

MEETING MINUTES
Town of Heath
BOARD OF SELECTMEN
Sawyer Hall
January 31, 2017

Call to Order at 7:05 p.m. by Sheila Litchfield with Brian DeVriese, Robyn Provost-Carlson, and Kara Leistyna, Town Coordinator present. See sign in sheet for other attendees.

Reviewed Agenda: No changes.

Michael Shattuck, Highway Matters: Machinery/Maintenance account is getting low and there are some outstanding invoices and repairs. Balance currently is under \$10,000. Discussed need for Special Town Meeting. Mike provided a listing of transfers totaling \$13,175.00 to help replenish the machinery/maintenance account. Mike also submitted a Departmental Capital Expenditure Request Form in the amount to \$16,850 to fix issue with grader that was discussed at Annual Town Meeting. Another request was submitted in the estimated amount of \$116,365 to purchase a plow truck. Additional research for this purchase is being done.

Discussed compactor. Mike offered update. Waste Management driver swapped out the trash compactor but couldn't get the empty box back in place due to ice build-up and whole unit was moved back about 4-6 inches because lag bolts had rotted and it was no longer attached and he could not stop it from moving. Waste Management staff came up to Transfer Station to install supports and welded some braces and stops so that nothing can move again. According to Jan Ameen, the bolts have rotted, the pad is sunken and not level and the supports have rotted. This, coupled with ice build-up, created a need for the driver to maneuver his vehicle so he could properly exchange boxes. The 'lip' has bent a bit over time. The driver hit the box, shifting it back and sideways hitting the shed and moving that up against the pole. The shed has buckled a bit and Jan highly recommends it be checked to be sure it's structurally sound. Mike Shattuck has met with Waste Management. He added ice melt, scraped ice away to enable the box to be installed and the compactor to run. Jan says until proper support is put in place for the box, it should not be used. For operation on Wed. she suggests continuing to use the scrap metal box. There is one beam holding up the shed over the hopper and she suggests some 6x6 or 8x8 or something to shore up the whole unit to prevent a reoccurrence. It needs to be held in place. She says the replacement project should be a #1 priority. Mike will have more to report on his meeting with Waste Management tomorrow. Select Board would like Waste Management to cover cost of immediate repairs. Kara will reach out to Jan Ameen tomorrow.

Erich Holan, Website Update/IT policy/Data Back-up: Erich shared that he has been working with IT-issues for various employees. He stressed the importance for data back-up and IT policy for town. Kara will work with Erich on pricing for budget planning as well as policy. Kara and Erich will also work on website so that we can transition from old to new soon. Kara will set aside some focused time devoted to website construction and transition with Erich.

Broadband Update: Broadband Committee met with Destination Networks via Skype to hear about a hybrid wireless option for internet. Six area towns were represented at the meeting. WiredWest would entertain a wireless option. Testing is essential for our area to see if it is viable. Last Saturday several officials from Heath attended a WiredWest meeting and it was very positive. MBI's Todd Corcoran and Bill Ennen will meet next Monday with Broadband Committee and others to discuss update, answer questions related to Broadband project, and pole survey for Heath.

7:35 p.m. Erich Holan left meeting.

Flagg Hill Road: Mike Shattuck, members of Planning Board met with Dave Gott and Ted Watt, property owners off Flagg Hill Road, Heath. Mr. Gott and Watt are considering purchasing a parcel of land that abuts their current parcel at the south end of Flagg Hill Road and into Charlemont. They shared their plans for the property - preserve walking access through the property; alternative transportation route up to Burnt Hill from Route 2; access to the woodlands, timber harvest, building on the site; possibly conservation easement on some or all of the property.

They want to get a sense from the Town of Heath how decisions would be made regarding both road upgrade and ongoing maintenance. Who would pay for which road improvements if such an upgrade were to happen? What are the Town's obligations to provide access to land-owners along a public way? And what are the abutters' obligations and privileges resulting from that access?

Dave and Ted are concerned about the financial impact that any Flagg Hill Road improvements could have on the Town's annual budget. It is one matter to extend the town road 500 feet from the blueberry barn down the hill to our current driveway. The Highway Department already added fill there in 1994 when the lot was purchased.

Mike Shattuck walked property with Dave and Ted, and determined that the cost to improve approximately 2/10 of a mile would be roughly \$260,754. Discussed extent of passability required by the Town. There is also the need for a turnaround for plow truck. Discussed rules regarding land locked properties. Unless there is a building, or plans to build, there may be no need for access. MGL Chap. 84, Section 1 states that highways and town ways...shall be kept in repair at the expense of the town in which they are situated, so that they may be reasonably safe and convenient for travelers...at all seasons. "The standard of maintenance to be employed should be related to the kind and amount of travel at the location," according to Atty. Cheryl Banks from Kopelman and Paige, 5/26/1994.

