

Selectmen's Minutes for meeting Tuesday, May 29, 2018, at 7:00 p.m. at the Town Hall Annex.

Officials present: Board Members: Mark Newman, Chairman, Brian O'Rourke, and George Riley. Other Officials present: Town Administrator Fred Ventresco; Broadband Committee Chair Jeff Bye; Ralph Morrison; Dawn Lemon; and Public Works Superintendent Bobby O' Brien

Chairman Newman opened the meeting promptly at 7:00 PM.

1. Highway Dept. updates

Public works Superintendent Bobby O'Brien reported that last week he and the crew got almost all of So. Sandisfield Road prepped for paving soon. They also continued grading roads and will continue grading a few roads this week, but the prep. work for painting the bridge begins this week and they are obliged to help per agreement. Ralph is out beginning roadside mowing today. The bridge was of course open last weekend just in time for the Memorial Day parade, but it will have to be closed periodically again during the painting and over the next few weeks. Bobby also said that by helping with the painting of the bridge that he will become certified to do this in the future.

The NOI for the new Public Works garage will be ready in time for the Conservation Commission meeting in June. Recently it came to the Superintendent's and the Town Administrator's attention that the approvals from Conservation had not been done. The insurance company and their consultants are overseeing these items for this project and somehow it apparently was overlooked. They had to get Foresight Engineering to do the NOI and Bobby has been working with them. According to what he understands talking with Foresight, Conservation could have just given us a variance/waiver if they wanted, as we are right on the cusp of needing one. Conservation is still going to require a complete review, as they are concerned that they have not been kept in the loop on this project. Bobby explained that he did not know they had to be for this project and the insurance company's consultant, JVP Consulting, apparently did not either, as they did not seek approvals nor ask us to. Conservation will try to hold a special meeting if time permits; if not the review will be at their regular meeting the third week in June.

The Town Administrator further mentioned that he was visited by chairman Gaudette of the Conservation Commission expressing his concerns that they have not been kept updated on the garage rebuilding project; he also emphasized that Conservation needs to be kept up to date on what we are doing for culverts, ditching, and certain other road work. Bobby indicated that we have a general clearance for all the road work he is doing at this time. Administrator Ventresco emphasized that we need to make certain to communicate with Conservation and keep them in the loop.

Selectman O'Rourke asked how much we have saved doing these things on our own. Bobby said that we have saved on a number of things including the steel, guardrails, and the painting. We will be coming in just about right at budget when totally complete, but the original budget included painting much less of the bridge than we will be getting.

2. Consideration and vote to transfer \$15,000 from Machinery Maint. Expenses to Highways and Bridges expenses

Town Administrator Fred Ventresco briefly explained that the procedure here is that both the Select Board and Finance Committee have to approve this request. Selectman O'Rourke asked to confirm exactly what this is for. Superintendent O'Brien said that it was for gravel mainly for Routes 57 and 183. Selectman Riley is convinced that the statute intends that the Finance Committee should consider and approve these end-of-year transfers first, and then the Select Board. Fred said that he did ask the Town's representative at the Division of local Services (DLS) about Selectman Riley's concern and he did not think it made a difference which body approved the transfer first. According to Mr. Ventresco, Jim Podolak of DLS did not express certainty and that if we want a definitive answer to the interpretation of the new law that we may have to ask our attorney. Highway Secretary and Town Accountant Dawn Lemon said that she would ask that the Board tonight just approve the request this time due to the timeliness of the matter and that the Finance Committee would create a policy for the future when they meet.

Barbara Cormier and Ralph Morrison pointed out that in Sandisfield's By-Laws the Finance Committee is strictly an advisory committee, and questioned if their approval is ultimately necessary or if the Select Board (BOS) can approve this on its own. Town Administrator Ventresco said that the law does not make a distinction between the local variety of by-laws and is very clear that both Boards have to approve these types of transfers; however, he will check to make certain.

Selectman O'Rourke said that since this is a special type of transfer only done at the end of the year that in the future he would like to see the requestor give details of exactly how the monies asked for are to be spent. He feels this is what the Finance Committee will be looking for as well. Using this request as an example, O'Rourke would like to have seen an estimate of how many tons of gravel will be going to which roads.

Motion by Selectman Riley to approve this transfer request, motion seconded by Selectman O'Rourke. The vote was unanimous, 3-0.

3. Jeff Bye in to provide an update on the status of Broadband

Mr. Bye handed out two documents to the Board Members: 1) Flexible Grant Program Notice of Funding Availability and 2) Crocker Commutations Last Mile Proposal Summary for Sandisfield, and explained that all he is going to speak of is in these documents.

