

Town of Paxton Board of Selectmen

Regular Meeting Minutes

Monday February 25, 2008

Members Present: John F. Malone, Chair
Fred Goodrich, Vice Chair
Michael T. Quinlivan, Clerk

Charles Blanchard, Town Administrator

Attendees: See attendee list

Meeting Minutes

- **Motion** (MQ) seconded (FG) to accept the Regular Meeting Minutes of February 11, 2008. Unanimous.

Public Safety Complex Building Committee

- Richard Bedard, Chair of the Public Safety Building Committee informed the BOS that the committee had voted on the General Contractors bid and that they would be asking John MacMillan to prepare the contract, review and then return to the BOS for signing.
- Award the General Base Bid to BW Construction for \$ 4,924,000.
- Award Alternate #1 (Lightning Protection) for \$ 16, 599.
- Award Alternate #2 (Landscaping) for \$ 7,814.
- Award Alternate #3 (Carport) for \$ 32,856.
- Award the Total Bid for the above items to BW Construction for \$ 4, 981,269.
- **Motion** (JM) seconded (FG) to accept General Contractor Bid. Unanimous.
- (JM) congratulated the committee for their diligence for bringing the bid under budget.

Recreation Commission

- Paul Riches, Chair of the Commission provided the BOS with a written report of the progress of the Commission along with details of current activities offered and stated that no programs have suffered throughout the recent transition.
- Paul introduced the new Recreation Director, Kristen Coffey and Administrative Assistant Kathy Card.

Appointment

- **Motion** (JM) seconded (MQ) to appoint Susan Chianese to fill the opening on the Recreation Commission for a term ending May 2009 until the next May Election. All Recreation Commission members in favor. Unanimous.

Town Administrators Update

Richards Memorial Library

- Library Director has requested the BOS approve the acceptance of a \$300.00 cash distribution from the Compact Disk Antitrust.
- **Motion** (JM) seconded (FG) to authorize the BOS to sign the agreement to accept the Compact Disk Anti Trust settlement. Unanimous.

Alcoholic Beverage Commission

- ABCC is requesting the yearly temporary population increase figure for Paxton.
- **Motion** MQ) seconded (FG) to authorize the BOS to certify the temporary increased resident population on July 10, 2008 as 4,760. Unanimous.

Beano Event

- Chief Conte has requested that the BOS approve an application from Atlantis Foundation to operate a Beano Event with proceeds going to the Fire Department.
- Chief Conte stated that neither the Fire, Police nor Fire Association would be involved and that Atlantis would provide a donation check.
- (CB) pointed out that the application to the state needed to be completed fully and the name amended.
- **Motion** (JM) seconded (MQ) to accept subject to the completed application. Unanimous.

Chapter 90 Roads

- Mike Putnam has completed the New Road Inventory Forms required to update Chapter 90 roads. The length of the new roads total 1.23 miles and would amount to a further \$5,000.00 in Chapter 90 money.

GASB 35

- Diane Dillman, Light Dept. looking for guidance with GASB 45. Town Accountant and Auditor has stated that they are okay with our software.
- (JM) asked that (CB) provide Diane Dillman a copy of our actuarial study with the understanding, that this is what we have.

Investigation in the Loss of the Recreation Commission

- (JM) stated that all questions would go through the Chairman and that there would be no public discussion.
- **Motion** (JM) to accept (FG) report with (CB) amendment as a written rebuttal.
- (MQ) seconded for discussion.
- (FG) stated he had no questions at this point but would have some later, stated that they

had beaten this thing to death and time to move on.

