



**Selectmen's Meeting
Town Office 6:00 P.M.
Wednesday, March 21, 2012**

Present: Jed Brummer, Chair; Sam Seppala; Roberta Oeser; Carlotta Pini

APPROVED Minutes

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Jed: The citizens voted to change our calendar year from a fiscal year to a calendar year to help the Town fund the budgets better. It means less guesswork about what funds we'll have to work with in the coming year. We've had to borrow at times because our cash flow has been dependent upon other agencies' budgets. Changing the fiscal year is a one-time thing; it will not increase or decrease residents' taxes. This is a welcome change to better serve our citizens and operate the Town.

This is our first Select Board after the Town Meeting, and we welcome Roberta as our new Selectman.

Citizen's Forum – John Kauer: Has the police procedures review been undertaken? Jed: Yes, but it hasn't been completed -- given that we've lost some officers and our Police Chief has applied for positions in other towns, we felt a need to review Police Dept. procedures and determine whether they're up to date to help the Select Board make decisions as to how many officers on each shift are needed to serve the Town. Also, about 100 community members have stepped up to form the Crime Watch Group. We need to address the officers that are leaving and the size of Police Department in Rindge. Roberta: There was a 60-day turnaround, and the report was due March 5th. John Kauer: \$2,500 is pretty inexpensive if we get all the information.

John Kauer mentioned the increases. Jed: I don't call them raises; they're adjustments in pay. It started a year ago when we were losing people in different departments, not only Police, and there were suggestions that some Dept. Heads might leave. The Personnel Committee was established to take a look at our wage policy, and they spent eight months undertaking studies on comparisons on education, time served in the Town, additional work the employees had done to improve their productivity, and comparing Rindge to other towns our size to see whether we're within the market range because replacing employees is a considerable expense to this Town. As a result of that, the Selectmen were given a memo on how to make adjustments to a fair wage, so we started that eight or nine months ago and got a lot of hell for it. We began with those wages most egregiously out of line according to the Committee's study on what was considered a fair wage. And we wanted to implement the rest of them in a series, funding them within the budget. We didn't know whether that was going to be the default budget or another budget. We do expect to fund these within the current budget that the Town passed this year.

Roberta: I would like to see the minutes of March 7th and want it explained why they were sealed. Jed: They were sealed because they concern personnel. Roberta: No – concerns about reputation are only if you discuss one person. Jed: I disagree with that. When we talk about raises for one person or several in the Town, the minutes are sealed. Roberta: But not for 20. I am making a motion that the March 7th minutes be unsealed. Carlotta: My thought is that tonight we have a nonpublic for personnel, and Counsel advised that we review those minutes as a Board, and at that time the Board could make an assessment, but I think to unseal them before viewing them and to have that discussion without knowing whether it's sensitive or not, the Board should be viewed first and then a decision can be made at that time. The minutes were sealed so that employees could be notified without reading about it on Facebook that night. Roberta: Why would it adversely affect them to know they got a raise? Carlotta: I think it's appropriate to keep them sealed before they see them on Facebook – things are being communicated on social media before they have a chance to be communicated through the proper channels. Sam: I think I'd like to see the minutes before they're unsealed. Roberta: Okay, I'll remove my motion for now.

Dick Call: In 2010, we voted not to do any raises. What changed between then and now, and who changed it? Jed: The reason it changed is that we had employees leaving, and Rindge had to address how to keep its workers; it costs the Town money when employees leave. Dick: You can hire someone for less pay. Jed: Okay, so if we can hire someone for less than what we're paying, are they trained? As soon as the economy turns around, are they going to stay with a Town that pays that way?

Jed: Maybe you can get a new employee for \$2/hour less but there may be increased fees to the Town if they do something wrong, and as soon as the economy turns around, they're gone. We're trying to build the best workforce we can to run the Town. I think the Board over the last five years has kept the Town's tax less than surrounding towns but, once in awhile, we have to address serious issues. Rindge has to offer a fair wage and its employees have to know what to expect 3, 4, 5 years down the road if they're going to make a commitment to Rindge.

