

MEETING MINUTES

Town of Heath
SELECT BOARD
Sawyer Hall
June 4, 2019

Call to Order at 6:01 p.m. by Brian DeVriese with Robyn Provost-Carlson, Gloria Cronin Fisher, and Kara Leistyna present. See attendance sheet for others present.

Review Agenda: Robyn would like to discuss Records Access and Public Comment Period. Important that folks make their comments and then wait until later in meeting when during topical discussions responses may be provided where applicable.

Public Comment Period:

Susan Gruen: Extended a thank you to the Board for invitation for H.A.Y. program to serve breakfast at Town Meeting. Also, submitted a letter recently requesting shelves/racks for H.A.Y. programs to use at Hawlemont school. Brian DeVriese declined request. Brian asked that a list be created of any items needed so that the Board may assist.

Bill Gran: Made public records request. Concerned that Town's Attorney said Select Board has authority to lease school property for up to 30 years. This determination ignores the fact that voters twice turned down article at two town meetings asking specifically to give Select Board the authority to sell, lease, or otherwise, the property known as 18 Jacobs Road. The language in the article was specific. How can you now lease when that ignores the will of the people? Brian replied that that question may certainly be asked of Town Counsel. Board will discuss further together. Bill suggests that the Board communicate to the Town's attorney that the article was defeated twice. The Select Board has not even discussed the option to lease together as a Board. Bill would like a response from Town Counsel but as a planning board member has been waiting months for an opinion on the interpretation of State Law & permitting in Mohawk Estates/ potential zoning issue. Kara will follow up with KP Law.

Jean Gran: Inquired about leasing and whether someone is interested. Brian responded that it is speculative at this time but involves only portions of the building. Jean asked when information would be available and that lack of clarity leads to a lot of chaos in Town. Brian assured that once information is available, the next steps will be discussed.

Sheila Litchfield: Bill Ennen was unable to send documents for last mile contingency funds. Once received, they will need to be reviewed and signed and he will pick them up from Heath. This may be necessary prior to June 18th (next BOS meeting). Also, Sheila offered to assist with Job Classification process when needed.

Tracey Schott: On the matter of possibly leasing the school building – who wants to lease? Why is this an option when after ATM vote it was not an option on the table? Need clarification. Later emphasized that the Town has a Senior Center that currently offers several programs for seniors.

Gary Singley: Someone thinks we should run the Town like a business. Mentioned that an employee took on more hours that transitioned him from part-time to full-time, benefitted position. Could have hired two part-time people and it would have cost less.

Jean Gran: Referred to Chap. 40, Sect. 3 – have a feeling that quite a few people think the Town cannot lease building after the ATM vote that specifically stated sale, lease, or otherwise. It is wise to prevent hard feelings and confusion to clearly explain why this is an option and provide details. Openness and transparency are important.

Kathy Inman: Could the building be leased to Carnegie Arch LLC? The law states lease and convey... Brian said that Carnegie Arch is not interested in leasing. Brian will ask for clarification and an interpretation of the law and its terms. Will discuss further once information is available. Will leasing necessitate a bidding process? Yes, it will need to be advertised. *convey means to transfer title to...a list of questions will be compiled and sent to town counsel for answers.

Bob Dane: Are you happy with Town Counsel's performance? Brian did not offer an opinion. Bob added that town counsel offered four different opinions over the course of a few months.

Jan Carr: Where did the language come from for the ATM article relating to the sale, lease of school? And when did you learn about the option to lease? Brian relayed that we did not know about this prior to Town Meeting. The 2/3 quantum of vote was determined after town counsel reviewed documents on how the Town acquired the school.

Again, questions will be posed to attorney for clarification and an interpretation of the law. This matter is creating a lot of confusion. Another question was posed on who is the determining authority in Heath other than Town Meeting? Brian confirmed that Select Board is the chief executive officer for Heath.

Minutes: *On a motion by Gloria Cronin Fisher, and seconded by Robyn Provost-Carlson, the Board voted unanimously to approve the following minutes:*

4/30/19 as amended;

5/7/19 as amended;

5/15/19 as written with one abstention;

5/21/19 as amended.

Gloria reminded Board members that appointments require a process whereby a Board makes a recommendation for appointment and notifies Select Board. Select Board then makes appointment.

Mail/ Email:

- Updated listing of registered and/or unlicensed dogs in Heath
- Update from The General Court re: Validation of Election
- Sen. Hinds office re: Receipt of Special Legislation Request
- Accountant re: Ch 44 Transfers
- Nick Anzuoni re: Ambulance status in Charlemont
- David Howland re: Appreciation for Town Report
- Lyra Johnson-Fuller re: Use of Heath School
- Mick Garrod, MIIA re: coverage for Heath School building. Still awaiting a quote.
- Mark Reich re: Public Record Request
- Bill Gran re: Letter (Public Record Request)
- Mark Reich re: Use of School Building (Email correspondence with Brian DeVriese) + MGL Chap. 40, Sect. 3 text
- Brooks & DeRensis (Leonard Kopelman) invitation to use services
- Robyn Provost-Carlson re: Potholes on Taylor Brook Road
- Betty Nichols re: Excise Demand fees
- Accountant re: Special Revenue Detailed Expense Report (new)
- Tim Lively re: Walk Through Heath School building
- Susan Gruen re: request to use metal shelves and large metal rack at Hawlemont
- Robyn Provost-Carlson re: BOA public records request and use of Town Counsel
- Heath Highway Dept. re: Chevy quote
- Heath Highway Dept. re: Beta Group recommendation for Culvert Survey. ***On a motion by Gloria Cronin Fisher, and seconded by Robyn Provost-Carlson, the Board voted unanimously to accept and sign contract for Culvert Survey with BETA Group, Inc. in the amount of \$35,000*** (to be covered by Community Compact grant).
- Jim Barry re: Green Communities Designation Award
- Town Clerk re: elected officials; and opening for Assessors
- Art Schwenger re: WiredWest
- Senator Hinds office re: update on Fy20 Senate Budget Debate (TS Irene)
- Debbie Cavalier re: Comments in writing in Mohawk Estates Forum

