

**Town of *New Salem* Selectboard
Meeting Minutes
January 26, 2023
Held Virtually via Zoom**

Convened: 6:30 pm

Present: Susan Cloutier, Zara Dowling, Selectboard; Kathy Neal, Town Coordinator; Joe Cuneo, Fire Chief; Stacey Senflug, Town Clerk; Lisa Finestone, Tree Committee; Kathy Soule-Regine, Tax Collector; David Briand, Assessors; Nancy Slator, *The New Salem News*; Cam Dunbar, Town Moderator; Rose Lyman; Laura Barletta; Marny Ashburne; Jeanne Clayton; Larry Eaton; Betsey Vinciulla

Selectboard Reviewed & Signed the Following:

- Payroll & Vendor Warrants

Discussion Items

Public Forum

Susan called the meeting to order and began by briefly explaining the purpose of the Public Forum. Pam then introduced herself as a concerned citizen with questions about trees while Stacy noted she has some questions about a generator.

- *Tree Limbing*

Pam asked about the limbing of trees in town. Susan noted that the town has a Tree Warden, a Deputy Tree Warden, and the Tree Committee. A survey is in the works for all the roads. Additionally the electrical utilities take care of much of the limbing in regards to power lines. Lisa noted she is a member of the Tree Committee and the Deputy Tree Warden is Calvin Layton. Limbs concerning power lines are National Grids responsibility, but certainly Calvin could put an inquiry in for anything of concern. He generally keeps an eye out.

- *Town Hall Generator*

Stacy noted the Town Hall's generator still runs but the building is presently only used seasonally. Zara asked Kathy Neal if this could be looked at for potential repurposing. Kathy agreed to do so and suggested that it could be looked at along with the one at the Stowell Building. It might even be possible to use parts of the Town Hall generator to get the Stowell Buildings generator back to function since that building is used year round.
ACTION ITEM: Kathy will check in with town employees to make sure the Town Hall generator is set so it is not running during the times when the building is closed and will consider whether it should be repurposed for use at the Stowell Building.

Special Municipal Employee Vote for Solid Waste Board

Kathy Neal reported this request comes from the Solid Waste Management District as their members often hold other offices in their towns. That is so in New Salem as our person is Amy Fagin who sits on the ZBA. The State Ethics Commission has flagged this and suggested the towns in the district take this vote. Susan noted that from the materials she's read it protects all parties because the ethics rules that apply shift when this designation is applied. Kathy concurred noted we're not designating Amy, but the position itself. The same holds for the alternate.

VOTE: A motion was made by Susan to designate the position of Franklin County Solid Waste District Representative as a special municipal employee pursuant to MGL Chapter 268A, Section 1(N). The motion was seconded by Zara and passed by majority vote.

VOTE: A motion was made by Susan to designate the position of Franklin County Solid Waste District Alternate Representative as a special municipal employee pursuant to MGL Chapter 268A, Section 1(N). The motion was seconded by Zara and passed by majority vote.

Acceptance of Vehicle from Barletta for Fire Dept

Joe began by providing a quick report. Power has been restored in most parts of the town with the exception of a few individual houses.

He then turned to the vehicle being proposed for donation. It is a 2016 F250 pickup truck that would replace the 1987 pickup that the department has and would serve as the Rescue Vehicle. It would require some conversion, but the town could use ARPA funds. Susan asked how much the cost of conversion would be. Joe felt it would be likely to be around \$15,000. In the meantime he asked the Selectboard to accept the donation. Zara asked if this is being given by Barletta or a construction company. Joe responded it's actually the construction company Osprey Equipment Corp., although they are part of the Barletta Group. Zara expressed reservations given the on going litigation concerning a Special Permit project that is being done by the Barletta family. Susan noted that lawsuit has recently been settled. Zara conceded that but noted it may be appealed. Zara asked how often the town accepts donations and whether Town Counsel has been consulted. Joe responded that we've had the odd donation before and he noted that this would replace a truck that is in desperate need of replacement. Zara expressed a willingness to vote to accept the donation contingent on Town Counsel's ruling that it can be accepted. Susan also felt it prudent to consult Town Counsel. Zara then asked a few questions about what the existing truck's history and use are. Joe elaborated on the various roles it plays for the department and noted that repair is now difficult

as parts are hard to find given the fact that it's from the late 1980's. He then covered some of the conversion costs which include radio installation, lights, and other related matters like paint. Purchase of a truck new would cost about \$100,000.

VOTE: A motion was made by Zara to accept the donation of the F250 pickup truck from Osprey Equipment Corp. contingent upon an opinion from Town Counsel that accepting this donation is lawful. The motion was seconded by Susan and passed by majority vote.