- (MQ) thanked (FG) for the work he had done, he stated that he had proposed the motion on December 3, to let emotions calm down.
- (JM) asked (MQ) if he had a question.
- (MQ) said that he had 2.
- (MQ) to (FG) that from his report it was not so much the opening of the road but the affront (of the Recreation Commission) and that he would like to give a short synopsis of what he saw.
- (JM) responded no synopsis.
- (MQ) responded here's the question, we had a meeting on September 24th, we had a motion, wasn't a motion taken was a direction, we had received letters through email from the Recreation Board requesting some help at the park as they saw a public safety issue with children. On 24th we took a definite action on that date in regards to that and it took 2 parts. Jack made the motion
- (JM) corrected no motion.
- (MQ) continued discussion and asked for 2 actions – report from the Chief of Police on situation, police to back Recreation Commission to enforce parking, it was quite ambiguous, but this is what we wanted, is that right Fred?
- (FG) answered on 24th part of a discussion, I believe.
- (MQ) to (CB) we had set a policy long ago to support other boards and a lot has been made of this jurisdiction, jurisdiction for public safety comes under the BOS, we were asked by a board properly for help. We then directed our Town Administrator to take an action in support of that board and give them what they asked for. Why did that not happen Charlie?, as the indication from Charlie's report, from Andy Serrato email comment, Police Chief will not or cannot enforce parking, when we had directly issued a statement for police to go down and clear the road.
- (MQ) to (FG) why was that not done and my second question to the public.
- (JM) advised no public session.
- (MQ) continued okay why not done, all indication exact opposite was done, which forced the recreation to close the road, which wasn't their first choice.
- (FG) clarified for (MQ) that a request was made by (JM) to (CB) with recommendations and that was done, that was what they received at the October 9th meeting with a letter from the Police Chief and a response to Andy Serrato relative to jurisdiction.

- (MQ) asked (CB) to read the direction from the September 24th minutes, which he did.
- (MQ) continued I want to stop there, send police, clear the road and enforce parking as authorized by the board, you indicated to me Fred that signs were put up and barrels put in place, were there any barrels that ended up in pond.
- (JM) interjected Mike if you know the answer don't ask the question.
- (MQ) continued impression given we usurped the due and proper authority of another, that was the root cause of this. Cause of this is we gave direction to our Town Administrator and that was not carried out.
- (JM) asked (MQ) to stop, stating that this was not going to continue.
- (CB) responded from the minutes "review situation and enforce parking".
- (MQ) was there any communication from Chief or our Town Administrator to Rec. Board that their BOS had agreed with them and sent police to do what they wanted
- (JM) stated that the conversation was not going to continue unless there was something constructive and specific.
- (MQ) continued and stated that he wanted to stick to the facts, whether after September 24th did anyone clear out the road, the issue whether or not to enforce parking, is in the minutes, On October 9th we affirmed our position of the 24th and the police were sent, that was not done by the police.
- (JM) we all went down, I went down, (CB) went down, and the police went down.
- (MQ) went on to mention his request to have the Commission attend the October 9, 2007 meeting.
- (CB) responded that the first he knew of the request to invite the Recreation Commission to the October 9th meeting was when (FG) interviewed him. As far as the results from the September 24th meeting, memo from the Police Chief dated September 26th indicated he had responded to the Boards request to meet with the Recreation Representative, done exactly what had been asked of him by the BOS.
- (FG) confirmed that (CB) was correct in what he said at his interview, but when he interviewed (MQ) he told me he had made the request of (CB) after their Capital Improvement meeting on Oct 4th, to invite the Recreation Commission to the October 9th meeting and that he had a witness.
- (JM) asked who this was and (FG) responded Chris de. Marcken.
- (MQ) continued I have a question, we have made a lot of noise about this and there has been a lot of smoke and mirrors about jurisdiction and I would like to go to the written record, which we should go on in the future. The written record indicates that we made a

directive through the board to the Town Administrator, and anyone can jump in.

