**Board of Selectmen Meeting minutes**

**6/13/2016, 6:00pm, Rhodes Building**

**Present:** Selectman Doubleday, Selectman Pearson, Selectman Martell, Town Clerk-Kathy Martell, Highway Superintendent-Rick Adamcek, Finance Committee-Fred Vanderbeck, Nora Maroulis, Tom Scanlon, Jr., Country Lane residents- Sally Goldin, Steve & Linda Lang-Gunn, Rosalba Baroni-Booth, Scott Plotkin & Amy Wasserman, and Selectmen’s Administrative Assistant-Susannah Carey.

**Open:** Selectman Doubleday opened the meeting at 6:05pm.

**Minutes**

On a motion by Selectman Martell to accept the executive session minutes from 3/11/2016, seconded by Selectman Doubleday, unanimously approved.

On a motion by Selectman Martell to accept the executive session minutes from 3/15/2016, seconded by Selectman Doubleday, unanimously approved.

On a motion by Selectman Pearson to accept the minutes from 5/23/2016, seconded by Selectman Martell, unanimously approved.

On a motion by Selectman Pearson to accept the executive session minutes from 5/23/2016, seconded by Selectman Martell, unanimously approved.

On a motion by Selectman Pearson to accept the minutes from 6/1/2016, seconded by Selectman Martell, unanimously approved.

On a motion by Selectman Pearson to accept the executive session minutes from 6/1/2016, seconded by Selectman Martell, unanimously approved.

1. **Picturing Pelham**

Nora Maroulis spoke to the Board of Selectmen about the launch of a new program, Picturing Pelham, to raise awareness and to support Pelham by sharing art work that has been created in Town during the month of September 2016 by local artists. Ms. Maroulis has spoken with the Historical Commission and Library for collaboration on the 3rd week of October to exhibit those works submitted. She would like to launch the information on the website and get a Town mailing out to residents to announce & create now. If artists submit their artwork for sale, then the Cultural Council/Town could determine the Town’s cut and proceeds to be given to either the Pelham School Art Program or the Historical Society/Commission. The exhibit will be held at either the museum or at Community Hall. That same week kids in Pelham Elementary School will be encouraged to participate with their Art teacher to have their own exhibit. Ms. Maroulis didn’t need anything from the Board tonight but just wanted them to think about how to align this program with the Town. Kathy Martell, Town Clerk, suggested adding information to the website.

1. **Country Lane Circle Planting**

Sally Goldin spoke as a resident on Country Lane. When she 1st moved there, trees were taken down and a garden planted and she believes her property value has gone down. She wants the space on the cul-de-sac circle to be cultivated by all Country Lane residents. Rick Adamcek, Highway Superintendent, spoke about the history of the circle where the space originally had briers and poison ivy on it and it was mowed/brush hogged 2 times per year by the Highway Department. Mr. Plotkin began maintaining the space about 20 years ago. A letter was written in late March/April 2016 regarding the circle and Ms. Goldin wanted to get the 5 neighbors from Country Lane together to talk out the issue and concerns. Unfortunately that attempt resulted in arguing with no real discussion. Ms. Goldin would like the Board of Selectmen to comment on the property. Ms. Goldin feels that the space is an ‘eye-sore’, but she would like to help maintain it to keep it looking good. The property doesn’t belong to just one family and all the neighbors present agree with Ms. Goldin.

Mr. Plotkin was on the Police Department in Town a while back and the first thing he did was clear the area so it was a safe place for the Police cruiser. He has gotten rid of the poison ivy and the Tree Warden and Highway Department helped with the removal of the large trees growing there. Everyone (neighbors) at the time agreed with what was happening to that space, everyone was free to plant in the garden and/or share what was growing there. Before Mr. Plotkin fixed the property it was very dirty with trash. He spoke to a real estate agent who said a vegetable garden was a plus. Mr. Plotkin would like the issue continued to a later date because he would like to gather more information to present to the Board. Selectman Martell asked if the photo of the circle planting on Ms. Goldin’s paper is current, and it was. Rick Adamcek, Highway Department, said that Mr. Plotkin started fixing the site about 15-20 years ago and Scott had wanted trees down so he could get a satellite dish. The Tree warden removed the trees and Mr. Plotkin cleaned up the property and it looks a lot better than it did. Mr. Plotkin wanted a vegetable garden there and to be able to get something out of the property.

