

Selectmen's Meeting Minutes for July 26, 2006

The meeting convened at 7:30 PM with Chairman Mark Gilmore and members Carolyn Ness and John Paciorek present. Town Administrator Bernie Kubiak was also present.

Minutes of Previous Meetings

Mr. Paciorek asked to put approval of the March , meeting on hold pending his review of the document. The minutes of May 3, 2006, were accepted with corrections: Mr. Kanecki is affiliated with DPH and not MEPA; the date referred to in the third bullet (regarding the transfer station) should be July 31st. Mr. Paciorek moved acceptance with corrections, seconded by Ms. Ness. Both voted in the affirmative with Mr. Gilmore abstaining as he was not present at the meeting under discussion.

Selectmen's Comments: Mr. Paciorek read the proclamation presented to Mr. Edward Crafts at the July 14th celebration in his honor at the Tri-Town Beach.

The meeting was joined by Attorney Edward Pepyne, Jr. for a discussion and vote on the Lower Road land takings. Mr. Paciorek read the order of taking and a change was suggested by Attorney Pepyne to include a notice that trees would be taken but no structures. Mr. Paciorek noted that the reference to Jones Cross Road contained an error.

Mr. Paciorek moved to exercise the power of eminent domain as voted by town meeting and previously voted and to authorize the chair to sign the order of taking before a notary at his convenience. The motion was seconded by Ms. Ness and the vote in favor was unanimous.

Board of Health Items: Ms. Ness noted that the town has not heard from the Commonwealth regarding bird flu planning. She noted the contribution of the Channing Bete Company in providing 2800 booklets, one for each household in town, on protecting oneself from the bird flu. The town will use the Neighborhood Plan to distribute the booklets within the community. Ms. Ness stated that the response to a flu pandemic would be different from the response to a short term emergency.

The Board received notice from Superintendent Regina Nash that the Frontier Regional district towns need to name a selectmen's representative to serve on the teacher's contract negotiating committee. The Board expresses satisfaction with the work done by Sunderland selectmen Thomas Fydenkevez during the last negotiation. Mr. Kubiak was asked to set up a meeting with the other boards and to inform the Finance Committee of the upcoming negotiations.

The Board reviewed a cover letter and survey to be sent to Thayer Street residents as part of a proposed Community Development Block Grant application. Mr. Paciorek moved to approve the survey, seconded by Ms. Ness. The motion carried on a unanimous vote.

The bid award for the sidewalk tractor was postponed until the next meeting to allow Superintendent Harold Eaton additional time to review the bids.

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Mr. Kubiak informed the Board of the status of the Deerfield River bank stabilization project and the Conservation Visioning process underway with the Trust for Public Land.

The Board indicated it would go into Executive Session to discuss strategy with regard to litigation. Members of the press questioned if the Board needed to do so and Mr. Gilmore responded that the Board was entitled to go into executive session as any open session discussion would be detrimental to the town's ability to act.

Ms. Ness moved to go into executive session to discuss strategy with regard to litigation and to reconvene the meeting in open session. Mr. Paciorek seconded. On a roll call vote Ms. Ness voted yes; Mr. Paciorek voted yes; Mr. Gilmore voted yes. The Board then relocated to the conference room to hold the executive session.

The Board returned to open session at 8:55 PM and Mr. Gilmore announced that the Board had voted to ask Superior Court to find John and Stanley Romanowski in contempt of the court's orders.

On a motion by Mr. Paciorek, seconded by Ms. Ness the board voted unanimously to adjourn the meeting.

Respectfully submitted,

Bernard R. Kubiak

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Minutes of the Executive Session, July 26, 2006

Mr. Gilmore called the executive session to order. Mr. Paciorek stated that from what he's read (report from Charles Kaneicki, DPH) and seen (photos taken during the inspection of July 24th) he believes that the Romanowski's are in contempt of the court order. Ms. Ness reviewed observations made during the site visit and noted that on the two issues contained in the court order garbage was still present and a new, non-registered, vehicle had been brought on to the property (a sheetrock truck with a year-old, out of date, registration sticker on it from New Hampshire).

Ms. Ness moved, seconded by Mr. Paciorek to refer the matter back to Superior Court. The vote was Ms. Ness, yes; Mr. Paciorek, yes; Mr. Gilmore, yes.

The Board then discussed the draft notice of violation prepared by Mr. Kaneicki and how to proceed. The consensus was to hold on enforcing this notice until DPH produces a recommended set of orders and the Board can decide to include in the enforcement the orders from October of 2005. There appear to be several serious health code violations in the house that could lead to its being condemned and the Romanowskis told to leave.

The Board then turned its attention to the request from Belina Rotkiewicz for an executive session to discuss the conduct of the Police Chief toward her and to provide information on why the town had filed disorderly conduct charges against her. Mr. Kubiak had presented the Board with his findings regarding the matter and his conclusion that Ms. Rotkiewicz's allegations about the Chief shouting at her were false. The Board instructed Mr. Kubiak to send Ms. Rotkiewicz a letter rejecting her request for an executive session.

Ms. Ness moved to close the executive session and to return to open session. Mr. Paciorek seconded. The roll call vote was in the affirmative with Ms. Ness, Mr. Paciorek, and Mr. Gilmore each voting yes.