VOTE: A motion was made by Susan to authorize and earmark up to \$15,000 in ARPA funds for the conversion of the F250 pickup truck. The motion was seconded by Zara and passed by majority vote.

ACTION ITEM: Kathy will check with Town Counsel to obtain an opinion on whether acceptance of the F250 pickup is ethically acceptable for the town.

West Street Road Maintenance

David gave a brief history of the area of West Street in need of maintenance. In the past this part of the street was maintained. But in recent years the town has begun not to do winter maintenance. He is asking that this be changed noting that he needs to have some logging of property and the trucks cannot come through under the present situation. Susan recalled that part of West Street was mostly inaccessible in winter. She asked if there is a way to come in from the other end of the street. David responded that he can't. The whole access point for him is the part of the road not being maintained. He also contended that the street was maintained in the past. Zara noted she also lives on West Street and while there may have been a window when it was maintained through winter that has not been the case during the 10 years she's lived on West Street.

Susan suggested that further study needs to be done. Highway Dept. should be consulted and estimates considered for the cost of any repair and maintenance to make the road accessible year round. In the meantime she asked David to consider putting together some materials regarding the boundaries of his property. Zara concurred and asked Kathy Neal to do some research regarding the towns duties as to this public way. Kathy Neal noted that many towns, like Petersham, do close some roads in winter. Susan concurred noting Branch Bridge is closed during winter. When Franklin County looked at the towns roads they selected 8 roads that needed work, and West Street was not included. This may require some hard thinking. Zara suggested the Highway Chief might be able to help with some ballpark numbers. Kathy Neal agreed, but noted he's already expressed to her it'll be expensive. Kathy Soule-Regine noted that she personally has had to help people who have gotten stuck as she lives right next to the unmaintained portion of the road and there's been a winter seasonal closure sign in the 21 years she's lived in her house.

David then noted that the Commonwealth has a paved road called Radar Rd that runs through near his land and he has asked them about the ability to use it, but he's been informed that he would have to petition the General Court for any formal easement. So his access has to be from West Street. Still, if the town was the party to make a petition to the General Court, he would be amenable. But without it, in his limited experience, once a driveway is cut in a public way and approved by the Highway Dept. it has to be maintained.

As for materials he was happy to provide what he has. Susan stressed that a lot of information gathering needs to be done before a decision can be made. Kathy Soule-Regine seconded the idea of the town approaching the General Court. After all, Broadband was able to obtain an easement to cross DCR property. It wasn't pretty and took a long time, but it was doable.

David then reminded that right now his property also really doesn't have adequate EMS coverage given the present condition.

ACTION ITEMS: Kathy will review the town's responsibilities to maintain public ways and check with the Highway Department head to see if he can provide a rough estimate of what it would take to improve the road to the point where winter maintenance will be possible.

David Briand will provide the town with a map of his property (or at least the location to be reviewed on town tax parcel maps).

An additional meeting is needed focused on this issue.

Electrical Issues in Town Hall & Annex

Stacy provided an update. Her state computer, which has a direct line back to the Secretary of the Commonwealth's office, frequently goes down. This often results in the state sending someone to reconnect it and repair it. When the system is down it can't be accessed and that is a problem since it is the system death certificates and other important documents are processed through. Further the state has expressed a desire to see the town look at the electrical in the building.

So a few weeks ago two electricians looked at the building and at the equipment there. Al then noted he was one of those electricians. It's an old system and there are several things that might be causing the problem. He proposed a few potential solutions while stressing this is going to take diagnosis. The building's electrical system will need to be looked at from service through the whole building. He also felt strongly that the town should consider a power filter of some sort. Zara asked if a UPS could be plugged into the present outlet. Larry responded one is in use now and they problem persists. Susan asked what the solution is and whether it encompasses the whole building or if there is the potential for solutions closer to the specific equipment having issues. Al responded we could look at it from that view point. But we should check a number of places to ensure we correct the problem.

Kathy Soule-Regine mentioned a few things noting that the issue appears to have worsened after a transformer blowup happened. She lost a lot of equipment when that happened. She also suggested it might have worsened other pre-existing damage. She added that we

have not had this specific issue with other equipment. So it may simply be that the state's equipment is more sensitive. Stacy strongly felt that this is a separate issue from the transformer matter. Susan felt strongly that we ensure the state's equipment doesn't fail. That said if we are going to have an electrician in there spending time, we should still have them look at other equipment that might be at risk. Zara felt it would be helpful to know if it is this set of equipment or other equipment too. Stacy noted what was done when the town first converted the Annex into its present use, but the state's equipment is ultimately plugged into an outlet that wasn't upgraded and is very old. Kathy Soule-Regine felt it important we also replace all the surge protectors. Kathy then noted a number of electrical interruptions that have occurred and submitted she isn't trying to discourage looking at the building as a whole. Susan asked Kathy Neal if funds are available. Kathy responded that we might have enough in the regular budget, but there also could be some use of ARPA funds.

