

Town of Warwick

Selectboard

July 30, 2018

Minutes

Members present: Lawrence Pruyne, James Erviti

Others present: Town Coordinator David Young, Town Secretary, Town Clerk and Animal Control Officer Rosa Fratangelo, Highway Superintendent Larry Delaney, Buildings and Energy Committee Chair Janice Kurkoski, Planning Board Chair Ted Cady, Fire Chief Ron Gates, Firefighter Joe Larson, Broadband Committee Chair Tom Wyatt, Dawn Magi, Nancy Kilhart, Bruce Kilhart, Jennifer Core, Shauna Smith, Todd Dexter, Bob Croke, Kevin Alden, Kristy Delfausse, Joe Delfausse, Dan Dibble, Susan Wright, Nadia Marti, Max Marcus (*Greenfield Recorder*)

I. Call to Order

Chair Pruyne called the meeting to order at 6 p.m. in the Town Hall.

II. Minutes

Erviti MOVED to approve the May 21, 2018 and July 16, 2018 minutes as printed. Pruyne SECONDED. Motion CARRIED 2-0-0.

III. Presentations and Discussions

1. Appointments—Young said that the Selectboard needed to appoint a representative to the FRCOG Regional Planning Board. Ted Cady explained that he is the representative from our Planning Board but there also needs to be a Selectboard representative.

Erviti MOVED to appoint Lawrence Pruyne FRCOG Regional Planning Board representative. Pruyne SECONDED. Motion CARRIED 2-0-0.

2. Highway— Highway Superintendent Larry Delaney said that the Chapter 90 paving projects were approved by Mass DOT, and that work will start on Monday, August 20th with Lane doing the milling for an estimated five days. He said that Mitchell would be doing the paving and

pointed out that while milling is not affected by the weather, paving cannot be done if it rains. Delaney said that the five sections of road discussed at previous meetings will be repaired. He expected to start on Winchester Road then go to Northfield Road and Athol Road, but depending on prioritization of the need for repairs, the order could be changed. Delaney said that the Gulf section of Route 78 was repaired to make it drivable for a short period of time. Bruce Kilhart made what he termed to be an official complaint about Northfield Road where no real patches were done. He said that his wife, even though driving slowly, was almost hit head-on by a car going fast and driving on the wrong side of the road to avoid the potholes. Delaney said that their compactor had broken down, but he could rent a roller when it stops raining. He explained that the roller cannot be used in the rain and we have had rain most days with more predicted almost daily in the near future as well. Young noted that it is illegal to drive on the wrong side of the road and that drivers need to slow down. Delaney said that we do not have a “rough road” or “bump” signs but he could possibly borrow some. He said that they could skim over the worst places on Northfield Road and quoted an approximate cost of \$3,000.00 for 40 tons of asphalt and the rental of a roller. Ted Cady thanked the Highway Department for repairing the Gulf. There was a consensus of the Board to have Northfield Road repaired.

Dawn Magi reminded Delaney that the lower end of Wendell Road is full of potholes; Delaney said that it would be one of the projects done in August but could move up the list of priorities. Kevin Alden asked if the ditches will be cleaned out to prevent future and further water damage. Alden also wanted to know if there was a more time and cost-effective way to get things done, as what the Selectboard has instructed Delaney to do is tantamount to giving him an impossible task because the approach being taken is not going to work. Alden said that a committee should be formed with residents from all parts of town to determine needs and priorities for road repairs. Delaney said that they plan to start cleaning ditches which will be done on the roads slated for Chapter 90 projects and will be completed prior to August 20th. Delaney said that he feels he is under-staffed and needs a fourth worker right now. Erviti prompted Pruyne to look into hiring a fourth man. Young said that he has been disappointed in the past with Delaney’s inability to keep four workers busy all day, and noted that there was a small amount in the budget that could be used to hire a part-time worker for now. Erviti asked Alden if he would be interested in meeting with Delaney to develop a written plan for FY 19 and to also form a committee. Alden said that he will help Delaney if he comes up with a plan. Delaney said that one person on the current crew may be leaving as early as the end of August and that it is difficult to find someone with the required licenses. Erviti directed Delaney to find out from the crew member in question just when he is planning on leaving.