Chief Sielicki: They ask to be fairly paid against our counterparts. That last pay study took into account a comparison. Jed: We still haven't addressed Part Two of that study, and many of the adjustments we authorized were way less than what the Personnel Committee recommended – way less.

Pat Martin: The "no" vote was for the year 2010; it was not for any other year, and that vote did not mean that there would never be any raises for Town employees. I took the voters' "no" response to the energy warrant as something that was for that year. Should the character of the Town be defined by the warrant articles we write? Dick: If we voted in 2010 for no raises, and less people are voting now, do you think there's a reason for that? Jed: The last vote was typical. We haven't had a lot fewer voters come out. At least you, Dick, come here and talk about it—where are the rest of the people? People should get involved. We are part of a community, a town; we have a lot of assets here, and it's time that we recognize that. It would be great to get more people involved with committees.

Elisa Benincaso: I did a lot of research on this Town going back thirty years, and so often the Selectmen said in the annual reports (1972 specifically) that people weren't coming out to vote. I think it's been getting better since I've been here. Jed: we've had a strong Recreation Dept. and a lot more people are using it.

Holly Koski: We did hang up one Crime Watch sign today, and our group has over 100 members in four zones of Rindge. Dave DuVernay: One of our members spotted a tire fire. Chief Sielicki: They're right on top of it and are great to work with.

Carlotta: It is our first meeting after Town Meeting and traditionally the time when we elect the board Chair. It's traditionally the senior-most member of the Board. Pat had asked Jed to be the Chair when she stepped down, but I think it's up for discussion to the Board.

MOTION: Selectman motioned that Jed be the Chair, Roberta seconded, and all were in favor.

Carlotta: We do have Selectmen serving on a couple of key committees. Last year, Pat served on the Town-Gown Committee and was an ex-officio to the Planning Board, and Sam served on the BAC. Jed is serving on the Town-Gown this year, and the University requested continuity in that position because it's really about relationship-building and there's been turnover. Jed: It takes a while to get to know the University, and I would like to continue serving in that capacity if you all agree. Roberta: What is Town-Gown? Jed: Town-Gown was formed to coordinate the interest of the Town with the University. In the past, there's been contention around tax issues and the University's use of Town services, especially the Fire and Police resources. So we have our Administrator, Fire Chief, Police Chief, Planning Director, Selectmen, and a community member – about 10-12 people that meet once a month to discuss things. It's a trust relationship and they're pretty serious about what goes on there. Chief Sielicki: In the past, you could not talk frankly with the University, but Dr. Birge is aware of the impact the University has on the Town and he's open to suggestions; it's great to talk with him.

Jed: What would you like to serve on, Roberta? Roberta: The BAC was a good learning base. Sam: I would want to be involved with the BAC. Roberta: The Planning Board's fine. Carlotta: So your term is up on the BAC? Roberta: Yes, so no replacement is needed.

Carlotta: And the other thing to clarify – is there just a one-year term for all of these appointments? Yes. Kirk Stenersen: Are you appointing an alternate in case you can't be there? Sam: I'd be willing to do that.

MOTION: Jed motioned for Roberta to serve on the Planning Board, Sam to serve on the Budget Advisory Committee, and Jed to serve on the Town-Gown Committee for the coming year, Sam seconded, and all were in favor.

GENERAL BUSINESS

Roadway Committee Recommendations re: Farrar Road – Neighbors said they're here because it's a Town road. The Carmichaels say they've purchased it, but we all want it to remain a Town road. We're confused by what's happening and pages 3-5 talk about the history primarily through deeds for the seven lots on our road. In most of the deed language they don't talk about Farrar Road – most of these were pulled from the original plot plan. Page 6 talks about when Lot 3 was seized by the Town for non-payment of taxes. On page 8, we're seeing what the Town does with that seized property. We

have a warrant article at Town meeting to sell that lot and use the money from the proceeds to complete the roads in the development (one dead-end road in the development was barely a trail). That passed, and this was in the 1979 annual report, so calendar year 1978 is when these events occurred – installation of the gravel and culverts for what was going to become Farrar Road – the Selectmen approved the grading of the road. The LGC website talks about what road acceptance is. Laying out a road, grading, graveling, and maintaining it meets the criteria for acceptance by the Town of the road.

