



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

**Minutes of Selectmen's Meeting  
Tuesday, September 15, 2015  
6 p.m.**

**Board Members Present:** Michele Shalaby, Chair  
Nathaniel Yohalem  
Tara B. White

**Others Present:** Mari Enoch, Town Administrator  
Sharon Fleck, Administrative Secretary  
Charles Loring  
Sandra Annis (National Grid)

**The meeting of the Board of Selectmen convened at 6 p.m. The minutes were read. A motion was made, seconded and so voted to approve the minutes of the August 3, 2015 meeting and the August 17 and August 31 minutes as amended.**

**Pole Hearing**

Sandra Annis reported that on Hartsville New Marlborough Road there is a tree that has rotted that currently supports a cable for National Grid. National Grid would like to put a stub pole across the street to support an existing pole. There is no cost to the Town.

**A motion was made, seconded and so voted to approve National Grid installing a stub pole between 972 and 1057 Hartsville New Marlborough Road.**

**Award Winter Sand Bid**

Town Administrator, Mari Enoch, reported that both the Highway Supervisor in Sheffield and New Marlborough are confident that Wilkinson will be able to meet the washed winter sand requirements for both communities this winter. Wilkinson was the low bidder, but both Towns requested Wilkinson to verify needed quantities. Wilkinson was able to confirm those quantities.

**A motion was made, seconded and so voted to approve awarding the washed winter sand bid to Wilkinson for \$9.50 picked up and \$12.00 delivered.**

## **Tree Warden Position Description**

Select Chair, Michele Shalaby, reported that she used the Massachusetts Association of Tree Wardens as a guide to develop the position description for New Marlborough. Bill Ruane has been asked for his input. Selectman, Tara White felt that this discussion was necessary as there could be a conflict between the responsibilities of the Tree Warden and the Highway Department, i.e. if Bill has to respond to a tree problem and use a chain saw, he must have someone else with him, more than likely from the Highway Department.

Where, then, does he get paid? What about minimum call time pay? Who pays for him and the person accompanying him? Highway Superintendent, Chuck Loring, reported that the previous Tree Warden's responsibility primarily was administrative. However, it was the Highway Department's responsibility to cut up/dispose of the tree or limbs. The Board of Selectmen agreed that the Tree Warden's responsibility would be administrative and that the Highway Department's responsibility would be to cut up and dispose of any downed trees/limbs. Chuck Loring stated that there are situations where no one has to be called because the limb is small enough to be dragged off the road. Chuck explained that either he or Bill would have to make the decision as to whether or not employees have to be called in to assist in the removal of a tree/limb, at which point call-in time/overtime would be in effect. Chuck further explained that it would have to be either him or Bill that would have to call for additional help. Additional changes may have to be made to the Position Description after comments are received from Bill.

## **Clayton Mill River Culvert**

Chuck Loring recounted the meeting held with Stantec in June with himself, Mari and Sharon, at which time Stantec advised there would be no further delays. However the bid, prepared by Stantec, was not ready until August 28, 2015. This further delayed the time a company would have to make/deliver the precast concrete bridge until late October. It was felt that the time constraint eliminated many companies from bidding on this project. The one bid that was received came in over an hour past the bid opening time and was, therefore, returned to the bidder. Chuck was not comfortable with rebidding this prior to the end of this year because of possible weather-related issues. His suggestion was that it be rebid in February-March 2016. The only issue may be whether or not the Highway Department could get into the water prior to July 1, 2016.

Chuck further advised he received a phone call from an engineer in Boston regarding the Hadsell Street Bridge. Chuck was advised that project will not be bid until September 2016, which means construction will not start until 2017. This is the third time this project has been delayed. A discussion ensued as to whether or not the Town should contact various State organizations regarding Hadsell Street or to wait until the \$1 million grant is awarded. The Board of Selectmen decided they did not want to jeopardize the chances of the Town receiving the \$1 million by presenting other bridges/roads to the State needing repair/replacement. The Board will revisit this issue in mid-late November 2015.

## **Temporary Highway Employee**

Mari Enoch reported that there is a highway employee who will be out until November. In the meantime, the Highway Superintendent would like to hire a temporary employee.. He has several people in mind and would like to offer one of them the position, which would be temporary and without benefits.

**A motion was made, seconded and so voted to authorize Chuck Loring to hire a temporary employee.**

## **Gas Tax**

Selectman, Tara White, presented the Board with a draft of a letter she would like to send to Rep. Pignatelli, Senator Downing, Senator Elizabeth Warren, Rep. Richard Neal and Governor Charles Baker. The Town of Lee is petitioning the State to allow a \$.03 per gallon gas tax be put on all gasoline sold in Lee. She also reported that Rep. Pignatelli plans to file a bill allowing all 351 municipalities to enact their own gas tax. The Town of New Marlborough, however, would receive no benefit from this legislation, even though residents buy their gas in these neighboring towns. The letter asks the State to consider the adverse effect this will have on communities who, like New Marlborough, have no gas stations in town. Selectman, Nat Yohalem, suggested several changes to the letter, after which the Board agreed it will be sent.

## **Town Administrator Updates**

The Board of Assessors submitted a written request to the Selectmen requesting a reallocation of their stipends. In the past, the Chair of the Board's stipend was \$200.00 higher than the other Board members. For FY16, the town warrant (passed by the voters in May 2015) did not apportion a higher stipend. Town Administrator, Mari Enoch, was advised by Town Counsel to refer to MGL Chapter 41 Section 108 which states that compensation of all elected officials must be fixed at annual town meeting and can only be revised with a 2/3 vote of a special town meeting prior to the setting of the tax rate. The Board of Selectmen agreed the best solution was for the members of the Board of Assessors to work it out themselves. An effort will be made to correct this discrepancy for FY17.

## **La Cantina**

La Cantina has applied for a one-day liquor permit for a private party to be held on September 28, 2015.

**A motion was made, seconded and so voted to issue a liquor license to La Cantina for September 28, 2015.**

## **Massachusetts Broadband Institute (MBI)**

Mari Enoch reported that the Town has not yet received updated information from Eric Nakajima and MBI.

## **Selectmen's Updates**

Selectman, Nat Yohalem, stated that an email will be prepared to send to 44 underserved broadband communities, asking them whether or not they would like to "share" expenses for attorneys, etc.

Select Chair, Michele Shalaby, said she had a conversation with Nat Karns, Executive Director, Berkshire Regional Planning Commission, regarding sharing employees and providing benefits to shared employees. Nat Karns advised Michele that BRPC can help develop a platform for sharing of employees in an equitable fashion. Nat also advised Michele that in the Governor's Community Compact there was a box to be checked indicating that the Town is interested in regionalization of government services. Mari believed that box had been checked. Michele also advised that forthcoming there is a DLTA (District Local Technical Assistance) survey asking how we want those funds spent and that the box for regionalization of government services should be checked. Michele will prepare a letter requesting the shared service and will bring a draft to the next meeting.

**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 7:20 p.m.**

Respectfully submitted,

Sharon Fleck  
Administrative Secretary