



**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 November 5, 2012

The Meeting was opened at 6:30 PM.

All members were present.

The minutes of October 19th & October 22ⁿ, were accepted as amended.

Emergency Management director, Barbara Marchione gave a synopsis of what took place after Hurricane Sandy. She also noted how appreciative and thankful she is for our wonderful Highway Department, our First Responders, and Fire Department.

The Southern Berkshire Regional School District presentation led by Michael Singleton was next on the agenda. The presentation covered a variety of topics beginning with the reelection for the School Board Committee. Michael stated that six out of ten members are not running for reelection and that two of the four that are running will have a close turnout. He also talked about the budget and he provided an informative six year history of the district budget. There was discussion about the declining enrollment. The figures show that in 2001 there were over 1000 enrolled students. At this time they are down to approximately 700 enrolled students. The number is expected to be below that next year, eventually bottom out, and then begin to rise again. This is an estimate based on enrollment statistics over time. There is interest to expand the Votech options and programs. The next topic of discussion was the MCASTS scoring results. Overall the students do very well in the 10th grade, however there is stagnancy in the middle grades where they are averaging 55% – 60%. The school board would like to see a steep incline in the middle grades on how they are improving. By the 10th grade they are at 94% - 98%, so overall students are doing well. The next topic was capital needs and issues. In the past a new phone system fiber optic cable, new carpeting, roofs have been replaced and a new water hook up on the main campus. There are updated and improved greenhouses. The new lighting system is currently in process on the main campus. Overall a new lighting system will save an estimated \$30,000 annually on utility bills. In the next three to five years a roof on the main campus will need to be done. Also, the tennis courts have not been maintained and it is becoming an issue. The same goes for the track. The discussion ended with establishing an estimated time line for work on the deteriorating buildings, potentially looking at 2014, 2015.

Beer and Wine Permit

A motion was made, seconded and so voted to approve the one day liquor permit for the pasta dinner fundraiser.

Certified Free Cash & Tax Rate

Chairman Lawrence Davis inquired as to the current standing on certified free cash. Selectmen Tara B. White stated that at this point all the sheets have gone back to Jim Podolak from the Division of Local Services for his review. Ms. White also stated the tax assessor has a new deficit letter as of this evening. Administrative assistant, Michael Skorput stated that this whole process needs to begin earlier and that by the middle of August all necessary materials for setting the tax rate should be to Jim. Chairman Davis stated that he would be in on the following day to review the file.

Review of Fire Department Lease

The next item on the agenda for was the review of the Fire Department Lease. Selectmen Yohalem stated that there were insurance issues that need to be discussed. He also read that the rent was \$1,000 a month, and confirmed that at the present time there is no office. His suggestion was that they offer \$500.00 a month which would be for the cruiser being parked there.

Chief Scala: If it is going to be so contentious that maybe we won't have the Police Department parked out there.

Selectmen Yohalem: It is not contentious at all.

Chief Scala: It doesn't matter. You are making it a big deal; we don't have to have the police parked out there. I will ask Scott to remove the cruiser.

Selectmen Yohalem: I am not making it a big deal.

Chief Scala: I think you are.

Selectmen Yohalem: The board said it wants...

Chief Scala: I think you are.

Selectmen Yohalem: You are entitled to your opinion. I don't understand why you say that.

Chief Scala: Because you are making a big deal over the lease.

Selectmen White: You don't want a lease Peter?

Chief Scala: No, Nat is making a contingency. Like I said, I have already inquired about filing a complaint against you, violation of the Open Meeting Law. I have a problem that if I want to be on the agenda, that if I don't do it by Thursday, I am not on it. I get a call five hours ago that I need to be here. I think your leadership here stinks. I am mad at you two that we had an emergency here in town, I have newspapers calling to say how did town officials do and I won't talk to them because they don't want to hear what I have to say about...

Selectmen Yohalem: First of all...

Chief Scala: You are the Town Officials, you are the leaders. We have never seen...

Selectmen Yohalem: When is it my turn?

Chief Scala: Your turn was probably last Monday.

Selectmen Yohalem: I was there Wednesday morning.

Chief Scala: How Late?

Selectmen Yohalem: Well lets see...