Jed: Are you saying that the Town of Rindge has acted that the right-of-way has been in the public interest and has been maintained and plowed for over 20 years? Resident: Yes, Farrar road has been maintained that long.

Jed: If we're going to treat it as a public road, but he claims it's his road, then to me it would diminish surrounding properties. Wouldn't you rather have your home on a public road that's being maintained than on a road subject to someone's whim as to what he will permit and not permit? If you want to sell your house, I think it would be preferable to be able to say that it's on a public road rather than, "The fellow up the road owns it and we don't know how it's going to be maintained."

Pat Martin, Farrar Road – When we lived on Monomonac Road, as a condition for getting a mortgage, I had to become part of its association that maintained the road. Chief Sielicki: This issue came up in 2008, and with the help of our prosecutor, we drafted a letter under the motor vehicle statute that if a road has been maintained for over 20 years, it becomes a Town road. In March, we had a Roadway Committee meeting again, and the Roadway Committee's recommendation was to say it was a public road and would be maintained that way.

Elisa Benincaso: I live on Farrar Road, and it qualifies in two ways – 1) the Selectmen voted to approve allotting money to maintain the road. I also called the Atty. General's office about fraudulent conveyance of property – he must have known it was seized for non-payment and he was a resident of the Town – the Carmichaels purchased the property on Jan. 31st and registered it with the Registry of Deeds on February 16th. The Register of Deeds said that people pull these things all the time when they shouldn't. Carlotta: The Board has a copy of the Roadway Committee minutes, and David is doing a great job explaining. The consensus of the Roadway Committee is that Mr. Carmichael's actions don't change the way the Town should maintain the road. There are two issues: the legal ownership of the road which has been thrown into question by this Deed (there's another Deed in your packet quitclaiming it to the Town of Rindge), and then there's the issue of its being a public right-of-way.

Sam: Why does he want ownership of the public right-of-way? Chief Sielicki; Because if he controls the road, he has a say on who can park on it, etc. David Lister: I've lived on this road since 1985, and Susan Richardi lived across from Mr. Carmichael. The Carmichaels complained about her parking in the cul-de-sac then. Carmichael filed a quitclaim deed without covenants. He claims he owns the land under the road, but the people still can travel over it. Dave DuVernay then read a letter from Mr. Carmichael's lawyer, Mr. Silas Little. There are several viatic uses – kids playing in a roadway, parking, or watching a parade.

Chief: I didn't know what "viatic use" was until today. It's the right to pass. Mr. Carmichael called to have us remove cars in the cul-de-sac and I explained to him that right now it's a public way, and if a vehicle is impeding traffic we'll move it, but he said it's his road and he wants the cars gone. He wants total control of that road. Roberta: I told George that I don't think Silas did him any favors. David Lister: Mr. Carmichael emailed to threaten that when the bank takes my house, the new owners won't like the shanty house next door that I refused to complain about.

David: The language in the deeds clearly says that the property starts at the edge of the 50' right-of-way. The owner of Lot 4 prior to George Carmichael quitclaimed a portion of the cul-de-sac, and this shows that none of the cul-de-sac is George's – not the road, not the land, and not the sky above it.

Page 4 talks about the deeds for Lot 4, every deed including when George and Sharon Carmichael bought the property – this property is subject to the rights of others to pass..... Even if he did own the road up to the quitclaim deed, he doesn't have the right to tell people to get off of it. The person that owned the property before George gave up the ownership of the cul-de-sac, and the Town owns it.

Summary page: "This isn't an issue of a person owning the land beneath the road and the Town having a right of way – this is a Town road, and it's a Town road all the way to the center of the freaking Earth." Elisa Benincaso: Two Selectmen and the Town Secretary signed it.