Selectman Martell asked how long the garden has existed, Rick stated about 10 years, and Selectman Martell asked why the issue was coming up now after all that time. Ms. Goldin stated that she had questioned the property soon after her husband had passed. Rick said that the garden started small with squash and pumpkins growing there and then became larger, which was before the Lang-Gunn family moved in. Mr. Plotkin stated that Mr. Lang-Gunn mows the field and Mr. Plotkin keeps the poison ivy out. Mr. Lang-Gunn seems to agree with the maintenance that has been happening there. Mr. Plotkin also stated that Ms. Goldin’s house is not an abutter to the circle. Selectman Doubleday stated that before Mr. Goldin’s passing, he had said that he liked the look of the garden. Ms. Wasserman stated that no shade trees were removed from the circle, just white pines and poison ivy.

Selectman Pearson asked if there was a Town policy on use of public land. Rick stated no there wasn’t as long as planting and clearing isn’t a sight or safety issue and doesn’t get in the way of the plows in the winter. Residents only have to ask permission when placing a mailbox. Mrs. Lang-Gunn stated it is different when it is your own property versus public property. Rick also stated that there are 4 cul-de-sacs in town, 2 of which are unkept and 2 that are used. Technically the Town owns the cul-de-sac circle property and the Town would brush hog the area two times/year (Spring & Fall). Selectman Martell said that if the Board tells Mr. Plotkin he can’t use the site then no one can. Mr. Plotkin said that saplings will begin to grow there if it is not kept well and Ms. Goldin wants a tree there with leaves that fall off eventually. Selectman Pearson asked why there was a garden there to begin with, and Mr. Plotkin said that his property is too shady for growing a garden with the large trees that are present. Mrs. Lang-Gunn stated that she would help with the work on the site but that the vegetable garden is the issue.

Ms. Goldin stated that the original issue is that her realtor did an assessment on her property and her value would drop because of the circle planting. She would like to sell her property in the future. Mr. Plotkin also spoke to a realtor and stated that he had received a different answer from his realtor who said and the garden was a plus for the site.

Selectman Pearson declared that the community on Country Lane surrounding the circle is not of one mind and this presents a problem for the space. Ideally the group would come to consensus and agree and no one family would have ownership of the space. Mr. Plotkin reiterated that he had been clearing the land for 20 years, had loam trucked in, added fencing and shared his vegetables. Ms. Wasserman stated she and Mr. Plotkin have never said that it is their garden, and the garden was already established with garlic planted last fall. Ms. Goldin said that Ms. Wasserman was asked not to plant anything there in March 2016. Ms. Baroni-Booth, neighbor, asked the Plotkin/Wasserman family how they think the garden belongs to them and Mr. Plotkin said that other neighbors come by and no one complains.

Selectman Pearson responded by saying that no one agrees on what should go onto the site. Ms. Goldin doesn’t want the garden, and the Plotkin/Wasserman family wants the garden. It is important to remember that it is a public space for everyone. Mr. Plotkin stated that he wants the Town to decide what’s best.

Selectman Martell is concerned that all of a sudden there is an issue with the site after all the years it has been established. Ms. Goldin said she doesn’t walk around the circle because she is verbally abused by the Plotkin/Wasserman family.

Selectman Doubleday said there was a compromise with planting a garden, and asked Ms. Goldin, without emotion attached, what the issue was. Ms. Goldin stated that she assumed the garden was for flowers not vegetables. Selectman Pearson responded to Ms. Goldin saying she wanted to add a deciduous tree or pear tree, and Mr. Plotkin was open to fruit/cherry trees. Ms. Lang-Gunn stated that the issue is the fencing around the garden; it is not appealing. Selectman Doubleday said that the appearance isn’t the problem but that the space isn’t visually appeasing as public property. If it looked like a cottage garden how would the neighbors feel then, and most agreed that it would be visually appealing. Selectman Pearson wants to focus on the plot and the use with consensus rich and varied and the group can’t decide on this juncture. Mr. Plotkin stated that the neighbors have a problem with the peace sign on their land and that a property line was illegally cut.