Susan asked Stacy what the timetable needs to be. Stacy responded that the sooner the better given the critical nature of the state equipment. She can't print a voter list for a Special Town Meeting without that equipment. Susan asked Al Ohlson what the ballpark would be. All responded it is likely in the \$1,800 range to deal with just the state equipment. Labor and other diagnosis would likely cost another \$1,200. So a neighborhood of \$3,000 total. There are other options that could increase or decrease the costs. Kathy Soule-Regine suggested we will need to consider some of this for future maintenance. It was generally agreed this was true with Susan suggesting we should think about other town buildings too.

**ACTION ITEMS: Kathy will look into the availability of existing building maintenance funds to cover this cost, or whether ARPA funds would need to be put to this use.
The electrician (Al Ohlson) will provide a written quote ahead of the next Select Board meeting for the Select Board to vote on.**

Setting of Date for a Special Town Meeting

Kathy Neal began by noting several potential dates in February that would work for the Town Moderator and asked about dates from the Town Clerk. Stacy responded by outlining what's needed and noting that the lead time isn't as important as with an election. Kathy Neal then suggested we also need time for Finance Committee too. So she suggested the date be in late February or early March. The next Selectboard meeting would be February 6. Stacy noted that given her equipment need, we should consider that. So she felt February 27 would be the earliest day. Zara suggested March might be better in that event. This prompted a question of location whether the Town Hall Annex would be used or Swift River Elementary. Susan expressed a preference for the Annex. Cam suggested March 7, but would have to start at 6:30 pm. It was generally felt that March 7 would be acceptable and the start time of 6:30 pm would also be fine.

Kathy Neal then went over the items needing Town Meeting vote, which would include a request by Ralph C. Mahar Regional School District, payment of some prior fiscal year bills, and to cover the petition to the General Court to allow Joe Cuneo to remain as Fire Chief past age 65.

VOTE: A motion was made by Susan to call a Special Town Meeting for March 7, 2023, at 6:30 pm with a warrant to be approved no less than 14 days before said town meeting. The motion was seconded by Zara and passed by majority vote.

ACTION ITEM: Kathy and Stacy will initiate next steps to prepare for a Special Town Meeting.

Playground Committee Update

Lisa went over the preliminary work that's been done by her and others. A septic engineer has looked at the plans and this may result in some questions. The current swings and equipment are unclear on the proximity in regards to the septic nearby to it. It has also been recommended a Title V inspection be done to insure we don't put time and energy into that space without knowing for sure the septic system there is in good shape. We shouldn't invest the money and equipment if we might have to turn around and tear it all out to replace the septic system. Lisa then detailed some other things that should be considered including the removal of some materials and curbing.

There may be other complications as the playground sits at the nexus of the Library, the Cemetery, and the Old Academy Building. Further the septic system that is there is the Old Academy Building's with the Libraries having been tied into it as the Library's lot with its addition wasn't large enough.

Zara noted that we may want to consider moving the playground. It is nice that it is next to the Library, but perhaps a different location in the or near the Town Center could be used. Susan suggested looking at exactly where the septic system is. We may be able to utilize the parts that don't cover the septic system better. A good design could still preserve the playgrounds location. Susan then suggested we start with the Title V and we look into funding sources. Lisa concurred submitting if it has to move, then it has to. But it is nice to have it near the Library. Zara reminded that accessibility and suitable materials should be taken into consideration. Susan suggested we can move forward with the analysis of the septic and determining its location. After that as spring comes we can address some of the other pieces.

ACTION ITEMS: Sue will look into the cost of a Title V inspection. The removal of existing playground cover (roughcut mulch) and sharp edging will be revisited when the snow is off the ground in the spring.

Fruit Tree Maintenance Trimming Around Town Hall

Susan reported on some discussions had with Bruce Spencer and Calvin Layton regarding what can be done with these trees and what should be done to their maintenance. An experienced fruit tree trimmer has volunteered to do the work. Sue met with him onsite. She wanted to ensure that the town is aware of the concerns and that solutions are being pursued. Hopefully at low cost.