Carlotta: People are here tonight to seek the Boards' understanding that this is a Town road. Jed: If this came up 20-30 years ago, I think it's an oversight that they didn't vote it as a Town road. David Lister – I looked at annual reports from the 1970s to the 1980s, and the Town accepted one road. Meanwhile, the road agent complained of the added expense of maintaining the new roads of the subdivisions.

MOTION: Roberta motioned that Farrar Road has been a Town road, including the cul-de-sac, and continues to be a Town road. Sam seconded, and all were in favor.

Energy Commission: Resignation of Bob Cleland – As of March 16, 2012, Bob resigned and his resignation was accepted. Jed: It's too bad that considering all the effort the Commission put into studies of our Town buildings for the purpose of saving future energy costs that we didn't vote to put money aside for grants. Sam: I think it was just for this year. Jed: I hope it comes back because this can save the Town money in the future. We're not paying the Commission members – it's all volunteer work. Carlotta: I'd like to clarify one thing – the warrant article was to put money aside for capital reserve for projects which is different than putting \$30,000 aside for specific projects. Because it was a capital reserve, it doesn't preclude projects from being done if the money can be come up with. Pat Martin: We're very disappointed to lose Bob, but other members of the Commission plan to post an agenda and I hope people will get involved and support the board as we go on. Jed: We appreciate the work that everyone did. Pat: Bob really kept us out of trouble, and he is going to be sorely missed.

Library Trustees' Appointment of Alternates – The Library Trustees held their monthly meeting and elected their officers. Flo Marsh is their Chair this year, Arienne Miller is Vice Chair, Roberta Gordenstein is Secretary, and Bob Carney is Treasurer. We're asking the Board for approval for James Qualey, Karla McLeod and Rocco Demma to serve as alternates.

MOTION: Sam motioned to appoint James Qualey, Karla McLeod and Rocco Demma as alternates to the Board of Trustees of Ingalls Library. Roberta seconded, and all were in favor.

Indemnification of Town employees – This is something we'd talked about in December. Dave DuVernay attended the LGC conference and learned at one of the workshops that this indemnification was important, and when we brought it up, a question was raised as to what it means. So Dave reached out to our insurance provider, Primex, and asked them. They said it means that the Town agrees to defend Town employees acting in their professional capacity if they're sued. Some suits are covered by insurance and some aren't – planned use and zoning-related matters are excluded from the policy. So under indemnification, they are assured that they won't be personally liable if someone opts to sue them. Carlotta: We do carry coverage but it doesn't cover every instance, so there are cases where employees could be out on their own. The reason this is pertinent is that we looked at our contracts with the Department Heads that say we're indemnifying them but we can't find evidence of that. Chief Sielicki: If employees are determined to be negligent, they're not covered. If someone's on an emergency call and is going 100mph and hits someone, driving 100mph would be considered negligent. Roberta: But for zoning-related matters, the Planning Board as a body, or the Town, could be sued. Carlotta: The employer is agreeing to defend the work of its employees, so if somebody incurs damages as a result of an employee doing his/her job, the employer defends them. Sam: This potentially is a huge obligation and I'd like a legal opinion on that. Carlotta: Primex was going to email me with the exclusions today but it hasn't arrived yet.

MOTION: Sam motioned to table this until Carlotta gets more insight into how the Town will be involved. Roberta seconded, and all were in favor.

TOWN ADMINISTRATOR'S REPORT AND INFORMATIONAL ITEMS / COMMUNICATION

Ongoing business -- We did receive Town Meeting approval to lease a fire truck, so the Fire Chief and I reached out to the leasing company we had requested proposals from and MLC put this project out to bid. Various lenders gave them attractive proposals for financing our project. We have a rate of 2.87%, good until March 30th, which will allow us to lease over five years with a payment of approximately \$76,000. Our next meeting is not until April 4th, and there seems to be some urgency to proceed. I'm told the rates are moving up. Basically, they're looking for the Board's approval to move forward with this lease and lock in this rate, and we would still have the whole month of April and into early May to identify the Truck. I'm told there is a committee working on that project within the Fire Department. Skip Marsh: Municipalities have a source they can get a better price on – better than the 2.87%. Carlotta: This is a lease-purchase, and it does have an escape clause. Phil Stenersen: If it's not voted for next year, it will just be returned. Roberta: But this is cheaper than a bond. Carlotta: We can schedule a meeting for the 30th.