- (MQ) did anybody have any conversation about clearing that road out with our public safety official (both (JM) and (FG) repeated his last words unsure what he meant)
- (MQ) continued clearing the road out for parking was the original request, did that ever happen or was evidence uncovered to the contrary that there would be no enforcement of parking.
- (FG) responded the issue on parking as the correspondence shows it is difficult to administer parking tickets and problems enforcing.
- (MQ) continued on October 9th we again affirmed our position of September 24th, but this time police were sent to clear parking and put up yellow tape
- (JM) corrected, not done by police, under my direction
- (MQ) asked who had put up the yellow tape, and was answered with soccer people.
- (MQ) asked did police go down to check parking?
- (JM) responded that the police went down, he went down, (CB) went down, they went down, and the result was there was no parking.
- (MQ) continued that if the directive of September 24th had been carried out then none of this jurisdictional issue smoke and mirrors would have happened, we co-operate, we tried to co-operate both times, but communication was terrible because our Town Administrator did not carry out directive we gave him on September 24th.
- (CB) again read from September 24th minutes, the directive, which he had carried out and the response in the form of the Chief's memo, which he read out loud
- (MQ) interrupted "to try the barrels" that is not what he said, that is a misrepresentation, he did not say that the Recreation Board put barrels up because they could not get enforcement of the parking.
- (CB) confirmed that was what the Police Chief had written.
- (MQ) stated I make a motion right now insubordination on the part of the Town Administrator and that is why we lost the Recreation Board and I want that written and put in his record.
- (JM) tried to stop (MQ) and stated that the discussion was terminated and that he would be making a statement.
- (MQ) continued I am making a motion a written reprimand in the Administrators record for not carrying out our directive and thereby losing our Recreation, that were perfectly good at what they did

- (JM) stated that the discussion was over and that there would be no reprimand.
- (MQ) continued I have a motion you don't have to second it I am asking for a second.
- (FG) asked whether they were going to continue the conversation at some future point in time
- (JM) responded after my statement.
- (FG) responded right now that motion can stand until the meeting is over.
- (FG) asked (JM) if he wanted a second for discussion.
- (JM) responded no
- (JM) right now as there are people at this table who can't keep their heads I would like to end the discussion
- (MQ) interrupted it is important, what happened here.
- (JM) Motion on what I made earlier.
- (JM) continued that he did not make a motion to move tape, his fault. Procedurally record should have shown that (MQ) brought up a situation referencing MGL that the BOS had jurisdiction over the road.
- (MQ) interrupted that does not mention BOS, misrepresentation and will not let it stand
- (JM) did you not come in with a reference to MGL.
- (MQ) responded that there was no mention of Recreation or BOS in the MGL and he asked whether (JM) had read it.
- (JM) stated that he had read it, and continued that he did not think that soccer's request was so big a deal and he that he took full responsibility. Going forward he had no agenda to take over the administration of the Recreation Commission. As the Town Administrator works for the BOS Chairman the responsibility for all issues rests on his shoulders and a reprimand is not appropriate.
- (JM) requested a second to his motion.
- (FG) said he would second for comment.
- (JM) stated he already had a second; he is calling for a vote.
- (FG) responded that he did not want (CB) (CYA) memo attached so could not say yes, he stated that they hadn't discussed 2 things communication and timing.

- (JM) said that he would resign from the BOS, as it was a witch-hunt to blame someone, he did not want any more talk about putting reprimands in people's records he would resign unless the public damnation of the Town Administrator was stopped and the crucifixion of the Town Administrator.
- (FG) responded that the BOS had always been able to work amicable.
- (MQ) responded my motion, which is not crucifixion, going to the directive given in the minutes of September 24th.
- (JM) responded he did what I told him to do.
- (MQ) responded he did not, that was the basis and anyone can write it that failure to carry out the directive on the 24th, the direct result was the loss of this board and I am asking on that basis that a written reprimand should be placed in the Town Administrator's record, if that was carried out none of this would have happened.
- (JM) asked if there was a second.
- (FG) informed (MQ) that he thought that he had picked the wrong date, because I think Mike has his dates screwed up.
- (MQ) asked (FG) to clarify what the date was.
- (JM) tried to move the point.
- (MQ) interrupted that (FG) may have some information that may cause him to withdraw his motion.
- (MQ) again asked (FG) what was that date?
- (FG) responded October 9th.
- (FG) on September 24th request of (CB) fulfilled. On 9th October when you set up something different it was not
- (MQ) asked (FG) what was set up different?
- (FG) helped (MQ) the meeting on the 4th when you supposedly set up the meeting through Charlie.
- (FG) continued that on the 24th got fulfilled the length of time was erroneous, all we asked for was a report back, we got a report back on 9th, if we had taken an action earlier if we had got involved earlier.
- (FG) went on, the 4th you asked Charlie to set up a meeting with Recreation, whether you had some knowledge that the soccer people were coming in just to find out the status of

the road I don't know. They were not invited, if Charlie failed to have Recreation attend the meeting on the 9th that may warrant a reprimand, but the directive of September 24th was carried out and we received the memo from the Police Chief.