Town Clerk, Kathy Martell, proposed 2 options, first to table the decision until the Board of Selectmen have had a chance to view for themselves the site and not just from photographs, and second to get back together at a later date with the group once a decision has been made.

Selectman Pearson suggested sending a letter to Town Council asking what the Town’s policy is regarding the legal use of public property and land use rights over a certain period of time, since the Plotkin/Wasserman family has been maintaining the property for so long. The Board of Selectmen would like to get a legal sense of what to do with the property. Selectman Doubleday encouraged the neighbors to think of a compromise while waiting for the next meeting date. Letters from Ms. Goldin, the Plotkin/Wasserman family, and the Highway Superintendent will go to Town Council.

On a motion by Selectman Pearson to table the issue until receive response from Town Council, seconded by Selectman Martell, unanimously approved.

The next Board of Selectmen’s meeting is July 11, 2016 and August 8, 2016.

1. **Scanlon & Associates Audit Information & Representation Letter**

Tom Scanlon, Jr. came to speak on behalf of the audit that was completed for the year ending June 30, 2015. Mr. Scanlon pointed out a few items in the Management Letter that would be important for the Board of Selectmen to review.

Item 1-Segregation of Duties for the Treasurer/Collectors position. Many critical duties for the Town’s financial transactions are combined and assigned to one employee (Collector/Treasurer), the Collector is also the Treasurer for the Town, and lastly the Treasurer/Collector’s duties overlap into the Accountants job increasing risk of error, irregularities occurring, and the possibility of it all going undetected. More responsibility should be put on the Accountant but that would also require more hours for the Accountant in the Town. Selectman Doubleday will take the advice and contact Mr. Scanlon. Selectman Martell stated that the Free Cash is certified in December and Fred Vanderbeck, Finance Committee, said that it takes a long time to enter the numbers and that comparing cash numbers should be the same.

Item 3-Police Off-Duty Detail Account. There was a cash deficit of $30,200.00 at June 30, 2015 in that account. Upon review of the accounts receivable records maintained, the auditors calculated a list totaling about $20,071.00. Overall deficit was $10,195.00. Mr. Scanlon recommended using an excel spreadsheet instead of manual recording. Going forward the Town should identify the true variance, $10,000k, and forget what is leading up to it, review the accounts, provide for the deficit, and establish procedures to monitor in the future.

Item 4-Surety Bonds. Have been set at $80k. The Treasurer should be $120k and the Collector should be $100k.

Item 7-Social Security Wages. The Town should research those individuals currently subject to Social Security withholding and should consider enrolling them in the Massachusetts SMART Plan, an alternative to SS. This would save the Town the expense of about $12k per year related to Social Security matching requirements.

Item 8-Departmental Receipts. The turnover sheets that are submitted to the Treasurer need to specifically list if cash or a check. This will improve internal control related that the collection of cash and following the cash on bank receipts.

Item 10-Other Areas. Adjust older real estate receivables on general ledger, Mr. Scanlon will follow up with Gail on this.

Mr. Scanlon recommended a 2 year audit cycle instead of 3 year audit cycle currently. There are no significant issues with the financial advisors. The Town should keep better personnel files; Previous Collector/Treasurer had an old bank variance for 2.5 years of about $800.00, but that was fixed.

On a motion to accept the information from Scanlon & Associates, Certified Public Accountants, and sign the Representation Letter, seconded by Selectman Martell, unanimously approved.

1. **Award Washed Winter Sand Contract**

On a motion by Selectman Pearson to award the Washed Winter Sand Contract to Bill Willard, seconded by Selectman Martell, unanimously approved.

