

A weekly meeting of the Board of Selectmen was held on Monday, October 3, 2011 at 7:30 pm.

Present: Joseph L. Miksch, Chair; Robert Condon, Clerk; Brian Connors; George G. Samia, Town Administrator; Catherine Johnson, Administrative Assistant

Pledge of Allegiance

Reorganization of the Board

M/Miksch, s/Connors to move that the Board reorganize by both accepting Mr. Miksch's decision to step down as the chair and by voting to approve Brian Connors as the Chairman of the Board of Selectmen effective immediately.

Discussion ensued by Mr. Condon, who felt he should be the Chairman, citing past precedent and his years serving on Town Committees and Boards in the past. Mr. Miksch countered that in the past, the Chairmanship has not always been passed on to the senior member of the Board.

Kevin Smith of 78 N. Water Street was present to request an explanation as to why the Chair is stepping over Mr. Condon. Mr. Miksch explained that he felt Mr. Condon's lack of a working relationship with the Town Administrator and day-to-day communication was a detriment and felt Mr. Connors was the more appropriate choice. Mr. Condon countered by saying he takes his relationship with the Board and the voters seriously and has put himself in risky situations in order to get information out to the public and tell the truth. Mr. Connors agreed with Mr. Condon that he has put himself in risky situations but that he has not been telling the truth.

VOTE: Yes – Miksch, Connors; No/Condon; A majority vote in favor.

Open Meeting 7:40 pm

Appointment

Town Treasurer Marilyn Thompson was present in order for the Board to congratulate her on her recent achievement, as a Certified Massachusetts Municipal Collector for the State of Massachusetts. Mr. Samia recognized Mrs. Thompson as being a member of an elite group, and also reminded the public that Town Accountant Phyllis Tirrell achieved that same status as a Certified Massachusetts Town Accountant. Mr. Condon congratulated Mrs. Thompson.

Department Head Updates

Police Chief John Cowan was present to report on recent house breaks and drug activity in the Town. Arrests have been made in relation to both situations. Chief Cowan also reported on his department's recent SEMLEC (Southeastern Mass. Law Enforcement Council) involvement in two high-risk warrant arrests in Wareham. Chief Cowan reported on arrests made in connection with theft of scrap metal and copper, as well as a very high incidence of drug-related arrests. He commended his officers and the officers of surrounding towns for their hard work.

Chief Cowan mentioned two programs in which his department is currently participating: "Rachel's Challenge," an anti-bullying program presented at the Gordon W. Mitchell School, and "Don't Be Blindsided," a community awareness program to help families dealing with a loved one with addiction to prescription medications or heroin. Chief Cowan also announced the Drug Take-back Program at Compass Medical on October 29.

Chief Cowan then reported that the department has taken possession of the two new cruisers, and thanked the Town for the funding.

DPW Director John Haines began his update by acknowledging the departure of Operations Manager Tom Reynolds, and wished him luck in his new position as Director of Public Works in Marshfield. Mr. Haines then announced the new Operations Manager, long-time DPW employee

Rob Kenn, and the re-organization and restructuring of the department taking into consideration the fiscal uncertainties of the coming year. Mr. Kenn's previous position as Highway and Grounds Superintendent will, therefore, not be filled. Mr. Condon asked Mr. Kenn what new certifications he may need in his new position. Mr. Kenn responded that over the winter he would be pursuing water distribution and treatment licenses, but also that he would be utilizing the knowledge he has gained through the team approach he observed with Mr. Haines and Mr. Reynolds.

Mr. Haines gave an update on the solid waste program and a Department of Environmental Protection grant that the Town has received to obtain technical assistance on managing solid waste. Mr. Haines then updated the public on the guidelines on recycling electronics and the costs to the town of disposing of them. He then gave information on a possible way to save the Town money through a company named Office Solutions which may serve as an alternative to having to eventually charge fees for the disposal of electronics.

Mr. Haines then provided an update on the Spring Street Water Main Replacement Project. He announced that the bids have been opened and the contract will be awarded within the week and the project construction will begin shortly. He announced that there will be some detours but that they have a good traffic plan in place.

Mr. Connors thanked the DPW, along with the Police and Fire Departments for their response and hard work cleaning up after the recent hurricane.

Action Items

M/Condon, s/Miksch, a unanimous vote, approve the minutes from the September 26, 2011 Board of Selectmen Meeting.

Town Administrator Report

Mr. Samia expressed his desire to address a number of issues regarding erroneous information that has been circulated around in the past week.

He stated that two issues in particular were most important to how people view the Town: One such issue was an allegation that the Town's budget was supposedly millions of dollars off, and that this was done underhandedly, and that the Town is in jeopardy because of this. Mr. Samia stated that this never happened, the budget is balanced. He then went into detail about the bond issuance, Town Meetings, Debt Exclusions and Special Elections as a result of the new high school and senior center projects, and asserted that, although a complicated process, all the minutiae have been handled properly by the Town Accountant Phyllis Tirrell, the Town Treasurer Marilyn Thompson, Director of Assessing Cheryl Pooler and himself. He then asked each individual department head, Mrs. Tirrell, Mrs. Thompson and Mrs. Pooler if they were aware of any discrepancies or problems that would give credence to the allegation that the budget had been mishandled, as has been alleged. They all said no, they were not, and that everything has gone the way it was supposed to go.

