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# Select Board Meeting Minutes 11/7/18

## Select Board Minutes of the meeting of 11/7/18

**Meeting Opened at:** 4pm

**Select Board Members Present:** Carol Edelman, Chairperson, Kenneth Basler and Donald Coburn

**Also in attendance:** Julio Rodriguez, Shawn Tryon, Terry Walker, Alice Boyd, Gareth Backhaus

### Miscellaneous Items Reviewed:

- Bidwell House Special event – all alcohol permit requested; the Board unanimously approved this request for an event on November 17<sup>th</sup>.
- Building Inspector's time off request was unanimously approved.
- Departmental weekly reports were reviewed; Don inquired why M. Noe is submitting bills for the highway department, M. Noe explained that over a year ago she was given the responsibilities of assisting Shawn Tryon with administrative tasks which includes submitting the department's bills.
- Don and Kenn reviewed the proposed utility easement which has been approved by counsel to allow Fiber Connect to trench within the town right of way for specific areas that the Director of Operations has approved. Carol recused herself from this conversation and decision making. Ken moved approval and both Don and Kenn signed the agreement.
- Julio provided the Board with an itinerary for the Veteran's Day observance ceremony on Sunday.
- Library change orders: Kenn wants to be sure that the Select Board is kept informed on any change orders and requested permission to speak to the Library Trustees at their next meeting to make sure there is a responsible way to track this process (maybe a monthly report) and prevent any situation where the library needs to request more money from the town. Don argued that any change order is a modification of the contract which is signed by the Select Board and would require Select Board approval. Carol suggested having Mickey Jervas and the library construction project manager come meet with the Board, in the meantime Kenn will check with counsel on Don's opinion on changes and to speak with the project manager as well.
- Library bond/schedule: Kenn reported that he was given a letter from Mickey Jervas, Library Trustee at yesterday's pre-budget meeting informing the Board that there is going to be a need to borrow additional funds at the next town meeting to cover outstanding grant payments. At the May 2017 annual town meeting the town approved a \$3.1 million library renovation less the MBLC grant for \$1,855,675 (total to be borrowed \$1,244,325). The contractor has projected completion of the project by June 1 but the MBLC grant is to be paid over 5 years meaning we would need to cover the loan until we get the grant monies. Kenn requested permission to call the MBLC directly to talk about payment schedules as well as counsel and Unibank; the Board approved unanimously.
- The Board agreed that the transfer station will be open its usual hours on Sunday, November 11.
- The Board reviewed the proposed Memorandum of Understanding and Transportation agreement from the Southern Berkshire Elderly Transportation Corporation for FY20. Carol would like more information on the mechanism of paying this bill prior to signing it. The Select Board unanimously carried this agenda item to the next meeting.
- Julio Rodriguez, Chair of the Parks Commission and Shawn Tryon, Director of Operations came in to discuss possible solutions for the kayak overflow at the beach parking lot across the road. Julio suggested posting a notice that the kayaks currently there need to be removed by a set date and if they aren't they town will remove them and there will be fees associated with picking it up. He also suggested instituting a sticker program with a fee to secure a spot on the available kayak racks (none should be left on the ground or they will be removed). Kayaks should not be left on the ground as they are blocking the parking area. The Parks Department will be purchasing 3 more kayak stands for next season. It was suggested that the Parks Dept, Highway Dept and Select Board come up with the policies and procedures over the winter to give everyone plenty of notice for the changes to be made in the spring. The Parks Department will discuss this further at their meeting tonight and come up with a plan to notify residents.
- Shawn Tryon, Director of Operations came in to discuss the following:
  - Town hall & highway department furnaces – both furnaces were cleaned and inspected last week. We were notified that the furnace at the highway department is shot and needs to be replaced (original furnace from 1985); we are

waiting on an estimate to replace it. The town hall furnace needs a replacement door (approximately \$300) and the backflow preventer needs to be replaced. It was also recommended that the interior chimney at town hall be inspected and fixed; its current condition is deteriorating and could cause potential problems. Shawn was given permission to contact the appropriate professionals to advise and give an estimate on the chimney.