1. **Award Hot Mix Asphalt (Picked Up) Contract**

On a motion by Selectman Martell to award the Hot Mix Asphalt (Picked Up) Contract to Palmer Paving Corporation, seconded by Selectman Pearson, unanimously approved.

1. **Award Hot Mix Asphalt (In Place) Contract**

On a motion by Selectman Martell to award the Hot Mix Asphalt (In Place) Contract to Warner Brothers LLC, seconded by Selectman Pearson, unanimously approved.

1. **Appointment Letters for Officials, Public Bodies, & Staff**

The Selectmen made the following reappointments:

Accounting Officer-Gail Weiss; moved by Selectman Martell, seconded by Selectman Pearson, unanimously approved.

ADA Coordinator-Susannah Carey; moved by Selectman Martell, seconded by Selectman Doubleday, unanimously approved.

Animal Inspector-Debora Lichtenberg; moved by Selectman Martell, seconded by Selectman Doubleday, unanimously approved.

Building Inspector-David Waskiewicz; moved by Selectman Martell, seconded by Selectman Doubleday, unanimously approved.

Cable Advisory Committee-Rich Hall; moved by Selectman Martell, seconded by Selectman Doubleday, unanimously approved.

Capital Planning Committee-Rick Adamcek, Ray Murphy, John Trickey; moved by Selectman Martell, seconded by Selectman Doubleday, unanimously approved.

Collector \*New\*-Nancy Grossman; moved by Selectman Martell to 2 year term, seconded by Selectman Doubleday, unanimously approved.

Community Hall Committee-Lavonne Rathbun, Diane Shephard, Linda Hanscom; moved by Selectman Martell, seconded by Selectman Doubleday, unanimously approved.

Community Preservation Committee-Jim Lumley to the Housing seat, Tom Fanning to the Recreation seat; moved by Selectman Doubleday, seconded by Selectman Pearson, unanimously approved.

Conservation Commission-Steve Funderberk, Kevin Hartzell; moved by Selectman Doubleday, seconded by Selectman Pearson, unanimously approved.

Constable-Donald Clark; moved by Selectman Doubleday, seconded by Selectman Pearson, unanimously approved.

Council on Aging-Marion Nicolay, Kathleen Martell; moved by Selectman Doubleday to 3 year term, seconded by Selectman Pearson, unanimously approved.

Cultural Council-Nora Maroulis, Tracy Osbahr; moved by Selectman Doubleday, seconded by Selectman Pearson, unanimously approved.

Disability Access-Susannah Carey; moved by Selectman Doubleday, seconded by Selectman Pearson, unanimously approved.

Dog Officer-Nancy Long; moved by Selectman Doubleday, seconded by Selectman Pearson, unanimously approved.

Energy Committee-Dan Robb; moved by Selectman Doubleday, seconded by Selectman Pearson, unanimously approved.

Fence Viewers-Blair Bigelow, Joe Larson; moved by Selectman Pearson, seconded by Selectman Martell, unanimously approved.

Gas Inspector-Andy French; moved by Selectman Doubleday, seconded by Selectman Martell, unanimously approved.

Historical Commission-Joe Larson; moved by Selectman Pearson, seconded by Selectman Martell, unanimously approved.

Housing Committee-Gail Kenny; moved by Selectman Pearson, seconded by Selectman Martell, unanimously approved.

IT Committee-Brian Ecclestone; moved by Selectman Pearson, seconded by Selectman Martell, unanimously approved.

Plumbing Inspector-Andy French; moved by Selectman Pearson, seconded by Selectman Martell, unanimously approved.

Recycling Coordinator-Susannah Carey; moved by Selectman Pearson, seconded by Selectman Martell, unanimously approved.

Board of Registrars-Sharrie Ryedak; moved by Selectman Pearson, seconded by Selectman Martell, unanimously approved.

Selectmen’s Administrative Assistant \*New\*-Susannah Carey; moved by Selectman Pearson, seconded by Selectman Martell, unanimously approved.

Treasurer \*New\*-Nancy Grossman; moved by Selectman Pearson for 2 year term, seconded by Selectman Martell, unanimously approved.

