

SELECTBOARD MEETING  
MAY 27, 2014  
MINUTES

Meeting opened at 5:30pm

Present: Alan Vint, Chair; Howard Knickerbocker, Clerk; David DiNicola  
Duane Pease, Administrative Assistant (AA)

Attorney Jonathan Silverstein, Kopelman & Paige (K&P) has been delayed by traffic.

Warrants reviewed; question of repair bill from Lee Audio & Security regarding the repair of the Fire Alarm located in the library. Unclear what caused the short; possibly it was the recent ceiling tile installation. Discussion followed and Howard noted he did not believe the wires were in a conduit and may have been just laid across the top of the ceiling tiles. No one was sure of what the building code was for these wires. Check will be made with the Building Commissioner. AA to contact Lee Audio for clarification on cause. If this was a result of the ceiling installation, a claim will be made thru Eric Weiss who was in charge of the project and he will contact the installer. Warrants reviewed and signed less the amount of the Lee Audio bill, \$573.40.

Minutes approved on motion By Alan, Howard 2<sup>nd</sup>; vote 3-0.

Jonathan Silverstein appeared before the Board to explain what K&P's objectives are and why the Town should continue to use them as their Town Counsel. K&P has been existence for 25 years and only does municipal case work. Jonathan's specialty is Land Use and litigation. He has been with the firm since 1996 and stated there are attorneys in the firm that specialize in every facet of Municipal Law. When a question or problem arises, the Towns they represent are not being billed for an attorney to "learn the law". He feels he has developed a relationship with the Town and is available at any time to answer questions and give legal advice. When the question only involves a few minutes of his time, he does not bill. He cited his involvement in the recent Jamula Land Court case and his ability to have the Town dismissed from the case without costing unreasonable legal fees.

He proposed a legal budget of \$8,000 for the Town, that would include any advice, legal opinions, phone calls contract reviews, etc from any of the various Town entities and any monies not used would be returned to the Town. He stated towns can not avoid all litigation and this budget would not include any litigation, that would be billed at an hourly rate. He also cited his recent involvement with the ZBA. He was aware of the statute that allowed municipalities to obtain funding from the appealing party to cover the costs of defending and obtaining expert consultations without costing the Town any money.

There was general discussion regarding possible scenarios and a list of priorities should be developed and discussed on a risk versus reward basis. Alan stated he has been very satisfied with the service and results of dealing with Jonathan and K&P. Jonathan said he believes when he has been called upon to perform, he has delivered.

Next item on the agenda was the Town buildings and grounds maintenance. While doing the mowing, Alan noticed several items that needed attention. The handicap railing leading from the auditorium are broken and need replacing, the Senior Center building has rot on one corner, the picnic table is rotted and should be taken away and the posting sign at the Transfer Station has not be erected to date. Dave questioned as to who is in charge of the Senior Center and was advised there is no one person charged with maintaining or inspecting the various Town building. There was discussion on how to proceed and if the building maintenance person, Kathy O'Brien had the ability to perform some of these duties. Howard suggested the Board authorize Kathy to use qualified people to get the work done and the Board needs a process to get these items done. Dave felt the Board should develop a list of qualified contractors or employees and make sure they were properly insured before allowing them to do any work for the Town. Kathy will attend the next meeting to discuss these issues with the Board. There was also discussion on Alan's point of having a seasonal grounds person. This person could trim trees, fill in ruts that are around the Town Hall, etc. Alan will come up with a list of things needed to be done and possible people to do them.

Alan requested he be authorized to contact Ron Berenson, Town Tax Attorney, to discuss the former General Store in the Town Center. He would like to discuss what can be done to the store: save or raze; best way to condemn, if necessary. There are different views on what should be done. Howard 2<sup>nd</sup> his motion to contact Ron; vote 3-0.

Special Town Meeting Warrant was presented with 2 articles. Howard requested \$700 for document preservation, he would like to have the microfilm digitized as the old documents are very fragile and should not be handled. The Historical Society has already sent out one roll of film to be digitized and they are paying for it. If it comes back and they are satisfied, it will be sent out, one roll at a time. Once digitized, the records will be available on-line and will be searchable. Howard motioned to have the Selectboard recommend approval of the article, Alan 2<sup>nd</sup>; vote 3-0. the other article is for the transfer of funds from Free Cash to the Highway fuel account, this was previously approved by the Board. The warrant was signed by the Board and given to the Town clerk for posting.

Highway Superintendent, Skip Savery, advised the Board he is considering jackhammering out the road reflectors on Skyline Trail. They are rising from the road and are a hazard when he is plowing. The plows catch on the corners and the reflectors can be propelled out, become airborne and are dangerous. Dave felt the State should pay for the removal as they were installed as part of the State project when Skyline Trail was made a temporary state highway so it could be improved along its full length from Huntington to Hinsdale. Skip was not sure if the State would pay but he will check with his contact, Kathy, at Mass DOT.

Skip also advised Root Road will be ground on June 5<sup>th</sup> & 6<sup>th</sup>. Also, the closed bridge on Cone Road has had the jersey barriers moved so vehicles can cross the bridge. This is a dangerous situation as the bridge is unsafe. There was discussion as to how to stop this including removing the deck but leaving the abutments and installing sections of chain link fencing behind the barriers. Skip said he is going to see if he can obtain a grant to replace the bridge.

In Open Forum, Howard is the alternate to Wired West but his appointment was never official. Alan motioned to appoint Howard, Dave 2<sup>nd</sup>; vote 3-0.

Alan motioned to adjourn, Howard 2<sup>nd</sup>; vote 3-0 and meeting adjourned at 7:59pm.

Minutes respectively submitted by:

Duane Pease  
Administrative Assistant

Minutes accepted with/without changes by:

Alan Vint, Chair

Howard Knickerbocker, Clerk

David DiNicola

Addendum: Howard pointed out that the Town Historic document Committee had been mistakenly appointed as a By-Law Committee. Board voted to correct the original September minutes and affirm the appointments.