Chief Scala: And you were there Wednesday morning because

Selectmen Yohalem: Is this a dialog or a monolog by you?

Chief Scala: It might be a monolog.

Selectmen Yohalem: It sure is. I came in on Tuesday.

Chief Scala: I think you treat people like shit.

Selectmen Yohalem: You have a right to your opinion, but there is no need to curse. Peter, I came into this office on Tuesday and asked how everything was. I was told everything was going very well. I said were there any problems?

Chief Scala: Who did you talk to?

Selectmen Yohalem: Mike.

Chief Scala: We have not seen Mike either.

Selectmen Yohalem: On Wednesday I came in, actually at the store Barbara said you should come up. I came in here; I said what's the problem? I hear that there are some down lines. I asked whether or not there were any people in the shelter and was told no. I immediately left from here and went up to the Fire Department and spoke to three people that were there who were members of the Fire Department or the Rescue Squad. Barbara was called out because someone from National Grid was there. She updated me of the specific roads and that as far as I know was the end of it. Now, in terms of the Open Meeting Law I have no idea what you are talking about because the only meeting that has been held have been here and they have been posted. Meetings with department heads are with just one particular Selectman, myself so there is no meeting of the "Board of Selectmen" and those meetings have been posted and held here. So I do not know what you are talking about.

Chief Scala: Can I see the minutes to those meetings?

Selectmen Yohalem: There are no minutes taken except my notes.

Chief Scala: Then it's not an official meeting.

Selectmen Yohalem: That is correct because I am the only person there.

Chief Scala: Then you shouldn't be releasing stuff that's been talked about.

Selectmen Yohalem: I am sorry?

Chief Scala: Then you shouldn't be releasing information that has been talked about.

Selectmen Yohalem: The only release that occurs is when I report to the board as to what happened at those meetings.

Chief Scala: They should not be released.

Selectmen Yohalem: Well, I disagree with you and I think...

Chief Scala: Well let me check with the ethics commission.

Selectmen Yohalem: I think that a Selectman has the right...

Chief Scala: I have no problem going to the ethics commission.

Selectmen Yohalem: I have a problem with it, sure I do

Chief Scala: You said it's perfectly okay, so there shouldn't be a problem.

Selectmen Yohalem: As far as I am concerned, I have done nothing wrong by holding meetings with department heads.

Chief Scala: It's releasing those, they are not official meetings.

Selectmen Yohalem: Releasing what?

Chief Scala: Information discussed in those meetings.

Selectmen Yohalem: If I go to a meeting with somebody who is a Town Official or a representative of the Town, there is a right to free speech, there is no attorney client privilege and the people of this Town have a right to know what is going on. We are not going to operate this Town in a secret vacuum.

Chief Scala: Then they have to be meetings that are posted with minutes.

Selectmen Yohalem: That is your opinion and that this fine.

Chief Scala: That is what the law says Nat, it is not my opinion.

Selectmen Yohalem: Thank you Peter. Thank you for your legal advice.

Chief Scala: Like I said before, you have a problem with me calling the Ethics Commission

Selectmen Yohalem: Do whatever you want to do Peter, you do it anyway. Now, do you want one of the Board of Selectmen to sit down with someone from the Fire Department and try to work out a lease for the Police Department vehicle and office"?

Chief Scala: Whatever you want to do

Selectmen Yohalem: A few minutes ago you said...

Chief Scala: Well you were making up the rules, how we are going to pay, and what the wording is.

Selectmen Yohalem I was not making up the rules; I was talking to the other Selectmen and making a suggestion based on my review of the latest lease. That's all. I am one out of three.

Chief Scala: Whatever.

Chairman Davis: Would you entertaining having a representative or the whole board sit down with someone designated out of your corporation to come up with...

Chief Scala: We would probably have our Counsel.

The selectmen all agreed. Chairman Davis moved to the next order of business; the Committee representative for the Superintendent of schools. The third applicant, C. William Dunsay was briefly discussed suggest that each Selectmen will meet talk with him over the next day or two.

Being that there was no further business to be brought before the Board a motion was made, seconded and so voted to adjourn at 8:05 PM.

Respectfully submitted,



Nicole Reid
Administrative Secretary