- School heat – Shawn inquired whether the heat needed to be kept on in the building since it wasn't being used. It was agreed to empty the toilets and any water and to shut off the heat.
- Fairview & Beartown Roads – there are several hazardous stumps on both these roads, Shawn is looking for permission to hire Tryon Construction to remove them as well as widen areas of these roads for safety reasons. The Board granted permission.
- Kenn commented on what a positive difference the recent tree work done has made.
- Curtis Road Bridge update: half of the bridge has been completed and weather permitting it should be fully complete by Thanksgiving. The Board inquired how we could address fixing the railing, which was not a part of this project. Shawn will follow up with the engineer on estimated costs. Shawn was also asked to make sure the engineer on record for the current project makes a site visit and provides a written sign off once the project has been completed.
- Terry Walker, Town Clerk was asked to come in to discuss the following:
  - Kenn complemented Terry on the job well done at yesterday's elections. Don was concerned about the timing of the state sending the warrant that needed to be posted for the elections.
  - Asst Town Clerk vacancy – Terry has been handling things mostly by herself with occasional help from Gary Shaw covering the office when she needs to take a day off. She would like to expand his responsibilities so that he can continue helping. Terry requested that Gary be appointed as a registrar and the Assistant Town Clerk through June 30<sup>th</sup>. The Board approved the request unanimously.
  - RAO (records access officer) – A motion was made to appoint Terry Walker as the RAO which was unanimously approved.
  - Long range plan – Terry confirmed that she plans to give the town at least another 6-7 years before retiring. The Board was pleased to hear this.
  - Terry received permission for time off with the appropriate coverage for the office.
- Alice Boyd came in to review proposals submitted for the Housing Rehab sub-grantee with the Community Development Block Grant. Alice reviewed her recommendations with the Board of proposals submitted by TRI and Berkshire Regional Planning Commission (BRPC). It was suggested that a meeting with the BPRC Executive Director, Alice and a member of the Board be held as soon as possible to resolve current issues and how to move forward with the current contract. With regard to the proposal for the upcoming contract a motion was made to accept the TRI proposal as housing rehab sub-grantee as they scored the highest in the evaluation process. TRI's price proposal was then opened. The motion was approved unanimously.
- Gareth Backhaus, Police Chief came in to discuss the Hazard Mitigation Grant that Dennis Lynch applied for and we received. This grant will pay a contractor to rewrite our hazard mitigation plan. The town has to contribute 25% (\$3,750) which we believe can be paid in kind. A motion was made to move forward with the grant which was approved unanimously.
- The Board discussed the letter the New Marlborough Select Board sent to the SBRSD school committee with regard to Egremont's decision to withhold payments to the district until the Egremont School is reopened. New Marlborough disagrees with withholding payment as a means of addressing dispute and are asking the other member towns to convey the same to Egremont. Discussion ensued. Kenn would not support conveying the same message from Monterey. Carol made a motion to send a similar letter to Egremont as was written by New Marlborough. Don disagrees with Kenn but also does not agree with Carol and stated that Monterey should not get involved in this argument as it will be the school committee's issue to resolve with Egremont. After discussion Carol stated that Don made a good point and this is up to the school committee to solve. The motion was rejected, all parties agreed that a letter would not be sent.
- UMASS Collins Center proposal – Everyone will review the proposal again and discuss it further on the 14<sup>th</sup>.
- It was suggested to have an additional SB meeting on the 14<sup>th</sup> at 9am, all agreed.
- Warrants were signed.
- The three versions of the minutes from 10/24/18 were distributed and will be reviewed over the next week. Kenn said he was not ready to approve any of the current versions and is listening to the audio of the meeting and writing a fourth

version to add for review.

- Select Board meeting procedures: Don wants to make sure that all decisions made are dealt with during a Select Board meeting and officially voted on which no one disputed. Don also had an issue with the current Select Board policy for contacting town counsel and made a motion that any member of the Board be able to contact counsel when they have a concern without receiving permission from the other Select Board members. Don made a motion that any member of the Select Board can contact counsel with any question he or she has. Discussion ensued and concerns were expressed about overuse if this change were to be made. It was noted that one of the reasons the policy was originally written was because members of boards and committees were contacting counsel on matters that had not been discussed by boards as a whole and in some cases never were. Kenn proposed to amend the current policy to allow each Select Board member to contact counsel when deemed necessary. It was also acknowledged that the Administrative Assistant is allowed to contact counsel when deemed appropriate and to aid in helping the Board move things along in an efficient manner.
- Rule of necessity – Don noted that he has since forwarded his question on to the state with regard to issues we may be faced with when dealing with the Broadband proposal and one member's need (confirmed by the Ethics Commission previously) to recuse herself from any and all conversations/votes. Carol stated that it was inappropriate to ask this question without first speaking to her as this applies directly to her. Kenn suggested that it would have been courteous to speak with Carol prior to seeking additional opinions on a matter that she considers closed and that affect her personally; Don disagreed. Don explained that Carol had requested an opinion orally and received the answer orally.~ Consequently, the information is informal.~ Don further noted that despite counsel's opinion that the rule of necessity could not apply to broadband decisions, meaning that there might be no way to settle possible differences between Don and Kenn that might arise, he was not sure the opinion was correct and believed that a formal opinion from the State should resolve the issue.~ Kenn agreed that counsel's opinion was problematic, but still thought it would have been better for Don to inform Carol of his request to the State and this would be good for maintaining good relations on the SB.~ Don replied that relations among the members is not really good.~ Don also noted that as a result of Melissa's decision to record their conversations, and the other members support of that practice that he has not since and will not talk to her in person except at formal SB meetings. No vote was taken on this matter
- Don expressed his concern with the policy that the role of the Select Board Chair allows this person to decide what is placed on the agenda for discussion. He doesn't feel it is appropriate for the Chair to have this authority. Kenn did not feel there was an issue, that if the Chair determines to postpone something if there would not be enough time to adequately address an issue, most items are dealt with within 2 posted agendas. Don then made a motion that any agenda items submitted within the proper Open Meeting Law posting timeframes be posted on the agenda, and that the Chair not be allowed to remove or reschedule them. Kenn felt that there are times when the Chair needs to make a judgement call and all proposed agenda items may not always be able to be added when another member requests. Carol voted against the motion, Kenn approved. The motion passed.
- Mail was reviewed.

**A motion was made and unanimously approved to adjourn the meeting at: 11:46am**

Submitted by:

Melissa Noe, Administrative Assistant

Full audio recording available at town hall

Approved by:

Monterey Select Board

cc: Website ([www.montereyma.gov](http://www.montereyma.gov))

Select Board Members

Minutes Book

Town Clerk