

MEETING MINUTES

Town of Heath
SELECT BOARD
18 Jacob Road
November 29, 2022

Called to Order at 6:00 p.m. With Robyn Provost Carlson, Brian De Vriese and Hilma Sumner, Town Coordinator, in attendance. Absent: Susan Lively.

Others in Attendance: See attendance sheet.

Review Agenda: Tabled: Review of Finance Committee letter and review of the 11/15/22 minutes.

Public Comment:

Will Emmet stated his pleasure with the condition of the roads and the amount of paving and other work that had been done. He offered his thanks to the Highway Department for the hard work this summer.

Jesse Wiegand said he had called the Attorney General's office and spoke to an attorney about the Open Meeting Law complaint he had filed several months ago. He had been told that they could not address related issues because they were not in his original complaint. He opined that Robyn had lied about going into executive session to discuss the newly filed lawsuit with AT&T. Jesse also said that he was trying to get the company to pay for the accessibility ramp repair into Sawyer Hall in the intervenors' negotiation talks but was interrupted by Hilma.

Robyn stated that, when calling an executive session, she does it based on her understanding at that time and direction from town counsel.

Review Minutes: *On a motion by Brian De Vriese and a second by Robyn Provost Carlson, the Select Board unanimously voted to approve the minutes of November 1, 2022, as amended.*

DocuSign Review: The Municipal Light Board recommended that the Select Board approve the DocuSign and stated that there was money in the Broadband account to pay the invoice. *On a motion by Brian De Vriese and a second by Robyn Provost Carlson, the Select Board unanimously voted to approve the DocuSign invoice, SERV-15, in the amount of \$3,457.35 and authorized Robyn to sign for payment.*

AT&T v. Town of Heath: The Board reviewed the amended agreement document that had preliminary agreement of AT&T, the Intervenors and the Select Board. The terms in this agreement included all the original terms of tower height, \$2,500 consultant reimbursement, and installation of the Town's emergency transmitters. Additional agreed terms included sound barrier fencing, permitting as required, a removal bond, scheduled generator testing, painting the tower brown, landscaping after construction, infield testing, revisions to the access drive, and gated entrance.

On a motion by Brian De Vriese and a second by Robyn Provost Carlson, the Select Board unanimously voted to approve the Amended Agreement for Judgement in the matter of New Cingular Wireless, LLC v. Town of Heath in the form provided, subject to revisions to the conditions contained in Section 3 thereof as agreed upon by AT&T and the Intervenors and as determined by Town Counsel in consultation with the Chair to not be adverse to the interests of the Town, and further to authorize execution of the final Amended Agreement for Judgement by Town Counsel for filing with the Court.

Review of Decision-making Process for Location of Town Offices: The many issues that Town officials had in Sawyer Hall were reviewed. These included a lack of privacy, lack of adequate parking, air quality, level of security and inaccessibility. All these factors are addressed at the municipal building at Jacobs Road. At this time the Town does not have another building that will best serve the greater town's people and its employees.

Name for Jacobs Road Building: After a brief review and discussion of the list of suggested names provided by residents, *On a motion by Brian De Vriese and a second by Robyn Provost Carlson, the Select Board unanimously voted to approve the name of Heath Community Center for the building at 18 Jacobs Road.*

The Town Coordinator will research modification of existing building signs and costs for adding additional signs and a kiosk/directory at the new Heath Community Center that will hold meeting postings and office hours.

Salt Shed: Brian stated that he had emailed Walter Cudnohufsky, a landscape architect, and asked him if he will provide a cost estimate for site evaluation and suggested construction placement for the Bray Road property. The procurement of such service would fall under Ch. 30B for supplies and services with a cost less than \$25,000 for the plans so that a RFP would not be needed.

The Board discussed that there were two deed restrictions on the property. One restriction limited construction of any tower to be for an emergency services antenna. The second restriction was that any salt stored on the property must be contained within a building.

11 Bellor Road follow-up: Building Commissioner Jim Hawkins wrote a letter to the property owner to inform them of the construction violations. He also suggested that they engage a landscape/construction designer to assist with the land development.

Town Coordinator Report:

- Meeting of MTRSD Finance Committees: Attended the ad hoc meeting with the Finance Committees of the eight MTRSD towns. Shelburne, Ashfield, Colrain and Heath (Hilma only) were represented. Concerns about the district's budget development process and level of transparency were raised. One attendee stressed that, to be more informed, FinCom members need to attend budget subcommittee meetings which are already taking place. It was agreed to set another meeting after Wednesday's MTRSD meeting.
- School Chairs: There is a party interested in purchasing 20 of the pre-school/kindergarten chairs and will come to pick them up. Cost per chair is for \$5 for a total of \$100.
- Tax Classification Hearing: Director of Assessing has asked that the Board consider holding a brief meeting sometime next week for the tax classification hearing. This would expedite printing and mailing of tax bills.
- Bid Opening: The deadline by which companies must submit bids for the reconstruction of the Burrington Brook/Route 8A bridge is Wednesday, December 7th, 2:00 p.m. After speaking with the engineer, it is suggested that the Highway Superintendent and the Town Coordinator conduct the bid opening at 2:00 p.m. on that same day. Bids will be opened, read aloud for company name and bid price, and accepted only, without any award. Documents will then be scanned and sent to the engineering firm for thorough review. Following that, the top (or lowest price) three

candidate's information must be filed with the state by the engineer. The engineer will also complete a report for the Select Board by which they will be able to make the award for the construction work.

Mail:

- S. Litchfield re: Docusign for approval
- B. Viarengo re: possible grant for CH window repair
- J. Gran & Family re: Thank you to highway dept.
- FCSWMD re: proposed FY24 budget
- Town Clerk re: citizen concern over junk cars—Hilma will research state regulations and town zoning bylaws regarding auto repair and junk yard allowances.
- A. Wozniak re: Leyden notification of free cash
- K. Barrows re: Library reports and plans

Future Meeting Schedule:

December 13, 20 (tentative)
January 3, 17, and 30 (Monday)
February 14, 28
March 14, 28

7:29 p.m. On a motion by Brian De Vriese and a second by Robyn Provost Carlson, the Select Board unanimously voted to adjourn the meeting.

Respectfully submitted,

Hilma A. Sumner
Town Coordinator