



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

**Minutes of Selectmen's Meeting
Monday, September 29, 2014**

Board Members Present: Tara B. White, Chairman
Michele Shalaby
Nat Yohalem

Others Present: Michael Skorput, Administrative Assistant
Sharon Fleck, Administrative Secretary
Graham Frank
Dan Litchfield
Barbara Marchione
Peter Scala
Les Bush
John Hoteling
Courtney Turner
Kathy Palmer
Prudence Spaulding
Bob Litchfield

The meeting of the Board of Selectmen convened at 5:32 p.m.

It was agreed that the minutes from the September 15 and 22 meetings be held until the next Selectmen's Meeting.

Police Chief Contract – Police Chief would like a one-year appointment to be followed by a three-year appointment effective July 1, 2015, following other Police Department personnel policies. Graham mentioned that he would like the leftover salary in Scott Farrell's budget be added to his salary. Graham felt that his salary was a little low compared to Officers whose starting salary in other towns was \$57,000. Selectman Yohalem suggested that the leftover salary be split and that his salary be raised to \$55,000, effective November 1, 2014. Graham also stated that other towns give raises for education completed, i.e. 10 per cent for an Associates Degree; 15 per cent for a Bachelors Degree, and 20% for a Masters Degree, for which he would like to be considered. He anticipates receiving his Associates Degree in Spring 2015. He also would like three weeks' vacation. Graham also stated that he currently accumulates 10 hours sick

time a month, which is equivalent to the Town's policy. Graham would also like the "Termination" clause changed from 45 days. Selectman Yohalem stated that, with the exception of elected Town officials, all employees serve at the will of the Board and can be terminated "at will." The above issues will be further discussed at the October 6, 2014 meeting.

Signs on Inn on the Green – Michele will speak with Peter and Meredith at the Inn on the Green, hoping they will be able to provide different type of advertising for the contractor who is doing work for them.

Personnel Policy Committee - The Board will ask for volunteers to assist in making recommendations to update the Personnel Policy. The last update was May 9, 2011. The goal is to bring this policy up to a more realistic policy for this day and age. This policy will further be discussed on Monday, November 10, 2014.

Michael Skorput – Chairman White indicated that the Board had been speaking with Michael about his health issues. Michael's retirement date is January 3, 2015; he will send a letter indicating the same. He also said he did not wish to discuss his medical conditions in a public forum. Chairman White stated her concern is with handling budgets which will be coming due and Michael training someone to handle this position. Michael will put together an ad for his position for the Board to review.

Town Hall Renovations – Michael Skorput stated he had no further updates from EDM regarding these renovations.

Changes to the Assessor Bylaws - Chairman White she would like Pat Hardyman to come in and discuss these changes with the Planning Board prior to public hearings in May 2015.

July Roads – Estimates for \$66,500 were sent to the State regarding the damages to the roads in New Marlborough during the July storms. The Town has not received information regarding an extension on the restorations and reimbursements for the damaged roads.

Cows – Prudence Spaulding presented the Board with a copy of a proposed letter to be sent to the Board of Health, requesting it to issue a Statement of Abatement of Nuisance, which will then allow fines to be levied against the owner, Mr. Brazie. The cows have been loose on Rt. 57 three times within the past two weeks presenting a hazard to drivers.

Treasurer's Position – One resume has been received from Ms. Joann Conti who currently is working part-time at Berkshire South. Chairman White has called a previous applicant, but has not received a return phone call. Selectman Yohalem checked on her references at Berkshire South and was given an excellent recommendation. Ms. Conti's other reference was out of town until Wednesday, October 1, 2014. He will be contacted upon his return regarding Ms. Conti. Selectman Shalaby will contact Dave Herrick regarding a candidate he recommended.

No Cost Municipal Data Program (DOR) – Chairman White stated she received a proposal for a one year free Municipal Data Program. Additional information will be gathered regarding what the costs are for subsequent years and opt-out programs.

Auction – Chairman White announced that the Spiess property on Lake Road was sold at auction for \$340,000. These monies will be held in a separate account until July 2, 2015 when the

property will be released from any claims by the prior owners. Prior to tax title, approximately \$50,000 was owed to the Town.

Movie at Umpachene Falls – A request has been made to film a movie at Umpachene Falls. There will be about 15 people and catering trucks. Filming will continue 6-8 days. They must provide the Town with an insurance certificate, have all trash removed and have the Porta-Potty emptied. Under those conditions the Board will allow the filming to take place.

Tax Bills – The Tax Bills have been mailed.

Capital Planning Committee – Selectman Shalaby said it would be helpful to know when “auction” monies would be available, as they are in the process of doing a 20 year plan. She was advised that the \$87,000 from the auction in March would be available in FY16. Chairman White stated she would request the DOR release the \$340,000 in FY16.

Audience Participation re Tax Collector Position –

Courtney Turner gave a historical perspective of the Tax Collector’s position. His recollection is that the Tax Collector’s and Treasurer’s position were split. It was the DOR’s suggestion to separate the two positions in order to alleviate the “control” problem. Courtney stated, to the best of his recollection, at the time those offices were split that the Tax Collector would work 20-25 hours a week and that the Treasurer would work 10 hours a week and the Accounting Officer 2-3 hours a week. He also stated that when he moved back into Town, a disastrous situation existed in collecting taxes amounting to over \$600,000, which had since been relieved. Courtney Turner stated his next door neighbor was Judge Rudolph, a retired Supreme Court Justice from New York, and that the Town should approach the Judge, or someone like him, in an effort to renegotiate the termination of Caren Adams. Courtney then left the meeting.

Dan Litchfield – Dan stated that when the hours between the Tax Collector and Treasurer were split, no one knew for sure how many hours each position would need – “it was essentially an experiment.” He further asked why the 3-1/2 hours became an issue if Caren was doing a good job. He further stated, based on what he knew, that the situation could have been handled differently. Dan also strongly recommended that the Town seek mediation to resolve this issue.

Barbara Marchione - Barbara stated that there were only “ball park” hours for the Tax Collector’s position. She voiced her concern over replacing two money people, i.e. the Treasurer and the Tax Collector. She further stated that, to her knowledge, Caren had a 97%-98% collection rate. She asked the Town to reconsider Caren’s termination and attempt resolve this issue through mediation.

Peter Scala – Stated that his wife, Joyce, and Caren were both interviewed for the position of Tax Collector, and to the best of her recollection, she was quoted 20-22 hours per week

Chairman White then made a statement to the audience that there is another side to the story, and because Caren has made it clear that she is seeking legal advice, the Board cannot comment or go forward to explain the Board’s side of the discussion. Peter Scala then felt that anything that has been discussed in a public forum could be discussed with them. Selectman Yohalem suggested the minutes of previous meetings have been posted on the Town website. Chairman White stated that the Board gave Caren every opportunity to meet the Board half way.

Kathy Palmer – It was Kathy’s understanding that there is a path to be taken when considering terminating an employee, i.e. verbal and written warnings. She further stated that according to the statements in “The Record,” it sounded like that path was not taken. Kathy also stated that she felt Caren had a good working relationship with the citizens in Town.

Selectman Yohalem then stated that the article in “The Record” was only from Caren’s point of view, and that the only comment that was made by Chairman White was “no comment.”

Being that there was no further business to be brought before the Board, a motion was made, seconded and so voted by all members to adjourn the meeting at 7:06 p.m.

Respectfully submitted,

Sharon Fleck
Administrative Secretary