3. Green Communities Grant—Janice Kurkoski said that we were awarded almost \$226,000.00 in a competitive Green Communities grant and that the Board needed to sign the contract with the Department of Energy Resources (DOER) and agree to have construction in place by March 31, 2019. She noted that the funds must be expended by May 31, 2019. Kurkoski

said that grant funds were to be used at the Warwick Community School for motors and drives in the boiler room, HVAC upgrades, and weatherization. She said that PVRS would have a transformer replacement, motors and drives, and destratification of fans in the gymnasium. Kurkoski explained that the effective date of the contract will be when the DOER responds after the contracts are signed by the Selectboard members. She said that this was years in the making and is expected to realize \$80,000.00 annually in energy savings in the Northfield and Warwick elementary schools and PVRS combined.

Pruyne said that it was his understanding that the Town would be on the hook if WCS is closed by the District, and that he was hesitant to sign the document. Young said that there was no indication that a change of use would leave us liable, and the building could be used as a senior center. Kurkoski said that page 70 of the contract states that we agree that no current plans exist to close, sell or dispose of the building for which the funds are designated within the next five years. She pointed out that the energy grant is for the Town building, not specifically for a school. Dan Dibble said the building could be used for town offices. Young said the building just needs to remain in use for the next five years.

Young said the figure would be around \$165,000.00 and that as a contingency the town could amortize the payment for five years should the school close and the building not be used for any other purpose, which he just did not see happening.

Kurkoski said that some of the work cannot be done when school is in session, and that school begins on August 27th, which makes this quite time sensitive. She said that 140 communities received grants and are sending in their contracts.

Pruyne said that he wanted to be absolutely certain that the Town would not be liable. Todd Dexter suggested calling someone in the morning. Young said that the person with whom Pruyne had been communicating, a Ms. Pfister, is a grant administrator and may not be comfortable answering his questions, as it is not her role to give an opinion. Young said that he had sent the contract to our Town Counsel, and his is the opinion that would matter.

Erviti MOVED to sign the contracts contingent upon a telephone call with Ms. Pfister and her acquiescence that all is OK with regards to the school building. Pruyne SECONDED. Motion CARRIED 2-0-0.

Pruyne said that he will also confer with Town Counsel, and that he will take as long as it takes to be sure that the Town will not have to repay the grant funds. Kurkoski said that the projects can be portioned out and divided into smaller chunks so that we never take any unused funds.

4. Selectboard Warrant for Animal Control Officer—ACO Fratangelo explained to the Board that the Form of Warrant to Officers in MGL 140:153 should be signed annually by the

Selectboard as a directive to the Animal Control Officer. She noted that it had been done yearly in the past, but the practice had lapsed, and it was best practice to begin doing it again.

Erviti MOVED to authorize Pruyne to sign the Form of Warrant for Officers. Pruyne SECONDED. Motion CARRIED 2-0-0.

5. Unfunded Recycling Mandates—Erviti read aloud portions of an Email he had received regarding an environmental bond bill and the possibility of unfunded recycling mandates. He pointed out that the bill is going to committee and that the Board should think about the matter and determine whether or not to support the bill.

6. Meeting Behavior Guidelines/Civility Policy — Pruyne said that the policy had been discussed at past meetings. Kevin Alden said that he did not think it is necessary to introduce yourself each time you speak at a meeting. He said that the Town should be more open and not become more closed up because there needs to be more discussion throughout the community, not less. Shauna Smith also favored a person introducing themselves just the first time they speak. Tom Wyatt said that he had drafted an initial set of guidelines a few years ago after ugliness at some meetings. He said things have improved, but people want to be respected. Pruyne said that he proposed to create the idea of a friendly atmosphere in meetings and civil dialogues with those out of town as well. Pruyne and Erviti both wished to change #3 under Public Meeting Protocol to read “Identify yourself the first time you speak”.

