510 GASB45 OPEB Study

LIT 6: Transfer \$ 778.91 from Account 01-5-124-400-52 Gen Admin
to #03-5-122-510 GASB45 OPEB Study

The motion, seconded by Selectmen Morse, was accepted. (vote: 2-0-0)

Motion to Approve Line Item Transfer: Chair Sokol made a motion to approve a Line Item Transfer for Board of Health Request:

Transfer the amount of \$355.52 from Board of Health Operations removal from Account No. 01-5-512-400-80 Board of Health Operations to Account Number 01-5-512-400-40 Transfer Station Attendants due to overage from snow.

Selectman Morse invoked the Rule of Necessity as her Father-in-Law works at the Transfer Station.

WARRANTS:

Chair Sokol reported FY19 W26 and Payroll FY19 W25 were reviewed and signed.

CORRESPONDENCE

Selectman Morse spoke about Upper Pioneer Valley Veterans' Services District letter and asked that the notice be sent to the Assessors and asked that the admin staff reach out to John Magnago to see if he wants to be more involved with Veterans' services.

NEXT MEETING

- Details for the next meeting and action items were discussed.
- There was discussion about working on the Employee Policy Manual.
- There was discussion about how to handle complaints in the future and process and personnel issues. Selectmen Morse once again stated that there were several times that employee complaints should have been addressed.
- Executive Secretary presented pages from the MA Municipal Association Handbook for Massachusetts Selectmen concerning handling complaints from citizens for review.

AJOURNMENT: Seeing no further business, Member Sokol made a motion to adjourn the Meeting at 8:42 p.m. The motion, seconded by Selectman Morse, was unanimously accepted. (2/0/0)

Respectfully Submitted,

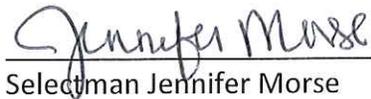
Janice Boudreau, Executive Secretary

Approval Date: 6-27-19

Approved:



Chuck Sokol, Chair



Selectman Jennifer Morse



Selectman Ed Silva

Documents:

- Agenda 6-12-19
- FY20 Appointment List
- Agreement to Purchase Vehicle (3 pages)
- GIS Internet Services Annual Maintenance Agreement – Board of Assessors (2 pages)
- Mayflower Valuation Ltd. – “Assessing Services Quote” (2 pages)
- Administrative Assistant Follow Up re: Legal Services
- Email from Paul McLatchy III re: Email from Rep. Paul Mark
- Action Items from 05-31-19
- Executive Secretary Updates
- Draft Letter for Executive Session
- Email: Silva to Supervisor Larned
- Email: Larned response to Silva
- Road Recommendations – Danek Excavating
- Draft BOS Minutes: May 1, May 13, May 17, May 20 and May
- MMA Handbook for Selectmen – pages 39-40 “Citizen Complaints”

Mail:

- Upper Pioneer Valley Veterans’ Services District (2 pages)
- Yankee Atomic Electric Company – Formal Announcement of Change in ISFSI Mgr.
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