The Planning Board was represented by Calvin Carr and Douglas Mason. They will review the list of discontinued roads/public roads and compare to town properties and recommend any updates to ensure the list is in the best interest of the Town. It is costly to open unmaintained roads so the Town has to be aware of any situation that may arise.

8:00 p.m. Planning Board and David Gott, Ted Watt left meeting.

Finance Committee: Discussed need for Special Town Meeting and reviewed Mike Shattuck's request. Discussed combining some of Highway's accounts such as Machinery Maintenance and Preventative Maintenance. Will discuss further. Reserve Fund may need replenishment. Current balance in Reserve is \$3,216.52.

Heath School: Budge Litchfield, Deb Porter, and Gloria Fisher to discuss the ongoing work regarding Heath School. Everyone read hand-out that Budge received from Douglas MacLeay, Colrain Finance Committee member. It is an excellent example for Heath to understand the perception of other towns and to prepare for negotiation process. Heath needs to look for ways to collaborate with other towns. The Task Force will sort out negotiation points. Reviewed together the Discussion List for negotiations. Discussed goals of Task Force and ongoing adherence to those goals. The position that Heath takes has to be confirmed by the Board of Selectmen and Finance Committee for financial reasons. Robyn can act as liaison since she serves on both the Board and the Task Force. Board of Selectmen can talk with fellow members but will take cues from Task Force. Informational community meeting help our community begin to grapple with the reality of school closure and will help with the healing process but the difficult decision as to which school to choose to tuition students to must be done prior by BOS and HEITF, with ultimate decision reached by voters at ATM. Long term partnerships are critical for the future. The committee will provide a recommendation to BOS by 2/21/17 in writing – want to be sure whatever school is chosen, it benefits the receiving school as well. Discussed the MTRSD assessment and how the

cost of closing the building cannot be borne by Heath alone, at least in the first year; the importance of having the same rights and a voice that is respected; the need for more legal counsel beyond Russell Dupere, the District's Attorney, unless he can function as mediator for all parties. Heath has a lot to risk and needs to convey to our neighbors that we are not dragging our feet and that it's critical to have their support so that we can be assured our choices are implemented. Need to define 'short term' to avoid misunderstanding. Short term could mean 3, 5, or 6 years. There is still so much to explore including regional district structure; union structure; busing; short vs. long term, etc. Broadband could change the demographics. It's critical to make decisions that are well researched and thought through. Decisions need to be made – Ad Hoc Committee is looking to create a timeline for planning purposes and needs some answers. Discussed time-frame for ATM for warrant articles. For the next community meeting, need information handed out about each school. Parents should be encouraged to do research; to go to websites; to visit schools in person. A long term municipal partnership needs to include quality of education but best municipal arrangement involved budget considerations and stability in staff & resources. Perhaps State offers a grant for transition. Need independent, legal counsel and help with cost of maintenance and an inventory to determine what items belong to Heath or the District (furniture, books, computers, etc.) – this all takes time and will incur costs. The State has a vested interest in the town doing this correctly. Sheila will reach out to Mark Reich; DESE may be another option and may offer some advice along the way. A legal opinion will be needed to ensure Heath's best interest is protected. Budge will attend a public meeting Wed. night. The proposed budget with an increase of 2.53% and closure is not going to happen. People need to be vigilant and pay attention to details. We need to know the cost of facility related costs for building upon closure. This whole situation creates a lot of emotion and everyone is working very hard to make the best decision for the children and families of Heath. Everyone was thanked for their efforts.

9:54 p.m. Finance Committee members, Budge Litchfield and Deb Porter left meeting.

Minutes: *On a motion by Brian DeVriese, and seconded by Robyn Provost-Carlson, the Board voted unanimously to approve and release Executive Session minutes of 09/07/16 as amended.*

On a motion by Brian DeVriese, and seconded by Robyn Provost-Carlson, the Board voted unanimously to approve Select Board meeting minutes of 01/03/17 as amended.

On a motion by Brian DeVriese, and seconded by Robyn Provost-Carlson, the Board voted unanimously to approve Select Board meeting minutes of 01/10/17 as amended with one abstention.

Mail/Email and Town Coordinator Report:

Mail/ Email: 1/17/17

1. TC Report
2. Email from Zack Blake and Pam Kocher re: Community Compact
3. Email from Art Schwenger re: WiredWest
4. Email from Al Canali re: response to Broadband Expansion offer
5. Rate sheet for Hampshire Group health insurance
6. Email from Ken Gilbert re: E911 Coordinator
7. Email from Beth Bandy re: Small Town Summit
8. Email from Ken Gilbert re: bon fire permit
9. Email from Phoebe Walker with CPHS agenda and proposed budget, etc.
10. Email from Andrea Woods re: New law regarding legal notices
11. Town Nurse Monthly Report
12. Email from Bill Stathis, Crocker Communications re: support request MBI RFP
13. Email from Lorena Loubsky re: Heath School
14. Emails from Ted Watt re: Flagg Hill Road
15. Offer from National Grid - no cost energy audit for LED lighting. EAC will discuss