Erviti MOVED to accept the Town of Warwick Standards of Conduct policy with the change. Pruyne SECONDED. Motion CARRIED 2-0-0.

7. Discussion of Dual Roles of David Young as Town Coordinator and PVRSD School Committee Member—Pruyne said that small towns are allowed to have one person serve in more than one position and serve more than one role. He said that Young has brought a lot of skills to the School Committee, but he wanted to discuss whether Young can maintain focus and his identity as Town Coordinator and if this could be compromised by his being on the PVRSD School Committee. Pruyne pointed out that the Town Coordinator must always represent the Town, while a School Committee member represents the interest of the District and not the town. He said that it is a difficult position to represent the interests of the Town while also working on the School Committee and serving the interests of the District. Pruyne stated that he is no longer comfortable with Young serving in both capacities. Pruyne said that as Town Coordinator Young

holds a powerful place in the Town, and that as a Selectman he is much more comfortable if Young would work only for the Town and not also a totally separate entity whose interests may be very different from those of the Town. He said that he was not sure what to think about all this and felt this was a good discussion to have. Young

said that at any Selectboard meeting he is there as the appointed Town Coordinator and not an elected School Committee member. He said that he does understand and is cognizant of the different loyalties and expectations of both positions and he recognizes the potential for conflict. Young said that he has given the appropriate and necessary ethics disclosure forms to the Town Clerks. He pointed out that you can be elected to as many positions as you want and as the voters see fit. Young noted that if the Selectboard or Town Meeting votes contrary to his duties as School Committee member he would have to resign from the School Committee. Erviti

said that Young must be clear as to which position he is taking when speaking at Town Meeting. Pruyne said that Young has always been clear when he speaks whether it is as Town Coordinator or School Committee member and that he appreciates that from Young. He stated that Young, as the Town Coordinator, still has a responsibility to the Town even when acting as a member of the School Committee. Jennifer Core

said that what she finds most troubling is that the distinction is not clear and that as a result she does not understand which position Young speaks from. Core went on to say that his position as Town Coordinator and his attendance at all Selectboard meetings affords Young access and influence of what is discussed and how it is discussed. She said that she sees an inherent conflict of interest between the two roles. Dawn Magi said that Young has often said to her that School Committee members may have trouble realizing that their loyalty is to the District and not their town. She said that the Selectboard is the Town Coordinator's boss and as a member of the School Committee he could have access to discussions not yet made public and the act on it as Town Coordinator. Cady said

that people want transparency regarding which position he is speaking from and on whose behalf is he acting, and that public perception could be problematic. Magi said that Young obtains information and the Board can choose whether or not to act on it. Todd Dexter said that Young's roles have been clearly defined in meetings and that he has worked hard for many years in the Town's best interest. Kevin Alden said that Young has knowledge of Town government and how it works, but other people should take over some of his many roles in Town. Young

noted that he can educate and show both sides of an issue but cannot exert undue influence. He stated that he is concerned for the financial future of the District, and that the Town will have to pay for the past problems and future solutions. Erviti pointed out

that there may be times when the Town Coordinator interests and those of School Committee member will be the same, and when the two positions disagree Young can be honest in his dealings to serve in both positions. Pruyne said that he

had opened this matter up for discussion with no expectation of arriving at a solution at this time.

8. Review Town of Warwick Official Social Media Presence and Management Thereof—

Pruyne said that he and Young have been talking about this issue for a while. He explained that both the Warwick “L” and the official Town website are currently private properties that belong to individuals and not the Town. Pruyne said that he would like to see more control on the Town’s part so as not to lose these valuable resources. Young pointed out that a vote of a previous Selectboard made www.warwickma.org the official website for the Town. He said that we can back up the website and import it to town.warwick.ma.us. Cady said that it is not the particular website but rather the method to maintain the website that matters. He also said that the Selectboard needs to plan for this job of posting minutes and all relevant documents should Ed Lemon decide to relinquish some or all control of the website.

