

MEETING MINUTES

Town of Heath
SELECT BOARD
Sawyer Hall
June 18, 2019

Call to Order at 6:00 p.m. by Brian DeVriese with Robyn Provost-Carlson, Gloria Cronin Fisher, and Kara Leistyna, Town Coordinator. See attendance sheet for others present.

Review Agenda: No changes.

Minutes: *On a motion by Gloria Cronin Fisher, and seconded by Robyn Provost-Carlson, the Board voted unanimously to approve the 6/11/19 minutes as amended.*

Mail/Email:

- Kathy Inman re: MGL
- Betsy Kovacs re: Request for Records (sent to Mark Reich)
- Board of Health re: Inspection of Town Hall
- Betsy Kovacs re: Comments on SB meeting of 6.11.19
- Betsy Kovacs re: Rules for Meeting on Town Owned Property
- Betsy Kovacs re: Complaint (Building Inspector)
- Betsy Kovacs re: Bylaw Amendment (forwarded to Planning Board)
- Mark Reich re: Answers to questions regarding town meeting vote
- KP Law re: Bylaw Enforcement Issue (on-going)
- Gary Singley re: interest in serving on feasibility (facilities) committee
- Sheila Litchfield re: Committee to manage school building use
- Sheila Litchfield re: interest in serving on facilities committee
- Noy Holland re: recommendation of Bill Gran to serve on energy advisory committee
- Betsy Kovacs re: interest in serving on Historical Commission as well as Facilities Committee
- Bill Gran re: interest in serving on facilities committee and energy advisory committee. *On a motion by Gloria Cronin Fisher, and seconded by Robyn Provost-Carlson, the Board voted unanimously to appoint Bill Gran to serve on Energy Advisory Committee.*
- Robert Dane re: interest in serving on facilities committee
- Betsy Kovacs re: interest in serving on facilities committee
- Accountant re: Additional Ch. 44 Transfer Request
- Invoice from KP Law – exceeds balance of budget by \$988.26. Will need another transfer.
- Betsy Kovacs re: Appearance of Conflict of Interest (and info. from mass.gov)
- Mike Cucchiara re: Proposal to Improve Swamp Road. Select Board in favor of including Mike in planning
- Letter and packet from Jan Carr re: Art. 15/ATM

Other Separate Documents for review and/or signatures:

- TC Report
- Ch. 44 Interdepartmental Transfer Requests
- John Deere tractor bid documents & Letter of Intent (to purchase)
- Request for Leave
- Board of Selectmen members – Explanation of the conflict of interest law
- Regional Animal Control Services MOU between TOH and FC Sheriff's Office
- Payroll & Treasury Warrant

- Items for Executive Session
- Green Communities Grant Info. including approved project narratives

6:10 p.m. Public Comment Period:

Public comment was given by: Betsy Kovacs, Margaret Freeman, Susan Gruen, Bill Gran, Jayne Dane, Susan Lively, Kathy Inman, Sheila Litchfield, and Doug Mason.

Discussion of Clarification from Town Counsel as stated in email response dated June 12, 2019:

Town Counsel distinguishes between the terms real estate or property vs. building (Chap. 40, sect. 3) – “A town may hold real estate for the public use of the inhabitants and may convey the same by a deed of its selectmen thereto duly authorized, or by a deed of a committee or agent thereto duly authorized; may by its selectmen let or lease for not more than 30 years, on such terms as the selectmen determine, a public building or part thereof...” Town counsel states that the article considered at Town Meeting was intended for the sale of the property. He continues, “Additional language was included to provide maximum flexibility, as is always the intent with warrant articles. The lease language was included for the purpose of flexibility in allowing for leasing of the property as a whole; the warrant article would have allowed for leasing of the entire property which would require approval by Town Meeting.” Bill Gran again asked for clarification why real estate is different than the public building. Real Estate defined includes land and buildings. Kathy Inman asked if it meant that MA General Law cannot be changed. Yes, it may be changed through legislative process, according to Brian DeVriese, or he added, a citizen petition may be presented for a vote.

Gloria shared that the answers provided by counsel didn’t make sense until she read them several times. Can there be follow up questions? Gloria added that she is uncomfortable knowing that people in Town may think leasing the building is an underhanded move. The Select Board is not trying to back down from town meeting vote(s). The Board has not yet discussed the issue but at some point, we’ll need to generate revenue. There are groups trying to figure out what is in the best interest of the Town but we need to move expeditiously to generate revenue while at the same time researching options. The Board has the authority to use the building based on counsel’s answer. There has been a lot of back and forth but counsel has offered straight answers with the information he had available at the time. Where he started, he ended up, said Brian. Margaret Freeman asked if it would be helpful to have clarification in her newsletter, Town Talk. The Board will make a statement in a town-wide mailing.

Other Business:

Records Access Officer: Kara will invite Hilma Sumner, Town Clerk to next meeting.

Dept. of Labor Inspection Follow-Up: Robyn reported that the responses to report were sent to Dept. of Labor.

TC Report:

Performance Reviews: Assigned various reviews to Board members and Town Coordinator.