Bye began with a little recent history. He explained that the Flexible Grant Program was rolled out last October by order of the Governor, to get the remaining 14 towns, of which Sandisfield is one, in the area finally hooked up. Then, on the first week of April this year, the Broadband Committee and the Select Board agreed to pursue the proposal submitted by Crocker Communications, backed by Fijitsu, the worldwide company that makes copiers and other technology; it was the best of three providers that made an offer. By choosing a plan/provider this put the Town in the cue for funding. The next step was to obtain a detailed proposal from Crocker, which we have (the one handed out tonight). Now, the next major milestone in this process is coming in about a month (somewhere near the end of June), in the form of a meeting in Westborough to create an action plan that outlines the steps/roles for each party in the agreement. Bye knows that this has been a slow process, but it should speed up once an action plan is in effect.

Mr. Bye reiterated that one of the main advantages of the deal with Crocker is that there is to be no cost for the Town. Crocker is going to build it out all on its own and at its own costs, to the extent they can gather grants/loans. Mr. Bye did say that the competition for the grant funds is very competitive, with applicants from all across the US, some of which are in worse off shape than our area in terms of broadband provision. Crocker was basically told not to even apply for the USDA Rural Broadband Grant due to the competition. Loans are much more likely if needed. Crocker has submitted for the FCC grant funding. There were initially some issues with their application, but they have corrected this, according to Bye.

Treasurer/Tax Collector Terry Sponholtz asked if these grant funds were of the reimbursable type. If so she needs to know for cash flow purposes when the funds will be needed. Jeff said that the Town is to receive no grant funds directly and no funds will have to be paid out by the Town so she does not have to be concerned with this, at least at this point. If Crocker cannot get the grants and/or loans to allow them to go forward with no cost to the Town, we can back out.

Mr. Bye also said that he and the Committee have not forgotten the Otis Woodlands Sandisfield residents, but it will be a difficult situation. He is confident that we will find some kind of a solution to get them some kind of internet access, however. He was encouraged with Crocker because as soon as they received news of Sandisfield's choice to go with them they reached out to the provider of Otis, presumable to open contact on this issue. Crocker is the provider for Mt. Washington; they did not build it out however.

Mr. Bye is in contact at least once every week with Crocker, and he will be phoning the Chair of the Select board to keep him up to date, as he had the former Chairs. The Board asked Mr. Bye to please make sure to get all of their emails and make certain they are kept in the loop as well. He assured them he would keep them informed and if there are any major things that he will bring it to a meeting for them all.

4. Treasurer in to discuss the FY2016 Audit follow up

Town Treasurer/Tax Collector Terry Spohnholz Began by giving the Board some history, saying that in 2017, against her advice, the Select Board and then-Town Administrator decided to call for an external financial audit of FY 2016. In FY 2016, the books were in a mess. We didn't have internal controls; we didn't have proper receipting; we didn't have segregation of duties, among other things. She immediately began to address these issues when she came on board after. She repeated that she knew this was not a good call getting an audit, citing her background of having worked at major audit firms in Alaska specializing in municipal accounting/auditing. The audit indeed resulted in an "adverse opinion."

Spohnholz explained that there are three possible results of an audit, 1) a clean opinion/unqualified, namely no issue exist in the internal controls and other financial handling of affairs; 2) a "qualified opinion," which points out some deficiencies in internal financial practices, but ones that are not that crucial; 3) an adverse opinion, where there are many and/or major issues to be corrected. This latter-most is what the Town received.

However, the auditor either never finalized the entire audit or it got misplaced, as it cannot be found. The Board did get a Management Letter in August 2017. However, no response was ever made by the Board to the findings of the letter. She is here tonight presenting to the Board a draft response letter she prepared to the auditor addressing in detail all of the issues found, which have now been corrected. She and the Town Administrator have a call in to the auditing firm, Scanlon and Scanlon, to determine what the issue is and are moving things forward quickly. She would like the Board to look over the letter and give her the OK to send it. Most important at this time we need to get process completed in order to obtain bonding renewal for her and other pertinent officials.

Spohnholz also informed/reminded the Board that it was agreed back in November 2017 in a meeting with the auditor that we would get an "agreed upon procedures" audit this year and it is in the budget for the new fiscal year in July.

The Board is OK with sending M. Spohnholz's letter, and instructed the Treasurer and Town Administrator to make certain to follow up on all these issues.

5. Consideration and vote on proposed exemption for the Fire Dept. from AP Warrant process

Selectman Riley presented his proposed policy. He read from the one-page proposed policy he drafted (attached). Basically it recognizes the special circumstances of the way the Fire Department makes purchases from time to time. It distinguishes between purchases of \$250.00 and more and those under \$250.00. In a sense the accountability for these transactions are shared between the Fire Department and the Town, unlike most other AP expenditures, he explained. The Fire Department is paying for third-party services/products, and then submitting for reimbursement to the Fire Department directly. The Fire Department in the future would be required to

obtain some kind of detailed, signed receipt from the individual/non-profit/ whomever for the reimbursement the Fire Department requests from the Town.