Erviti said that someone needs to talk with Lemon and ask him what he thinks is the best way to maintain the website. Pruyne suggested the creation of a position to take care of all social media presences. Joe Delfausse suggested looking for someone who is web savvy to volunteer to work with Lemon and take on some of the burden. Magi also recommended approaching Ed Lemon with their concerns of how to keep the website up and running while relieving some of the responsibility.

Dan Dibble said that the “L” is the voice of the people of Warwick and not of Town government, and that neither the “L” or the “L-ternative” page on Facebook started by Shauna Smith and her mother Sandy Mallet should be under Town control. Dibble strongly favored keeping the “L” and the “L-ternative” Facebook page managed by private citizens as a place for residents to freely voice their thoughts and concerns.

Firefighter Joe Larson said that he posts on the Warwick Fire Department’s Facebook page. Larson stated that he is aware of the rules of proper conduct when posting and that he adheres to those rules. He explained that certain types of information cannot be released and noted that he puts out useful information and promotes events. Larson added that he runs things by Fire Chief Ron Gates before posting items and felt that there is no need for any other control from the Town. He said that there is a need for accountability. Erviti said that he would be willing to speak with Ed Lemon privately. He agreed that the “L” is a private enterprise and not the government’s business. Tom Wyatt said that the Selectboard should put it out there that the “L” is a valuable thing and that they are seeking someone in Town to help out if necessary. There was a consensus of the Board that Erviti will talk with Ed Lemon. Shauna Smith said that she would put a disclaimer on the Facebook page that makes it clear that the page is run by private citizens and is not an official page for the Town or its government.

9. Reorganization of ZBA—

Erviti, as a member of the Zoning Board of Appeals (ZBA), said that the ZBA was unclear as to whether the Selectboard appoints members and alternates when there is a change in membership, or is it done internally by the ZBA itself. He explained that when an alternate is moved up he or she becomes a voting member or if a voting member chooses to become an alternate, there is a change in their status on the ZBA. Cady said that when

there is a resignation, as was the case with Miryam Williamson's recent resignation, the senior alternate moves up automatically. He also stated that the Planning Board was fully aware of the change of positions between Erviti and Renna and fully supported it.

Erviti MOVED James Erviti be a voting member of the ZBA and Sandy Renna become an Alternate. Pruyne SECONDED. Motion CARRIED 2-0-0.

10. Selectboard Reports— Pruyne said that he attended a FRCOG Council meeting last week where a number of things were discussed. He noted that one issue was the hope to influence State legislators to bring more money to local schools. Pruyne said that there is 1.5 million dollars in rural school aid in the current State budget. He said that the FRCOG Council want local Selectboards to appeal to legislators for more funding for special education and noted that this is a new line of funding that can increase in the future.

11. Coordinator Report— There was nothing to add to the written report.

12. New and Other Business Unanticipated at Time of Meeting Posting— None.

13. Public Comment—Todd Dexter said that the FY 19 Highway Department budget includes funding for a fourth man and wondered that since the fourth position has gone unfilled, we should either fill it or use the available funds for other purposes within the department. Erviti said that they have already discussed a part-time hire for the summer. Pruyne said that the money could be used to pay for grant writing assistance for Chapter 90 and STRAP grant paperwork. Young said that there are indeed funds in the budget for a fourth man and the unused funds have been used to offset the snow and ice deficit. He also noted that a three-man crew is less wasteful because there is not enough work to keep four men busy. Pruyne said that the unusually cold winter damaged the roads and we failed to anticipate the problems soon enough. Dexter expressed support for hiring of someone to provide grant writing assistance for Larry Delaney.

IV. Adjournment

Erviti MOVED to adjourn at 8:17 p.m. Pruyne SECONDED. Motion CARRIED 2-0-0.

Documents consulted at this meeting:

*Draft Minutes of July 16, 2018

*Town Coordinator Report dated July 26, 2018

*Town of Warwick Standards of Conduct

*MGL 140:153 Form of Warrant to Officers Commonwealth of Massachusetts

*Green Communities Competitive Grant Contract

*Commonwealth Terms and Conditions for Contracts