

**TOWN OF SHEFFIELD
BOARD OF SELECTMEN
JUNE 2, 2014
TOWN HALL
7:00 PM**

Board Members Present: David A. Smith, Jr., Chairman
Nadine A. Hawver, Clerk
Rene C. Wood

Others Present: Rhonda LaBombard, Town Administrator
Alicia Dulin, Assistant to Town Administrator
Eric R. Munson III, Police Chief

Chairman Smith called the meeting to order at 7:00 PM

APPROVAL OF MINUTES:

Selectman Wood moved to approve meeting minutes from the May 13, 2014 meeting, seconded by Selectman Hawver. The motion carried unanimously.

CHIEF MUNSON – UPDATE ON PD:

Police Chief Eric R. Munson III was present to give an update on the Police Department. He stated that twenty three kids are signed up for the Kops N Kids camp and that they are still looking for mentors which are junior counselors. He announced that the Department will be changing the way it process firearms licenses. As of July 1st Wednesday will be firearms license day. He stated that an appointment must be made ahead of time and they will no longer be accepting cash payments. Chief Munson stated that the RAD class put on by Officer Gonska and Officer Zucco was a success. He also stated that Officer Biasin took one of the cruisers to the Truck Day held at Butternut Ski Area on May 18th and Officer Gonska, Officer Biasin and Officer Zucco participated in the relay for the Special Olympics. And lastly, that Officer Polidoro has almost completed the Police Academy, where he has done very well. Selectman Wood asked what a resident should do if they have questions regarding the firearms licenses. Chief Munson stated that residents could call the Police Station or stop by. He stated that the information would also be on the Town website, the Police Department's Facebook page and in the Sheffield Times.

APPROVAL OF THE HIGHWAY UNION CONTRACT:

Administrator LaBombard explained that the Highway Union contract expires on June 30, 2014. She stated that the new negotiated 3 year contract includes a 1.5% increase for each of the 3 years as well as language changes and changes in vacation time, bereavement time and sick time accumulation to bring the contract more in line with the Town's Personnel Policy. Selectman Wood moved to accept the negotiated contract to begin on July 1, 2014 between the AFSCME (Highway Department) and the Town of Sheffield, pending legal review by Town Counsel, seconded by Selectman Hawver. The motion carried unanimously.

UPDATE ON EAST ROAD BRIDGE:

Administrator LaBombard discussed the East Road bridge, which has been closed and stated that it would cost about \$250,000 to repair the East Road Bridge. Administrator LaBombard recommended keeping the bridge closed until funds are available to repair the bridge. Selectman Wood thanked residents for enduring the inconvenience of the bridge being closed and asked Administrator LaBombard to get a list from the Highway Superintendent of the condition of all the bridges in Town. Selectman Wood moved to continue the closure of the East Road Bridge until further notice, seconded by Selectman Hawver. The motion carried unanimously.

BROADBAND/INTERNET SURVEY:

Administrator LaBombard stated that a draft survey has been created to determine what types of internet access is available in Town to help the State evaluate how to help communities gain more internet and broadband services. Administrator LaBombard stated that the surveys could go out with the Transfer Station mailings, which will be mailed within the next couple of weeks. Selectman Wood moved to accept the Broadband survey and mail out with the Transfer Station letter, which will be mailed within the next couple of weeks, as well as put it on the Town Website and link it to the Massachusetts Broadband Institute's website, seconded by Selectman Hawver. The motion carried unanimously.

ECONOMIC DEVELOPMENT COMMITTEE:

Selectman Wood explained that there is a need for an Economic Development Committee. She stated that the Board is seeking letters from interested residents for the Committee. Letters should be submitted to the Town Administrator's Office. Chairman Smith asked Administrator LaBombard to post on the website.

ROUTE 7A CUTOFF – ASHLEY FALLS:

Chairman Smith stated that complaint letters have been received regarding speeding on the Route 7A cutoff from Rannapo Road. Discussion ensued regarding what could be done about the speeding in this area. Selectman Hawver suggested setting up the speed trailer to remind drivers of the speed limit. Chief Munson stated that the speed trailer is being repaired but he would set it up in this area once the repairs are completed. He also stated that in the meantime he would set up extra patrols in this area. It was the consensus of the Board to look at the complaint letters again and revisit the issue at a future meeting.

TOWN ADMINISTRATOR APPOINTMENT:

Chairman Smith congratulated Administrator LaBombard on her positive evaluation. Selectman Wood moved to reappoint Rhonda LaBombard as Town Administrator from July 1, 2014 to June 30, 2017, seconded by Selectman Hawver. The motion carried unanimously.

20(D) DISCLOSURE BY SPECIAL MUNICIPAL EMPLOYEE:

Administrator LaBombard explained that in order for Selectman Hawver to receive compensation for her position as Assistant to the Senior Center Director she has filed a form 20(d) Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract which would need to be accepted by the Board. Selectman Hawver stated that Attorney Duka, from Massachusetts Ethics Commission, advised her to not take part in any decisions regarding Senior Center business that could be seen as a financial gain for herself. Selectman Wood moved that the Board has received a disclosure under G.L. c. 268A, §20(d) from a special municipal employee who seeks to have financial interest in a contract made by a municipal agency of this city or town. We understand that the special municipal employee participates in, or has official responsibility for, activities of the municipal agency that made the contract. We approve this exemption under §20(d) regarding the financial interest identified by the special municipal employee, seconded by Chairman Smith. The motion carried 2-0. Selectman Hawver abstained.

DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST:

Chairman Smith explained that Administrator LaBombard has filed a disclosure of financial interest because of her role as the Town's collective bargaining agent as per the Town Charter and its relation to her employment agreement with the Town which states that the Town Administrator's pay increases will be at the same percentage and method that other Town employees receive. Selectman Wood moved as the appointing authority, as required by G.L. c. 268A § 19 the Board of Selectmen has reviewed the particular matter and the financial interest identified by a municipal employee. The Board has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee. Any agreements

made by the Town Administrator are subject to instructions from and approval of the Town, seconded by Selectman Hawver. The motion carried unanimously.

Selectman Wood moved whereas on June 2, 2014 Town Administrator Rhonda LaBombard filed a written disclosure by non-elected Municipal Employee of financial interest as required by M.G.L/c.268A, §19 with the Board of Selectmen (the "Board"), the appointing authority or the position of Town Administrator; Whereas, the Town Administrator specifically disclosed that (1) pursuant to the Town's Charter, Chapter 15 of the Acts of 1989, as amended by chapter 124 of the Acts of 1998, The Town Administrator is the Town's collective bargaining agent and chief negotiator of Union matters; (2) she has a financial interest in the matter because her employment agreement with the Town provides, in relevant part, as follows:

- In section 5.A, the Town Administrator's employment agreement with the Town states that:
"The Town agrees to increase [the Town Administrator's] pay in the second and third years of the Agreement by the same percentage and method as other Employees of the Town receive. All salary payments hereunder shall be payable in installments at the same time as other Employees of the Town are paid." and
- In section 5.B, the Town Administrators Employment agreement with the Town states, in relevant part, that:
"If the Town Administrator continues in office after the expiration of this Agreement, and there is no successor agreement, she shall continue to receive the latest salary under this section until such time as her salary shall be otherwise provided for by the Town. This subsection shall survive the termination of this Agreement."

Whereas, the Board has reviewed the issue of whether the financial interest disclosed by the Town Administrator resulting from her role as the Town's collective bargaining agent pursuant to the Town's Charter is so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from the Town Administrator; and

Now, therefore, the Board hereby votes that as the appointing authority, as required by G.L. c. 268A § 19, it has reviewed the particular matter and the financial interest identified above by a municipal employee (the Town Administrator); and the Board has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee. Any agreements made by the Town Administrator are subject to instructions from and approval of the Town, seconded by Selectman Hawver. The motion carried unanimously.

ROADWORK UPDATE:

Administrator LaBombard explained that that the State has given the Town extra funds totaling \$55,143 for roadwork. She stated that Pike Road and a section of Hewins Street will be reclaimed and paved and the balance will be used for renting equipment to maintain dirt roads. She also stated the proposal for this year's annual paving would be on Home Rod using Chapter 90 funds. Administrator LaBombard stated that she is also looking into grant funding for Bow Wow Road.

SALISBURY ROAD TRUCK TRAFFIC:

Administrator LaBombard explained that a letter had been received from a resident regarding concern over the truck traffic on Salisbury Road and requesting that "no through trucking" signs be installed. Discussion ensued regarding whether or not to install "no through trucking signs". It was the consensus of the Board to talk with Sheffield Plastics and find out whether the trucks making deliveries there exceed the weight limits for Berkshire School Road.

TIME WARNER-COMCAST MERGER:

Selectman Wood explained that she and Administrator LaBombard had a conference call with Time Warner Cable and Comcast and got their questions answered. A Public Hearing is scheduled for June

10, 2014 at 5:00 PM at the Lenox Town Hall. Selectman Wood stated that after the hearing the Board of Selectmen should review and sign the agreement.

SOLICITOR LICENSE – PEDDLE EDUCATIONAL MATERIALS:

Chairman Smith stated that an application has been received from Steve Thyden requesting a license to solicit educational materials door-to-door. Selectman Wood moved to allow the door-to door solicitation of educational materials under the Town’s Policy for Door-to Door Solicitation Monday thru Saturday from 9:00 AM – 5:00 PM, no Sundays, seconded by Selectman Hawver. Selectman Wood amended her motion to allow Administrator LaBombard to determine the dates. The motion carried unanimously.

SELECTMEN’S ITEMS:

Selectman Hawver stated that she attended a committee meeting recently and was disappointed by the lack of attendance by committee members. She stated that attendance needs to be better and if a member cannot make it that person should let someone know so the Committee will know if there will be enough members in attendance to have a quorum.

Selectman Hawver also stated that she has asked Claudia Martin and Catherine Miller to work with her on the Senior Work off Program details.

Selectman Wood stated that she is drafting a letter to our legislators regarding the FY2015 budget and other important bill items.

Selectman Wood stated that the High Schools production of the Stork Club was a wonderful event and students did a great job.

Selectman Wood congratulated the Lady Eagles on their Western Massachusetts softball win.

TOWN ADMINISTRATOR ITEMS:

Administrator LaBombard stated that the Board has reduced the price of a one day alcohol license from \$69 to \$5 for breweries at the Farmer’s Market.

Administrator LaBombard stated that there will be a Public Hearing held on July 16, 2014 for the application of the Sheffield Friendly Union for an alcohol beverage license for Dewey Memorial Hall.

Selectman Wood moved to adjourn the meeting, seconded by Selectman Hawver. The motion carried unanimously.

Chairman Smith adjourned the meeting at 7:52 PM.

Respectfully submitted:

Alicia Dulin
Assistant to Town Administrator

Documents reviewed at this meeting:

Highway Contract Highlights

Broadband/Internet Survey

Memo from Selectman Hawver Regarding Disclosure and Disclosure Form

Letter from Mirick O’Connell Regarding Town Administrator Disclosure and Disclosure Form

Vote on Determination by Appointing Authority Regarding Disclosure by Town Administrator

Letter from Andrea Scott Regarding Truck Traffic on Salisbury Road

Application for Solicitor License