- (FG) went on to outline the timeline of events, and stated that they failed to respond to the Recreation's memo of September 19th as they never saw it until September 24th. The directive of September 24th was carried out it was the request of Oct 2nd that was not fulfilled and that they took action without the Recreation being present.
- (MQ) to (JM) admirable to take responsibility, problem with order of report.
- (MQ) continued how it came up was basically in a conversation with a Recreation member as liaison, that they would be invited to the meeting, to send some help, after 20 minutes of talking they could have been talking about the weather, it what you remember, not saying that (CB) is dishonest, its how you interpret the conversation. Reason I am concentrating on the 24th what does the written record say, this is not a problem of jurisdiction, they have jurisdiction of parks we have jurisdiction of public safety. We need to cooperate. These are not jurisdiction problems; these are problems of cooperation and communication. Communication is not happening.
- (JM) asked (MQ) what he said when he made the request of (CB) to have the Recreation present.
- MQ) responded I want you to please invite the Recreation Commission to our meeting and inform Jack the Chairman to put on the agenda, but maybe he did not hear me that's fine may have been worn out after 20 minutes of listening to me, want to go to written record what actual occurred in the timeline and (CB) does a good job in backing up.
- (JM) asked that they get back to his question accept his motion and no reprimand.
- (MQ) informed (JM) that the best way to do that was to render on my motion and then take your motion.
- (FG) asked (MQ) if he could modify.
- (MQ) responded Motion to accept (FG) report, include in the Town Report and thank him for his work and reprimand the Town Manager for failure to carry out and communicate the intention of the board and directive of the BOS on September 24th.
- (JM) asked whether he heard a second.
- (FG) stated that based on what he had just said that he could not second.
- (JM) responded so there is no second.
- (MQ) responded further amend, the failure to invite as requested and this is where I think we will be getting into trouble Fred here, if I do this. I think this is where we are going to be weak but I am going to entertain you because I think that it is important that if the

Selectboard make a policy it should be carried out by the Town Administrator as requested on the 2nd and inform the Chairman and to invite the Recreation Board

- (FG) corrected on October 9th
- (MQ) corrected on October 9th meeting.
- (FG) that motion I will second.
- (JM) responded if the motion passes you do not have a chairman of the BOS there is no need to have a reprimand on file, for could have should have, for someone who has an axe to grind.
- (CB) stated that the record clearly show that he took the action, the 24th was the first meeting after the September 19th correspondence, and the first chance for the BOS to take action. He did not hear the request to invite the Recreation Commission to the meeting; if he had he would have invited the Recreation Commission.
- (MQ) Town Administrator did not follow through on direction.
- (CB) responded that he honestly did not hear (MQ) say to invite the Recreation Commission to their meeting, otherwise he would have and put it in his update.
- (MQ) asked again, why they weren't invited.
- (CB) again reiterated that he did not hear the request.
- (MQ) said to look at minutes and recorded conversation, public safety involves the kids, tried to send public safety down there – didn't happen.
- Chief Desrosiers wanted to speak, but (JM) had not opened it up to the public, so denied him.
- (FG) responded that on the 24th (CB) did what he was supposed to do, if they had seen the emails earlier and taken action but downplayed the importance of the safety of that road.
- (FG) added that if something comes up that needs their attention, and then an emergency meeting should be arranged. If they had met on 19th or 25th for a special meeting they would not have had the problem that we have
- (JM) stated we have a motion on the floor. We have a second all in favor for the reprimand for Charlie say "AYE".
- (MQ) "AYE".
- (FG) on the 9th
- (JM) a reprimand for Charlie say "AYE".

- (FG) I'll second that.
- (JM) responded I say no and I resign, no way in hell does that man deserves a reprimand. A travesty.

(JM) left the meeting at 8:40pm.

