

June 12, 2018

Northfield Town Hall  
69 Main St

Selectboard Present: Julia Blyth; Alexander Meisner

Selectboard Absent: Tracy Rogers

Also Present: Bernard Kubiak, Interim Town Administrator; Sandra L. Wood, Town Secretary; Kayla Drumgool, BNCTV

Others Present: Bill Kilpatrick, Gulf Rd.; Deidre Olsen, Gulf Rd.; Jeremy Underwood; Dan Gray; Tom

Walker, Highway Superintendent; Joanne Coutu; Emily Walker; Susan O'Connor, Energy Commission Co-Chair; Mark Fortier, EMS Chief; Zach Holt, Hampshire Power; Joe Marchello, Winchester Rd.

- Meeting was called to order at 6:00 pm
- **Citizens' concerns**
  - Bill Kilpatrick: Missing street signs; no sign indicating a T intersection at So. Mountain & Gulf Rd.; scheduled repairs to scraped and patched sections of Gulf Rd.; Request for larger Grade sign to replace smaller version
  - Deidre Olsen: Rocks falling into Gulf Rd. at curved section.
  - Jeremy Underwood: looking for update on town employees bringing personal personnel information out of town. Will talk to Interim Town Administrator; questions about Police Chief earned time and leftover earned time for general employees; requested reason why there were 3 officers on duty at the school crosswalk at 3:30pm.
  - Dan Gray: Inquired about police chief vacation funding out of police budget and the need for an article to approve funding for prior year expenses. Kubiak explained the towns' liability to employee if wages are owed. Numbers were confirmed with the accountant.
- **Review and Approval of Warrants**
  - On a motion by Blyth, seconded by Meisner the board voted to approve the 06/05/18 Payroll warrant of 21,754.62
  - On a motion by Blyth, seconded by Meisner the board voted to approve the 06/12/18 Payroll warrant of \$33,307.07
  - On a motion by Blyth, seconded by Meisner the board voted to approve the 06/12/18 Vendor warrant of \$16,692.88
- **Review and Approval of Minutes**
  - On a motion by Blyth, seconded by Meisner the board voted to approve the minutes of 05/29/18 as amended.
- **Interim Selectboard Meetings**
  - PVRs District meeting 6/7/18, attendance only
- **Meetings attended by Selectboard members**
  - Meisner: MMA Dept. of Revenue financial / Selectboard seminar
  - Blyth: HEART
- **Old Business**
  - Gulf Rd. traffic study update
    - Study showed heavy vehicle traffic at 11.8% with 15.2% going north and 8.3% going south. Laurie Scarborough Planning Transportation engineer of the FRCOG will discuss with MassDOT if they will be amenable to truck exclusion and may suggest signage. Information will be available on MassDOT website
    - Placement of the counter discussed. Tom Walker, Highway Superintendent explained the counter was at the town of Erving line to count through traffic.
    - Joanne Coutu offered her insight as to the large amount of traffic especially in the winter months.
  - Town Governance Study Committee
    - Blyth recommended Barbara Jacque, Meisner recommended Emily Walker
    - On a motion by Blyth, seconded by Meisner the board voted to appoint Barbara Jacque and Emily Walker to the Town Governance Study Committee; term expires at the Annual Town Meeting 2019.
  - Electrical Aggregation
    - The FRCOG selected Colonial Power for the electrical aggregation program. Residents will have the choice to opt in or out at any time. Once the details are complete and the contract signed a letter will be sent to residents.
    - Susan O'Connor gave an overview of the choices for residents. Towns included in the aggregation are Buckland, Charlemont, Colrain, Conway, Deerfield, Gill, New Salem, Shelburne, Shutesbury, Warwick and

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Leverett. Kubiak clarified the only change will be the supplier; the delivery will remain through Eversource. Rebate programs will still be available.

• **New Business**

- Mark Fortier: Request to appoint Nino Rodriguez as a Paramedic for the Northfield EMS; term expires 12/31/18
  - Rodriquez is a full time paramedic in Springfield and will assist with coverage. He has been a paramedic for 6 months and an EMT for 3 years.
  - On a motion by Meisner, seconded by Blyth the board voted to appoint Nino Rodriguez as a Paramedic for the Northfield EMS; term expires 12/31/18
- Zach Holt: Hampshire Council of Government electric supply renewal
  - The Selectboard agreed to sign a 12 month contract at a fixed rate without penalty if the town decides to terminate the contract before the 12 months are completed. This agreement is for municipal buildings only.
  - On a motion by Blyth, seconded by Meisner the board voted to sign the contract for 12 months for eCertified 100% green electricity supply with HCG at a rate of .1088.
- Grant Interim Town Administrator permission to sign letter of hire for Summer Playground Nurse(s) before the program starts on Tuesday, June 26, 2018
  - Recreation Commission meets on June 14, 2018
    - On a motion by Meisner, seconded by Blyth the board voted to grant Interim Town Administrator permission to sign letter of hire for Summer Playground Nurse(s) before the program starts on Tuesday, June 26, 2018
- Open Meeting Law complaint
  - Meisner requested the following statement be included for the record and read:

"I am elected to represent the people. The chief brought a funding issue before the board in regards to a vacation payout. I asked questions that were appropriate to understanding the basis of his request. If you watch the footage, these questions were relevant to the expenditure of funds and town employees and how the time is allocated. I am not on this board as a "rubber stamp". I am here as a member of the executive oversight board of this community. Chief Leighton, I am not accusing you of anything. There are no charges or allegations against you. I brought forth general citizen concerns and they have a right to know how you work and when you work. Also, I answer to the citizens of Northfield and their concerns are my concerns; my questions. If they want to remain anonymous, then they have every right to remain anonymous. What I asked were basic departmental accountability questions. This is police accountability. Police accountability is a very important subject in 21<sup>st</sup> century law enforcement. The only thing I will hold myself responsible for is my word choice. I used the word complaint. A few seconds later on camera, and on the record, I corrected myself to "general concerns" because that term seems more appropriate for the discussion. There are no allegations against you and this is not slander. "Slander" according to Legal Dictionary is defined as publishing a falsehood verbally or in writing which if believed by a third party causes the victim to suffer an injury. You were not slandered. Your apparent discomfort seems due to your desire to operate independently of oversight. I cannot and will not apologize for discharging my transparency, accountability, and fiduciary responsibilities as a Selectman. If there was really a problem with anything I said or asked, then why didn't our chair, Tracy Rogers say something? Chief Leighton, why didn't you say anything? If you had a problem with this then why didn't you say something or admit that you weren't comfortable with my asking of questions? Instead you answered all the questions without raising concern of it being on the agenda because basic departmental procedure questions do not have to be. Once again, I asked questions and you answered them.

In regards to your written statement, you made a spelling error in my last name by writing "Miesner" twice when it is actually spelt, "Meisner". How much do you really care and how much time did you put in to this written statement if you could not take the time and decency to do a spell check! I don't think it's wrong for me to assume that if you can't spell my last name correctly then I am afraid your attention to detail and effort and time put in to this whole complaint can be questioned. You are under the general management of the Town Administrator per your contract but per Massachusetts General Law Chapter 41 Section 97 and 97A, you are ultimately accountable to the Board of Selectmen

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which functions as your police commissioner and whose authority has appointed you to the role that you fill. I look at your complaint as a threat and an attempt to silence me in my duly elected role. These were basic department accountability questions. This conduct is not only unbecoming of a police chief but is also insubordinate to the authority of this board. You will not receive an apology from me or have an apology letter in your personnel file but you may put this letter in your file if you choose to. My attendance at upcoming selectman training sessions are for the benefit of the community in helping me discharge my role as a member of the executive board for the Town of Northfield. My attendance in said training is consistent with the duties of the office that I hold and not predicated upon your reaction to my appropriate line of questioning regarding your request to cash out your vacation hours! I will have no further comment on this matter."

- Blyth stated the board needs to safeguard the employees and possibly herself or Rogers should have interrupted Meisner at the time and possibly addressed the topic in executive session or posted the topic in advance. Blyth will be taking part in an open meeting webinar on Monday, June 18.
- Joe Marchello was concerned Blyth did not want the discussion in open session due to discomfort and needed clarification. Blyth felt the topic should have at least been posted to allow the employee the option to respond.
- Dan Gray requested an agenda item topic of who signs for all employees. Blyth said the request can be made for the next agenda.
- Jeremy Underwood felt the department heads should be asked about accountability and that no attack occurred.
- Discussion to delay the response to the Attorney General's office until the full board is present. Kubiak suggested including town counsel on the issue of notice of an employee being evaluated on open session.
- Blyth described the events from the last meeting. EMS Chief Mark Fortier requested the complaint be read. Blyth read the complaint filed with the Attorney General's office. Meisner stated he corrected himself at the time from using the term "complaint" to "citizen concern". Meisner urged the town to write letters to the Atty. General addressing the concern or comments.

- **Town Administrator's update**

- Mass Works Grant
- Community Development Block Grant
- School St./Fire Department property
- Construction projects
- Audit
- Phase II petroleum grant on Caldwell Rd; possible EPA funds
- Thomas Aquinas seminar
- Met with Larry Edge of the Moody Center/campus administration
- Community Compact/HEART contract with Mark Abrahms

- **Topics not reasonably anticipated by the chair 48 hours in advance of the meeting**

- Appropriation Transfer of \$10,000 from the Sewer Enterprise fund to Sewer Dept. Wages (approved by the Finance Committee)-Meisner recused himself from voting due to being a member of the Sewer Commission. Item tabled due to lack of voting quorum.
- On a motion by Meisner, seconded by Blyth the board voted to approve the appropriation Transfer of \$3,000 from the Dickinson Memorial Library Wage & Salary Expense to Dickinson Memorial Library Operating Expense
- NES North Building bid award
  - Bids from Evergreen and Renaissance Construction. Kubiak recommended the lower bid from Renaissance be accepted.
  - On a motion by Blyth, seconded by Meisner the board voted to approve the bid for NES north building doors to Renaissance Construction.

- **Announcements**

- Congressman McGovern office hour at Town Hall Sat. June 23 from 10am-11:30am.

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- **Proposed Agenda Items**

- Aggregation Contract
- Request as to who signs all employees time
- Sewer Enterprise appropriation transfer

On a motion by Blyth, seconded by Meisner the board voted to adjourn at 7:44 pm.

Recorded by Sandra L. Wood, Secretary

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Selectboard Clerk

06/26/18  
Date Approved