Meeting with Western MA Governor’s Office: Brian will meet on July 30 at 12:45 p.m. at Town Hall.

Disclosure Statement: Brian DeVriese has filed a disclosure statement with the Town Clerk per MA State Ethics Commission for Board of Selectmen members.

Heath School Building Use Committee: Reviewed draft list of tasks/goals for group. Discussed energy report and need for energy audit. Kara will inquire on grants/cost. There are a few projects that volunteers can do to assist Town. Discussed whether or not we’re ready for leasing/rentals. Need certain information in order to determine rental/use fees. Robyn suggested a change of wording to make it more palatable.

Board wants to think about the wording of the tasks for School Use Committee. #4 needs re-working; Board has not decided yet on what we're going to do with property. Before taking a step to sell, need to know what we as a Town want to do. Again, the Board does not want the perception that something is being done against the vote.

Tasks for the group: monthly meetings at the school, provide regular updates/reports to Select Board, coordinate with Tim Lively, Building Maintenance Coordinator. Also, review Community Hall Use Form and current form for school building.

The Board was asked whether it makes sense to have meetings where we're already heating buildings in the winter to reduce cost of heating fuel.

Concerned this leasing/rental option is pre-mature. In terms of marketing strategies, Robyn suggested a third group. One to oversee the building; another to assess all town buildings, and a third in the future after analyzing information from the feasibility group, to determine how to go forward. We need as much help as we can get.

On a motion by Gloria Cronin Fisher, and seconded by Robyn Provost-Carlson, the Board voted unanimously to appoint the following to the newly formed Heath School Use Building Committee:

***Larry Sampson
Lyra Johnson-Fuller
Pat McGahan
Susan Draxler
Pam Porter***

Other School Building Related Discussion:

Need to issue another RFI but again, need energy audit. Finance Committee researching costs for maintaining/repairing building. Once all that information is available, can make informed decisions. Select Board has not made any decisions yet except the formation of the Use Committee. Perhaps use during winter months should be prohibited. Discussed roof. Brian shared that he knows where the problem is and it can be patched. The Feasibility group, once formed, can determine when the roof needs to be repaired and get costs.

Betsy Kovacs shared that short-term rentals are usually 30 days or less. Suggested the need to define terms and which part of building will be used. With increased use of building, expenses will increase with use. Need to be mindful of generating less income than expenses.

When asked about insurance, the Town insures the building for temporary use. If empty, it would cost roughly \$30,000. There are conditions that have to be met in order for it *not* to be considered vacant.

Finance Committee/ Projected Expenses for 18 Jacobs Road: Ned reported that the costs for maintaining the building have been compiled and entered into an excel spreadsheet. FinCom is working on determining cost of heating building. Want to come up with a number, based on past records, what it would cost to heat the building to more than 55 degrees. Need to determine cost for insurance, electricity using all data that's available. Some reports are available from District. Discussed maintenance issues.

Ch. 44 Transfers: Discussed legal fees and early pay off penalty for Three-Town Liability Waiver loan. ***On a motion by Gloria Cronin-Fisher, and seconded by Robyn Provost-Carlson, the Board voted unanimously to approve all Ch. 44 transfers as requested.***

\$114.32 from Salary Winter Wages to Highway Salaries
\$1,489.25 from Consultant Expense to Asst. Assessor Salary
\$201.03 from Dump Tipping to Highway Misc.
\$1,128.52 from Winter Temp Help to Summer Temp Help
\$599.04 from Pre-K Support to Three Town Liability Interest account (pre-payment penalty)
\$1.65 from Selectmen Operating to Sawyer Hall/Comm Hall Internet
\$988.26 from Pre-K Support to Legal Fees

7:44 p.m. A temporary recess from regularly scheduled meeting taken in order to conduct business as MLP Board: On a motion By Gloria Cronin Fisher, and seconded by Robyn Provost, the Select Board entered into meeting as MLP Board to handle business related to broadband.

Sheila Litchfield reported on the hut and noted cost for additional space. Board decided not to increase the size. Select Board signed documents. Discussed status, income, take rate, need to determine drop policy and need to determine which ISP Heath will use. Currently studying premises in Town and how to use the spreadsheet in order to plan to meet with residents but need drop policy in place. Labor and materials to each home is roughly \$435,000. This can be worked down because drops can be costly. Need to estimate take rate in order to determine monthly fees.

7:55 p.m. MLP Board meeting adjourned and regularly scheduled meeting resumed. Finance Committee left meeting.

Signed Documents.

Executive Session:

On a motion by Gloria Cronin Fisher, and seconded by Robyn Provost-Carlson, the Board voted unanimously to convene into Executive Session “to investigate charges of criminal misconduct or to consider the filing of a criminal complaint” and to reconvene in open session upon conclusion. Roll call vote was taken. Brian DeVriese - “Yea”, Robyn Provost-Carlson – “Yea”, Gloria Cronin Fisher – “Yea”.

8:27 p.m. Executive Session announced and visitors exit the meeting.

Respectfully presented,

**Kara M. Leistyna
Town Coordinator**