MOTION: Sam motioned to approve the Municipal Leasing Consultants (MLC) bid and lock in a rate prior to March 30th unless we are able to find more suitable terms and rates. Roberta seconded, and all were in favor.

MOTION: Sam motioned to approve the Accounts Payable and Payroll manifests, Roberta seconded, and all were in favor.

Hazard Mitigation Plan – The Consultant met with SW Regional Planning several times – she was getting together with Rick to run through some items.

Franchise Agreement with Argent – We did not receive all the information they had promised us but we did receive word from their Attorney saying they had made progress on the bonding.

Facilities – At the Deliberative Session, we made an announcement that there would be a new committee formed to look at the Police, Fire, and Highway facilities and one citizen came forward to volunteer. Does the Board wish to continue searching more volunteers? Roberta: What about contacting some previous members? Carlotta: I talked with Ted about it and he would be interested in chatting with anyone who is interested.

Rindge Connection – Our newsletter did die after the Chamber pulled out of the partnership, and I have been talking to Franklin Pierce about how to revive it. However, the woman I worked with has left the University. The idea of this revived newsletter is to have all the non-profit organizations in town chip in so that it's a newsletter for everyone – i.e., the RAMS would have a page, POOR would have a page, etc. and everyone has a share in it. Those organizations would seek sponsorships. Roberta: Do you know what we pay for bulk mailing? Carlotta: The Voter's Guide was about \$360. Craig: It's about 16-18 cents apiece. Roberta: The Post office is now doing bulk mailings for about 13 cents apiece. Carlotta: We were sending it to every postal customer plus printing extras to distribute at WalMart, etc.

Facebook – I think everyone is probably familiar with our Facebook page; it had a new update with a new look. We have 900 users and it's a valuable resource but there was a suggestion that we revisit the policies.

Our 2010 audit reports are in the Selectmen's office.

The Revaluation – Dave DuVernay has a preliminary review of their assessment. Jed: We might have up to 32 abatement cases per year. Dave DuVernay: We got 33 applications and all but four I've forwarded. Dave prepared a memo outlining the abatements.

Meeting House -- The Meeting House Oversight Committee was supposed to get together Tuesday but there wasn't a quorum so we're going to get together next month and discuss painting the Meeting House – the Ward Fund has \$13,000 in it and the voters authorized \$25,000, so perhaps we could get started on it, although last year's estimate for exterior painting was \$68,000.

Other Committees -- Perhaps there's a role for the Senior Housing Committee to continue its work, and we'll look at some of these other committees. The Telecommunications Committee met today and they are monitoring the FastRoads and Argent projects. Rick had talked about reactivating the Emergency Planning Committee. The Ethics committee has been inactive but that might be worth talking about. We've had an active Safety Committee that has formulated a manual that was presented. The Cemetery Trustees have been active, and Arwen Mellor is the new Trustee.

Energy -- Lighting upgrades to library and fire station have been completed and Jed and I went on an inspection to see the work that was done with grant funding, and it's pretty great.

Roberta: Regarding the transfer station's special revenue fund: do you have to go back and see what was spent on dump stickers? Carlotta: Linda cashed out her register on Wednesday the 14th and, from now on, the monies will go into the new fund. Linda's been extremely busy with dump stickers.

MOTION: Jed motioned to go into nonpublic for personnel, Roberta seconded, and all were in favor.

ADJOURNMENT

The meeting adjourned at 10:15pm.

Minutes respectfully submitted by Linda Stonehill, Administrative Assistant