



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF NEW MARLBOROUGH  
OFFICE OF THE BOARD OF SELECTMEN  
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**Lawrence H. Davis, III, Chair  
Nathaniel H. Yohalem  
Tara B. White  
Board of Selectmen**

**Minutes of February 4, 2013**

The Meeting was opened at 6:50 PM.

All members were present.

The Board of Selectmen meeting began later than usual as a previous meeting went beyond schedule. At 5:30PM the Board of Selectmen, Peter Marks and Nicole Reid met with Arrow Concrete. Arrow Concrete is a precast, concrete, bridge vendor. The purpose of the meeting was to understand the price differences of the estimates given to replace the Clayton Mill River Culvert. The first detailed, written estimate was provided by Tom Loughlin from BSC Group at approximately \$800,000.00. This was a written estimate including all work involved starting with engineering/design, through obtaining necessary permits, to survey work, demolition, etc. Highway Superintendent Peter Marks met with Arrow Concrete in late Fall of 2012 and was given a verbal estimate that it could be done for a quarter of the price. The meeting verified that the price from Arrow Concrete was for their "bridge in a box" which only includes the pieces of the bridge. Overall, it was informative and gave a greater understanding of the processes involved. There is currently no contract with any firm to move forward on the Clayton Mill River Culvert.

**Review, discuss, approve and sign warrants, correspondence and minutes**

Chairman Lawrence H Davis, III stated that there is correspondence regarding a no trespass order for Lisa Anker. Selectmen Yohalem understands that Lisa Anker placed her hands on the Tax Collector and that this is unacceptable and dangerous. A letter was drafted from Town Counsel, Jeremia Pollard, in which Lisa Anker is no longer allowed to come into Town Hall except to vote if registered and attend Town Meeting.

*A motion was made, seconded and so voted to send the letter to Lisa Anker. All were in favor.*

The minutes of January 7, 2013 and January 14, 2013 were accepted as amended.

**Appointments**

*A motion was made seconded and so voted that Pat Mielke be appointed Treasurer until June 30, 2013. All were in favor.*

*A motion was made, seconded and so voted that Louise Yohalem be reappointed to the Cultural Council to fill her unexpired term until June 30, 2013. Selectmen Yohalem abstained.*

*A motion was made, seconded and so voted that Michelle Shalaby be appointed to the Cultural Council and fill her term until June 30, 2014.*

**Review & Finalize BSC contract for survey work on Foley Bridge**

Selectman Yohalem stated that he is not happy with the contract as the previous discussion regarding this contract involved a fee of approximately \$2500.00 not to exceed \$3,000.000. Then during the course of the discussion BSC Engineer Tom Loughlin said the cost could go as high as \$3,600.00. "Then we get the actual contract and it is \$3,950.00". Selectmen Yohalem personally feels that "we need to get moving on this and there is a much bigger contract for the rest of the work and that we could have this issue out with him in connection with that rather than waste more time on this". Selectmen Yohalem continues to state that he does not know why it increased and that he is uncomfortable with the different quotes. \$2,500.00, \$3,000.00, \$3,500.00 and then a final of \$3,900.00. "It is troublesome and I do not like doing business that way. However we have got to get this thing moving."

*A motion was made and seconded and so voted to accept this contract with the condition that when we move onto the main contract, this issue is talked about and addressed. All were in favor.*

The next item on the agenda was review and discussion of a front end loader with Highway Superintendent Peter Marks, and the Board. The discussion was in regard to the recent occurrence on the current loader. It has dropped three cylinders which would require replacing the motor. This repair is expensive and would be warrantied for one year. At this time the trade in value is close to \$62,000. After discussing repair vs. trade-in option, the Selectmen support the trade-in and to apply the money towards a new vehicle. The Board suggested that Mr. Marks obtain the necessary information and costs needed for a new vehicle and present it to the finance committee.

Also, on the agenda was an email from Building Inspector, Tom Carmody in regard to the Hitchcock Road. At this time the Town does not have enough information to determine when the road was discontinued and it will be further investigated this week.

Police Chief, Scott Farrell appeared before the Board to discuss an occurrence that happened on Thursday February 7, 2013 with Fire Chief, Peter Scala. Chief Farrell stated the New Marlborough Police Department will be moving back into its previous office.

**Chief Farrell:** "There is a significant discomfort level right now between the department and the Fire Chief, for whatever reason. Whatever he said to my officer he has said to the entire department. He has been belligerent; he has been rude and aggressive towards him and has been totally off base with what he is saying."

**Selectman Yohalem:** "When you say aggressive do you mean physically or verbally?"

**Chief Farrell:** "Just verbally, in his face, quick to move. It literally blows my mind away; how idiotic it is. My officer called me at work today; very few people get through at work. When he calls me at work, it is serious. He was upset and I do not blame him. On Friday, Pete confronted him about the lock on the door that we had just changed the lock on, and his statement was that it was not an issue with the Fire Company, it was his building and he needed a key and if he did not get a key within one hour he would break the lock on the door."

**Selectman Yohalem:** "It was his building"?

**Chief Farrell:** "Correct. I talked to Dave about all of this. The reason we did not give him a key right away is that we just had a lot of our files over there and we wanted to keep the room secure until such time that we can secure everything. We were obviously happy to give him a key because I guess there are some breaker panels in there. Today when Verizon was over there, he came up to Officer Frank, he was in the Firehouse, he entered his vehicle, drove around back, stopped in front of us, asked us what we were doing here. Officer Frank told him he was switching the phone lines over and Mr. Scala asked if we had signed a lease agreement between the Town and the Fire Company. Officer Frank said I believe so. Mr. Scala then stated he didn't think so and as far as he was concerned we were trespassing and we need to get our shit out of the office and we weren't moving in and drove away. So....Again, I have talked with Dave on a number of occasions. I have talked with Dave today about this. I talked to Dave on Friday. Dave and I are on exactly the same page, he is not sure what is going on. I am not sure what is going on. He has no problems with what we have talked about with myself, and you, and him, and me, and all that. Whatever is going on with Pete, I have no idea. He has not contacted me about this, but I will not put my officer or any of us through that. We will not move over there and as far as I am concerned until this is dealt with we will not move into the new building. The agreement is off now, we will move all of our stuff out as soon as possible and stop paying them rent until such time that the Fire Chief learns how to interact appropriately with the Police Department and my office. So whatever he has said to Officer Frank, is said to me and is said to the entire Police Department. If that is how he is going to act, then I feel bad. It was totally uncalled for."

**Selectman Yohalem:** "Just so that everyone is clear. We entered into a verbal agreement with the Fire Company."

**Chief Farrell:** "Correct."

**Selectman Yohalem:** "Not with Peter Scala, with the Fire Company, pursuant to a letter sent to us by the Fire Company saying that we are not to deal with Peter Scala that we should deal with the Fire Company."

**Chief Farrell:** "Correct."

Selectman Yohalem reviewed the terms of the lease out loud so that everybody there was on the same page. Chief Farrell reiterated that until there is a resolution, the Department will not be moving in.

Selectman White stated that Michael heard from Dave and that they are going to have some kind of a discussion tomorrow night so there would be nothing for us to really talk about at this moment.

Being that there was no further business to be brought before the Board a motion was made, seconded and so voted to adjourn at 7:40PM.

Respectfully submitted,



Nicole Reid  
Administrative Secretary