Town Coordinator Reports: Update on Highway Dept. Hiring, FRCOG District Local Technical Grant

Highway DPW Hiring. Kathy Neal reported that there were 7 applications for the Highway Dept., out of those 4 were interviewed. But sadly several took other jobs. Still there was one that looked very promising and she will meet with the Highway Chief soon to discuss.

ACTION ITEM: Kathy will coordinate with the Highway Department head regarding reviewing additional applications and scheduling an interview for promising candidates.

Carl's resignation. Kathy then turned to the resignation of Carl Seppala. Susan noted that Carl went above and beyond the duties of just a Selectboard member. She was sorry to have him depart. Zara also expressed thanks for Carl's work and suggested as a future agenda item discussion regarding duties he held for the Selectboard.

FRCOG DLTA. Kathy then reported briefly on FRCOG and the DLTA grant and several items that we have which might work. One in particular related to the Fire Dept. and some of the inter-municipal agreements for aid. Zara then noted some other items like a municipal wage and classification study and a few other items. One that has come up at town meeting, like updates to the Zoning By-Laws. Which seems an ongoing issue for the town. Susan concurred noting some planning reports she's seen historically. The town should consider changes to zoning regarding including the potential for a commercial zone. Laura asked where it would be. Susan responded along Rt. 202 in the general area of the General Store as we have had other things there including restaurants and a gas station. Laura asked about the existing zoning. Susan responded it is zoned as the whole town is as residential agricultural. But still she felt that this area has a history of commercial use. Further all of those lots are non conforming. If we did a commercial zone we could write specific regulations relating to the existing uses. Laura asked what it would mean to present residents including those living next to that General Store. Susan responded that there would be public meetings and hearings. The town wouldn't just exert this without consultation from the public. She noted three different plans looking at the future of how the town could be built out. Some have included a commercial zone around the historic common, but it was prior to historical designations of the Town Common. Laura noted the Town Common did have more than residential activity such as the New Salem Academy and it had a bookstore. Zara interjected to remind that this really isn't something to get into the weeds over. This would all go through a proper zoning process. Laura responded by outlining her early memories of the town and the uses of various properties. Stressing that the New Salem Academy was a nonprofit entity with a considerable amount of activity occurring around the Town Center. Zara returned that this discussion is regarding grant funding categories. Stacy then interjected to note that what's always happened in the Town Center is community activity. The New Salem Academy was a school. Not much unlike any other school public or private. No commercial stuff really happened there. The gas stations, the restaurants, they've all been down by Rt. 202. Susan suggested we simply look at the historic patterns of activity while considering the zoning as a whole.

Other items were noted for the grant as well including police, cyber security, website training, and open space. Other things like digitizing of records should also be considered. Zara suggested it might be helpful to really globally look at all of our buildings and determine their needs. Susan agreed submitting that taking a hard look at proper vegetation with an expert landscape engineer would be helpful as that can sometimes be done to protect the buildings. Stacy suggested it might be worthwhile to consult some citizens in town who have put many years into thinking about solutions for much of this. This isn't the first time these questions have arisen. She further recalled reports at town meetings. At the time our desperate need was broadband and so that became the focus. The Selectboard concluded by ranking its top 3 priorities. 1.) Updating the Open Space & Recreation Plan, 2) Zoning – marijuana and housing, 3.) Assessing appropriate wages and benefits for town employees, including those shared with other towns.

ACTION ITEMS: Zara will provide notes on DLTA choices to Kathy after the meeting. Kathy will send the completed form to FRCOG on January 27. Kathy will also ask FRCOG about assistance with capital planning regarding a town-wide look at building upgrades, the need for new, fuel-efficient or renewable heating systems, and funding for maintenance. Zara will follow up with Stacy to review plans/reports compiled by the Building Action Committee.

Agenda & Minutes

The Selectboard considered the minutes for December 27, 2022, and January 9, 2023. Susan then suggested approving the December 27 minutes with a small edit as to the wording of a section regarding the Highway Dept.'s process. Zara also had some changes for that set of minutes as well as some changes for the January 9 minutes. Susan also made some suggestions regarding the January 9 minutes. It was agreed to adopt both sets of minutes as amended.

VOTE: A motion was made by Susan to approve the minutes for December 27, 2022 as amended. The motion was seconded by Zara and passed by majority vote.

VOTE: A motion was made by Susan to approve the minutes for January 9, 2023 as amended. The motion was seconded by Zara and passed by majority vote.

A motion to adjourn at 9:05 pm was made by Susan. The motion was seconded by Zara and passed unanimously.

Respectfully Submitted
Jakob K. Voelker, J.D.
Selectboard Clerk