The second issue was the allegation that DPW trucks had been illegally purchased with the help of Mr. Samia. Mr. Samia explained in detail the process by which the trucks in question were purchased. He asserted that there is every indication and proof that all the proper procedures were followed. Pre-town meeting Selectmen Meetings were held at which the trucks were discussed. Every effort was made to satisfy the requests of the Town Auditors. To the allegation that the trucks were purchased before the money was appropriated at Town Meeting, Mr. Samia pointed to the lease contract executed two days after Town Meeting, the registration on the trucks dated a week after Town Meeting, and the first payment on the lease was made after the beginning of the fiscal year, in July, because that was the proper time to begin dispersing funds appropriated at Town Meeting. He asserted there is no proof whatsoever that the allegations are true.

Mr. Samia then addressed Chairman Connors and stated that despite more than 20 years of positive feedback for his performance and that of the financial team, the present allegations by one member of the Board indicate a problem, and that he would be happy to address them in a proper Executive Session. Mr. Samia also indicated that the allegations may stem from his reluctance to comply with unreasonable requests made prior to Town Meeting by Mr. Condon to provide, among other items, spreadsheets and a thesis as to why the DPW needs new trucks. Mr. Samia asserted that Mr. Condon was free at any time to contact Mr. Haines and get the information from him, and that he seemed more interested in demagoguery than information.

Mr. Condon countered that his issue was that he didn't get the information he requested prior to Town Meeting to inform the tax payers. He indicated that the spreadsheets he requested were to determine free cash. Mr. Samia asked him what free cash had to do with it, and Mr. Connors called for order, as a resident was also interjecting comments.

James Lorrey of 354 Bedford Street stated that he was embarrassed by Mr. Condon and by his actions in the past few weeks. He stated that he felt he was over speaking, coming up with wrong information, was attempting to slander, and should step down from the Board. Mr. Condon countered by saying that his position on the Board was to get information in front of the voters. At this point, Mr. Connors called for the meeting to move on.

Reminders

Administrative Assistant Cathy Johnson reminded residents that the Town Hall will be closed on Monday, October 10 in observance of Columbus Day, but that it will be open late on Tuesday, October 11.

Open Forum

Jim Weidenfeller of 41 Leo Way requested a monthly update on the two large projects in town, the senior center and the new high school. Mr. Samia stated that the project manager for the high school project, Simon Tempest, would be available for a monthly meeting prior to a Selectmen's Meeting to update department heads and others on the progress of the project. Mr. Samia also stated that he has been in touch with Council on Aging Director Nancy Hill on the pace of the senior center project. Mr. Connors indicated that the Board had been bogged down with other matters but indicated updates would be given more regularly.

Francis Sullivan of 160 Walnut Street suggested a set of plans and specifications on the above-mentioned projects available to the public so it would be better informed.

Tim Kramer of 8 Northville Avenue asked Mr. Condon why he did not seem concerned about the fact that the Town doesn't have an ambulance that was purchased in 2006. Mr. Condon said the issue wasn't current and was before his time on the Board. Mr. Kramer asserted that the vehicle in question isn't registered as a Class V vehicle. Mr. Connors stated that an ambulance, even if it is a Class V ambulance which is not a standard ambulance, needs to be licensed as such by the Commonwealth of Mass. Office of Emergency Medical Services. Mr. Kramer said that since the Town voted for a Class V ambulance in 2006, and there isn't one, that is a concern for all on the Board.

Sandra Ockers of 549 Plymouth Street reminded the public that the School Building Committee and the Senior Center Building Committee meet monthly in posted meetings.

School Superintendent Susan Cote made reference to the forum held by Mr. Condon on Thursday, September 29, stating that she felt Mr. Condon provided incomplete information on two documents that she wrote. One was an email stating that she was not asked by Mr. Samia to provide emails she sent to her staff regarding the snow-and-ice situation; the second was regarding the hiring of Brian Healey to remove snow from the front of the high school building and help clear drains. Mrs. Cote elaborated on the second document, contending that the way the

information was presented to the public in Mr. Condon's presentation (highlighting one sentence and one sentence only) led the public to believe that she was responsible for hiring Mr. Healey for all the work that was done subsequently on the roofs, a matter of much controversy. Mr. Condon then attempted to engage Mrs. Cote in a heated debate and pointedly placed the responsibility for the controversy at her feet. Several residents spoke in protest of the charge, saying it was clear to them that Mrs. Cote has been forthright with admitting she authorized the clearing of the roof at the front of the building and clearing of drains but that it should not be inferred by the emails in question that she is responsible for the entire project that resulted in the exorbitant bill.

Kevin Brower of 28 Trudeau Lane asked if there was a "drop dead" date for the end of the snow and ice investigation. Mr. Connors explained that there is no "drop dead" date on the investigation and that it is in the hands of the lawyers. He further explained that his hands are tied because the issue went from a fact-finding mission to a personnel matter, which must be handled in Executive Session unless the employee in question wishes the matter discussed in Open Session. Employee performance should never be discussed outside Executive Session. Executive Session minutes do become public once the matters have been resolved. Mr. Connors then cited the Massachusetts Public Records Law. Mr. Brower then asked Mr. Condon why he did not know the answer to a question he asked at Mr. Condon's forum regarding taking possession of the DPW vehicles. Mr. Condon replied that he would have to review the tape of the forum to answer his question.

Mr. Connors explained that the forum held by Mr. Condon does not reflect the rest of the Board.

Jim Weidenfeller commented that he felt the controversy over the snow-and-ice removal was the best \$53,000 the Town has ever spent because it got people more involved than ever before.

M/Miksch, s/Condon, motion to adjourn.

VOTE: Yes – Connors, Condon, Miksch; a unanimous vote in favor.

Meeting adjourned at 9:00 pm

Clerk
Board of Selectmen