- FCSWMD re: Program Director's Report and Executive Director's Report
- Robyn Provost-Carlson re: new vehicles
- Accountant re: Year-end transfers
- Bill Ennen, Bob Bourke, Joe Para, Sheila Litchfield re: broadband
- Sheila Litchfield re: Thoughts on ATM
- MIIA re: coverage for 18 Jacobs Rd.
- Phoebe Walker re: Rep. Mark office hours

Other Separate Documents for review and/or signatures:

- Town Clerk re: ATM minutes
- Treasury and Payroll Warrant
- TC Report
- Transfer Memo Request
- FCSWMD MOU for Hauling Services
- Commonwealth of MA Contractor Authorized Signatory Listing
- Letter to Dillon Chevrolet committing to purchase of 2019 Chev Silverado
- Letters to Eric Sumner and Bob Bourke
- BETA, Group, Inc. contract for engineering services (Culvert survey project)
- NGrid Make Ready Work Estimate, #13008
- Vacation Leave Request
- Transfer Requests from accountant
- The Beacon, June 2019
- Police & Fire Accident Coverage Proposal (revised)
- Dept. of Housing & Community Development re: Housing Choice Small Town Capital Grant Program – applications due July 11, 2019.

Other Business:

School Building Groups: Brian suggested two groups form to address school and other town building needs. One, School Building Maintenance Committee, similar to Community Hall Committee, to check applications for use, handle key, ensure supplies are adequate, explore and promote rentals/leasing/marketing, and possible grant opportunities, etc. Another group was suggested and perhaps named, Facilities Committee, to assess all Town buildings for needs, deficiencies, uses, etc. and a feasibility assessment of Town Garage and Fire Dept. and make an observation of overall condition of each. This group will review original study for Safety Building, as well as energy audits and options for renewable energy. Also, there is a need to review expenses for each building. These groups will adhere to Open Meeting Law and the facilities group goal will be to produce a report on their findings. The decision to keep school building open, or not, is one that will require research. The Board, as a whole, would like to discuss further. Brian walked through school with Tom Carlson and took notes on needs and made a simplified plan for repairs. One estimate for the roof came in at \$253,000. Robyn feels the concept of the two groups is a good one. It will be helpful to meet with Tim and whomever at some point however, the Board has not formerly decided what to do with the building. Rental of building may require professional assistance. There will also be a need for someone, or a committee, to oversee volunteers. Kara will continue to research insurance with MIIA. For each group, the Board asks that anyone who wants to serve to send a note expressing interest and Board will review requests and make appointments. Discussed best way to create the groups and that people are kept apprised of the process. Board will discuss further and come up with a list of goals and tasks.

Finance Committee: Ned Wolf reported that the FinCom met Thursday. They spent time looking over the spreadsheet that Jean Gran has provided that shows operating costs over the period of a year for the school building. Ned would like to have a spreadsheet for each town owned building to track expenses. Discussed costs such as heating fuel, insurance, staffing, as well as the funds from the District. The balance owed by Mohawk is \$80,000 with roughly \$28,000 currently in account. These funds should

cover expenses for FY20 and into FY21 however expenses will need to be part of budget planning for FY21 to cover maintenance/utilities at least, and perhaps starting to save in a stabilization fund. Discussed heating costs and possibility of increased expenses with use of building. Discussed plowing and the option for Town crew to do so as needed rather than hiring for this service. Roof needs at least some maintenance repairs; insulation is incomplete; and driveway areas need repair. Discussed types of leasing and how to determine what to charge. Need to explore market.

Communication: Discussed protocol and the need for the Board to stay on track and avoid interruption that interferes with efficiency of business currently in need of addressing. Discussed ways to improve. Public Records Access: There have been a couple of requests in last couple of weeks. Board of Assessors and Select Board received requests. Heath needs to appoint a Records Access Officer and an alternate. Discussed protocol for a department head to contact Town Counsel. One will need to ask Select Board before contacting Town Counsel.

Application for Use of Heath School: *On a motion by Gloria Cronin Fisher, and seconded by Robyn Provost-Carlson, the Board voted unanimously to approve Lyra Johnson-Fuller's application to use school bathrooms and grounds for an Astronomy Night on Friday, July 26, 2019 at 8 p.m.* Fee waived.

Ch. 44 Transfers: *On a motion by Gloria Cronin Fisher, and seconded by Robyn Provost-Carlson, the Board voted unanimously in order to pay invoices to approve the Ch. 44 interdepartmental transfers as submitted by Town Accountant with the exception of interest on tax abatement in the amount of \$20.46 per Robyn Provost-Carlson.*

Signed documents.

There being no further business to come before the Board: *On a motion by Gloria Fisher, and seconded by Robyn Provost-Carlson, the Board voted unanimously to adjourn at 9:20 p.m.*

Respectfully presented,

**Kara M. Leistyna
Town Coordinator**