- (FG) stated it was unfortunate and changes would be put in place so as this would not happen again, this would be done at the next meeting.
- Sheila Ducharme, ex Recreation Commission member stated that this was not (CB) fault; the BOS were trying to blame one person, when the BOS were the ones that overturned the Recreations decision and that was the reason for their resignations. (CB) got back to them, as did the Police Chief, it was the BOS decision that led them to resign.
- (MQ) interrupted Sheila, and asked if she had walked the access road at night, and whether it was their first choice to close the road, or was it because they did not get any response from the police.
- Sheila responded that she knew the police had been up there and had corresponded with (CB).
- (FG) made a motion to adjourn, but no second.
- Police Chief Desrosiers tried to clarify for the BOS, that he is paid to do the right thing and he does the right thing, there were many issues about the legality, and he did not feel that ticketing was the best solution to the problem. He went on that the BOS might think they know what they want, but not what I can do legally.
- (MQ) asked for one response to his question, if you went up to a car wearing your badge and asked them to move, what would they do,
- The Chief responded move.
- (MQ) exactly.
- Jim Brodin, Recreation Committee member, agreed with (JM) that a travesty had taken place, and asked if they could discuss what had happened with (JM).
- (MQ) what can I tell you, (JM) prerogative.
- Jim Brodin asked why (MQ) when not seeing the Recreation Commission at the October 9th meeting, did not ask (CB) where they were.
- (MQ) spoke for a while about jurisdiction and that when he saw a problem with the compromise of public safety, would not hesitate to send his police down, not safe to ask soccer coaches or recreation members to stop people parking or ask people to move the dogs, I will send my dog officer down there, that's what you pay taxes for.

- (FG) asked that he answer the question.
- (MQ) responded honest truth, Jim see how angry I am now, that was how I was that night after speaking with the Recreation Commission for the pass two weeks, and then not seeing them there at the meeting.
- (MQ) We have police, there was no offer of help, and that forced Recreation to close the road.
- Jim Brodin, said you answered my question, it was not a good one.
- Andy Serrato, ex Recreation Commission member, gave out his own report, which was comments added to (CB) report and stated that Fred's report was perfect, and that the communication with Town Hall had always been terrible. He had sent emails to Carol Riches, thinking that they would be passed on, on a daily basis, but that wasn't the case.
- Jim Brodin stated that a reprimand was given on regarding a missed meeting that (MQ) and (FG) could not even agree on the date.
- (MQ) responded that there was a directive that was given, I didn't want to bring in the date, but had to.
- (CB) asked for clarification of the reprimand that the idea was that he did not take the action asked of him on the 24th and yet (FG) indicated that he did.
- (FG) agreed.
- (CB) continued, that he did not take action of 24th but then it got changed and was supposed to have asked after a capital improvement meeting to invite the Recreation Board to the next meeting, which I did not hear, yet Mike had the opportunity to see the agenda the Friday before the meeting and never questioned why the Recreation Commission were not invited.
- (MQ) responded we have an agenda, and I did not want to disrupt the meeting, thought that it would come under other business.
- (CB) asked (MQ) if he was that angry even through the first part of that meeting, whilst going through the minutes etc, that you couldn't just ask me where the Recreation Commission were that you say you asked me to invite. The meeting didn't get heated until that one of the BOS got heated up insisting that the road should be open.
- (MQ) asked (CB) why he did not invite the Recreation Board to that meeting.
- (CB) responded because you did not ask.
- (MQ) asked whether (CB) was calling him a liar.

- (CB) responded only that I did not hear you ask me.
- (MQ) responded good.
- (FG) asked to move on.

Public Session

- Mike Ross stated that he was appalled when the BOS appointed Jim Brodin to the Recreation Board even though his wife (ex Recreation Director) had told them that she could not work with him. Now she has a job at the Paxton Courts and the owner told her today, that he is getting pressured from 2 Recreation members that if his wife was involved then they would not let their children take part in the programs.
- (FG) stated that he was aware of the situation and was looking into.
- Mike Ross continued that he believed those two members were Jim Brodin and Katie Siemen.
- Jim Brodin stated that he had not been in the Sports Center for over 3 months.
- Katie Siemen stated that she had not said anything to the Sports Center and that it was not true.
- (FG) that was not the way for public officials to act, and he was dealing with it.

Motion (MQ) seconded (FG) to adjourn the meeting at 9:00pm. Unanimous.

Respectfully submitted,

Carol L. Riches, Administrative Assistant