Mail/ Email: 1/24/17

1. TC Report
2. Updated Debt Service from Kris Nartowicz
3. WiredWest Workshop announcement
4. Procurement Workshop for Broadband, venue changed to Worthington, 11-1, Jan. 27, 2017
5. Emails re: Wireless option (7 pages)
6. Emails re: Broadband RFP (3 pages)
7. Emails re: Broadband/Legislators (3 pages)
8. Email from Energy Advisory Committee and minutes from last meeting
9. Email from Phoebe Walker re: CPHS
10. Email with survey on regional federal funding. Tracey said she didn't think we received any federal funding currently.
11. Email update on Brownfields from Jessica Atwood
12. Email from BOH re: dog matters and jurisdiction (4 pages)
13. Email from MJ Handy, DOR re: economic grants
14. Email from Phoebe Walker re: DLTA funding (see separate list)
15. Email from ABCC re: new law
16. Email from MassDOT re: Chap. 90
17. Email from Robyn re: truck repair
18. Announcement re: Community Conversations re: Heath School
19. Email from Sheila re: response to Lorena/Heath School
20. KP Law eUpdates (procurement, open meeting law and social media)

Mail/ Email: 1/31/17

21. TC Report
22. Email from Kerrie McNay – Article in the Independent re: MTRSD Budget
23. Emails from Gloria Fisher re: Budget/School issues
24. Email from Heather Row re: Broadband
25. Email from Al Canali re: Broadband
26. WiredWest Update
27. Email from Sheila re: Broadband
28. Email from Al Canali re: Broadband
29. Article re: NY and \$170 million secured to help expand Broadband across Upstate NY
30. Email update on CDBG from Sharon Pleasant HRA
31. 1099-Misc for Post Office showing \$20,642.04 in income for PO
32. Announcement of Legislative Breakfasts – one in Greenfield on March 3.
33. Email from Heather Row looking for confirmation of 5 member Energy Advisory Committee
34. Emails re: Compactor issue and Waste Management
35. Email from Betsy Kovacs re: Brownfields
36. ATM dates for MTRSD Towns

Other Separate Documents for review and/or signatures:

1. Community Compact Best Practices
2. Minutes 9/7/16, 1/3/17, 1/10/17
3. Article regarding decline of Western MA – *Who is Killing the Towns of Western MA*
4. City & Town, Jan. 19
5. Letter to Kris Burnes
6. Some Thoughts on Heath Closing
7. Franklin Community Co-op Community Information Gathering Survey
8. Treasury and Payroll Warrants
9. Draft Budget Spreadsheet FY18

10. Expenditure Report 1/30/17

11. Contract for FCSWMD DEP Grants until 2022. *On a motion by Brian DeVriese, and seconded by Robyn Provost-Carlson, the Board signed contract.*

12. Expense reimbursement for Heath Task Force postage – Selectmen will pay from expense account

Other Business:

- **Energy Advisory Committee:** *On a motion by Brian DeVriese, and seconded by Robyn Provost-Carlson, the Board voted unanimously that membership of the Energy Advisory Committee shall consist of five (5) appointed members.*
- **Heath Fire Dept.** *On a motion by Brian DeVriese, and seconded by Robyn Provost-Carlson, the Board voted unanimously to authorize Ken Gilbert to approve a bon fire permit for the Heath School.*
- **Personnel Policy:** *On a motion by Brian DeVriese, and seconded by Robyn Provost-Carlson, the Board voted unanimously to revise Sect. 4.7 Compensation Terms in our Personnel Policy as follows:*

Replaced, “Each Department Head shall then submit to the Town Accountant an accurate time sheet for each employee under his/her supervision,” with, “Each Department Head shall then submit to the Town Accountant an approved and signed time sheet for each employee under his/her supervision.”

- **Appointments:** *On a motion by Brian DeVriese, and seconded by Robyn Provost-Carlson, the Board voted to appoint Ken Gilbert to serve as E911 Coordinator, FY17, effective immediately.*

On a motion by Brian DeVriese, and seconded by Robyn Provost-Carlson, the Board voted to appoint Bob Gruen to serve as School Committee Representative, FY17, effective immediately for term until next Town Election.

- **Private Roadways:** Jeff Simmons earlier inquired with the Board regarding winter road care for safety. Emergency Response vehicles had difficulty getting to a residence. The Board will look into MGL Chap. 40, sect. 6C further.
- **Schedule through February, 2017:** Town Coordinator will be away. Board of Selectmen will meet on 2/21/17. No meeting will be held 2/28/17. Margo Newton will cover part-time while Town Coordinator is out of office.

Signed documents.

Next meeting scheduled for February 7, 2017 at 7 p.m.

On a motion by Brian DeVriese, and seconded by Robyn Provost-Carlson, the Board voted unanimously to adjourn at 10:25 p.m.

Respectfully submitted,

**Kara Leistyna
Town Coordinator**