Fire Chief Ralph Morrison explained that the process he currently follows for documenting his reimbursement requests was specified by Town financial consultant and former State DLS representative Dennis Mountain. Morrison also explained that these types of purchases are really only for the Memorial Day events; they are not the norm for the Fire Departments in general. Morrison expressed his displeasure with not being told more in advance of this policy, saying that department heads need to be given more notice of proposed changes. Riley pointed out that his proposed policy was scheduled to take effect, if approved, June first, well after the Memorial Day events. Selectman O'Rourke said that he has a concern with the requirement of the proposed policy for estimated hours involved. As a contractor, he knows that there are times that a flat fee is charged and appropriate.

The Board decided to table this topic until Selectmen O'Rourke and Riley consider the changes proposed, and any other possible changes.

6. Follow up on building Committee appointments

The Board has still to select a member from among the Selectmen to appoint to the committee. Ralph Morrison, chair of the newly formed committee, suggested Selectman Brian O'Rourke. O'Rourke is fine with being the choice. All agreed to this. Selectman O'Rourke suggested that the new Committee form an action plan prioritizing about three to five items on which to focus. Morrison said that they are focusing on some issues such as the many doors needed for various Town buildings, windows for the Library, and some issues that the Town Administrator said he has. Barbara Cormier for the COA spoke up to ask if the new floor for the downstairs of the Annex was included. Chairman Newman explained that that has already been approved for ½ the cost and is a done deal.

7. Selectmen's updates

Chairman Mark Newman said that there was not much to update on this week as it has been focused mostly on transition with the two new Members coming on after the elections, and a some being away. He and Town Administrator Fred Ventresco are still working on the grant for the Transfer Station for a cardboard compactor and swap house. Fred has found some other requirements that must be satisfied before we can apply for the grant, however. The Town Administrator explained that the Town will have to pass a Buy-Recycled policy that requires all Town Departments to try to buy recycled products and implement good recycling practices. He will have the policy to approve at next week's meeting.

8. Town Administrator updates

Town Administrator Ventresco explained that the Clerk had just given him a letter last week that was from the Attorney General's Office and dated October of 2016. The letter notified the Town that the AG did not accept portions of the then-new Zoning By-Laws overhaul that took place in 2015-2016. Fred is consulting with legal counsel to see how we should proceed. It was discovered while updating the Town's By-Laws overall and to insert the new Solar By-Law that this had not been addressed yet. From what he can tell at this time, no action was taken to resolve the

issues that the Attorney General raised. It seems to be an issue with only one section of the By-Law; however, they did throw out the whole section. He will keep the Board updated.

The question arose about the status of getting York Lake usable for this summer/season, especially the bathrooms. Fred said that he did reach Senator Pignatelli as instructed and was told that he was trying to get more funding to allow the Commonwealth to get extra help to clean the bathrooms and upkeep the lake area. As for the issue of the Town getting porta potties or cleaning the bathrooms on its own, there still appears to be issues with the Commonwealth's labor unions that may prevent this. The Town Administrator will continue to follow up on this. Someone in the audience suggested that the Town could write a letter to the press explaining the situation of how the Commonwealth is not utilizing a great resource for this due to this simple issue of maintain the restrooms. Selectman O'Rourke said that he would call the newspapers to publicize this issue.

The issue of un-permitted dwellings and structures, trailers and otherwise, arose and the Board was asked how and if it still intends to tackle this issue that has been coming up. The Town Administrator reminded the audience that the plan this time was to bring in legal guidance and work with the Building inspector, Board of Health, and other relevant parties to make something happen, to the extent of course that our By-Laws and other regulations allow. Town Administrator Ventresco also reminded that we may need to revise our By-laws to assist here, as we have been told that they are weak on this issue.

9. Discuss future agenda items

Your Lake update.

10. Review and sign minutes of meetings

11. Review and sign warrants

12. Review mail

13. Topics not reasonably anticipated by the Chair

Barbara Cormier commented from the audience, and some other seemed to concur with what she said, about how she did not like the way Town meeting was handled this year. She has issues with the new budget format and/or with the way it was explained to citizens. She also does not like that we did not send out the whole Town Report this year. Ralph Morrison said that he thought it was in the By-Laws that we had to send out the whole Town Report. Chairman Newman reiterated that there were many new processes this year and that the Select Board and Finance Committee will be reviewing the whole process very soon before next year's process begins.

Motion by Selectman O'Rourke to adjourn at 8:35 PM; motion seconded by Newman. Motion passed 3-0.

Mark Newman

Brian O'Rourke

George Riley