Veterans’ Service Officer-Steve Connor/inter-municipal agreement with Northampton Veterans’ Services; moved by Selectman Pearson, seconded by Selectman Martell, unanimously approved.

Zoning Enforcement Officer-David Waskiewicz; moved by Selectman Pearson, seconded by Selectman Martell, unanimously approved.

1. **Adopting Gender Neutral Title for SelectBoard**

Kathy Martell, Town Clerk, said that the official title mandated from the State is ‘Board of Selectmen.’ It would be a long process to change over the name because so many documents have the Boards title on them; Election material, website, phone listing, business cards, Attorney General, DOR, contracts, etc. From her perspective the process could take over a year and be very time consuming, but the decision is up to the Board whether they would like to proceed. There were very few Towns across the State that have changed the title for their Select Boards. Selectman Pearson stated that when she hears the term, ‘Board of Selectmen,’ it sounds like women don’t feel like they belong. Selectman Martell had browsed through the MMA Directory and said there were very few towns that changed the official title of ‘Board of Selectmen’ to something else. On a motion by Selectman Pearson to table the idea to change to a more gender neutral title for the Board of Selectmen, seconded by Selectman Doubleday, unanimously approved.

1. **Position of Select Board, Pelham School Committee Stay Away Order**

The Board of Selectmen reviewed response from Town Council and would like to respond back to emails submitted on June 4, 2016 and June 1, 2016 from Mary Lou Conca and Vira Douangmany Cage. Town Clerk, Kathy Martell, stated that every email is a public record request. The Board of Health and School Committee in Town have more power than the Board of Selectmen. On a motion by Selectman Doubleday to respond to the 2 emails received with comments from legal counsel, seconded by Selectman Pearson, unanimously approved.

**Town Officials**

Town Clerk, Kathy Martell, wanted the Board of Selectmen to know about the complaints from Annual Town Meeting regarding the microphone. There was noise feedback that occurred every time the mic was passed during the meeting. Kathy asked Brian Ecclestone, IT Committee and person who sets up the equipment for ATM, about a hard wire mic. Portable mics cost $200/each and Mr. Ecclestone wouldn’t leave the new mics at the School. If the Town purchases them it would make the process go a lot smoother during set up for the meeting. There would be a mic for the front table (SB, Finance) at the meeting and one for the Moderator. Something for the Select Board to be aware of.

**Liaison Reports**

Police-Selectman Martell. Everything smooth.

Fire-Selectman Martell. Paperwork for Chief Murphy is still ongoing.

Highway-Selectman Martell. Rick has meeting at 8:00am at Historical Complex, 8:30am meeting at the Community Center, and 10:00am meeting with MASS Highway Consultant.

School-Selectman Doubleday. Tara Luce has handled the issue well and heard from all people.

**Old Business**

Town Clerk, Kathy Martell, shared one of the records books that was preserved by KO-FILE recently and showed what a great job they did.

**New Business**

Information was reviewed from MIIA regarding the Town of Pelham’s FY2017 Contributions/Pricing, which includes Property Casualty, Professional, and Workers Compensation. Bill is due 8/1/2016 and is about $34,956.21.

**Adjournment**

On a motion by Selectman Pearson to adjourn, seconded by Selectman Martell, unanimously approved at 8:16pm.

**Documents Reviewed**

Minutes from Executive Session 3/11/2016 and 3/15/2016, regular minutes 5/23/2016, Executive Session minutes 5/23/2016, regular minutes 6/1/2016, Executive Session minutes 6/1/2016, Picturing Pelham information, Country Lane dispute write up (Sally Goldin), Scanlon & Associates Audit information & Representation Letter, Washed Winter Sand Contract Bid, Hot Mix Asphalt (picked up) contract bid, Hot Mix Asphalt (in place) contract bid, Appointment Forms, Legal Council email regarding Stay Away Order, MIIA Property Casualty, Professional, Workers Compensation Premiums, and Record Book from KOFile.

Respectfully Submitted, Susannah Carey