

June 5, 2017 Select Board Meeting

Present: Don Chabon, Chuck Cardillo, Terry Flynn, Danielle Fillio, and Theresa Zanetti

Don welcomed everyone to the meeting.

The first item on the agenda was to review Select Board Practices. Don stated that the Board meets two Mondays a month at 7:00PM and one or two Wednesday mornings at 8:00AM each month. All meetings are posted and televised. Wednesday morning meetings are more employee-based. Proper meeting conduct is expected. Speakers must go to the podium to speak and it is expected that all will be courteous and respectful. Communications from Commissions and Boards come before the Select Board through the Chairman.

Next on the agenda was the approval of the Bond Sale and award of Bonds. As Karen was not present, Danielle explained the sale as follows:

The Bond Sale was today for the 2.6 million dollar Bond. Five quotes were received. The lowest bidder was 2.64% interest rate with TIC ending at 2.68%. Bond Counsel has prepared the award documents for the Board to vote and sign.

The first vote is to certify that the Board is holding the meeting today, June 5, 2017 and it was posted as an agenda item.

The second vote is to award the bid to Robert W. Baird & Co., Inc. in the amount of \$2,680,869.15 and approve the accrued interest.

The third vote is to accept the dates of maturity for the 5 Term Bonds.

The fourth vote is to certify that Notice of Sale and Preliminary Official Statement and Official Statements were approved correctly by the Treasurer.

The fifth vote is that the Bonds shall be subject to redemption at the vote of the Town.

The sixth vote is to authorize the Treasurer and Board of Selectmen to file continuing disclosure statements which the Treasurer already does for other Bonds.

The seventh vote is to authorize the Treasurer to act in accordance with Federal Tax compliance procedures to maintain the Town's tax-exempt status.

The eighth vote is to authorize the Board of Selectmen, Town Clerk, and Treasurer to take any other actions necessary.

The ninth vote is to certify that all of the mentioned votes were taken at an open meeting and not in executive session.

Don made a motion to approve the votes presented by Danielle and submitted by bond counsel. Chuck seconded and the vote was unanimous.

Next on the agenda Don announced Board and Committee openings. On the Historic Preservation Committee there is a vacancy due to Sue Bonak's resignation. There are seats open on both the Community Preservation Committee and ZBA that were held by Jack Spencer. The Conservation Commission has a set open that was held by William Briggs. The Stockbridge Bowl Committee has a full time seat vacated by Kate Fletcher and two for summer resident seats and The Rest of River Committee has an opening. Don noted that all openings will be posted and to forward any recommendations. If anyone knows of any other openings please let the Select Board know.

Don discussed sharing services with neighboring towns. Chuck would like to set up a committee to look into emergency services. Terry would like to be a part of this also and suggested that Chuck have a deputy negotiator. The Board will also look into Town relationships with Non- Profits.

Don went over the following Town project updates:

The cell tower should be functioning, hopefully by June 19<sup>th</sup>.

The Town has had citizen comments that the Town web page was difficult to use. Danielle attempted to acquire three quotes; one chose not to participate. The others are Virtual Town Hall with a quote of \$6,000 upfront and 1,500/year and Tom Sharpe from Mungy Studios in Stockbridge whose quote is \$2,800 per year and we would do our updates ourselves. Danielle hopes to finalize a contract next week and update the site.

The Town is pursuing a Human Resource's plan for the Town; working with MMA on organization which was suggested by the Finance Committee.

Highway, Bridges, Garage, and Grants are all moving ahead. Chuck added that the temporary trailer is at the landfill contain soil at the garage site.

The Town beach has new sand, the goose fence is up, life guards have been hired, and the parking lot has been fixed.

Next on the agenda was approving of two June events that Naumkeag had submitted. Mark Wilson, curator, Carrie Ann Petrik-Huff and Margaret Moulton went to the podium to represent Naumkeag and to answer questions.

Ruth Pearce, 12 Main Street, asked why the Board puts Naumkeag through this process each year. Danielle stated that the Board always looks at events one month at a time so that there is time to address any issues. Don said that the Board has drafted a new one day event and alcohol policies that will be presented at next Wednesday's meeting. Naumkeag and Chesterwood have always presented their events one month at a time.

Tom LaBelle, 39 Church Street, asked about the event hours. Danielle responded that the Naumkegger on June 24<sup>th</sup> will be from 5PM to 8 PM and the Naumkeag at Night will be from 5PM to 8PM. Tom asked if there would be amplification and the response was that there would be only to voice and instruments (semi-amplified) that would not function without it. Tom then asked what the consequences would be if

the rules were not followed and Don responded that they are being given opportunities and if complaints remain they would go to arbitration. Terry added that the Board acts as arbitration, therefore let us know if we need to do better.

Chuck added that it had been loud at weddings in the past and the representatives of Naumkeag responded that they were cutting back on weddings because it is easier not to have them. Chuck restated that they need to control their weddings.

Terry questioned the request for guitar and keyboard amplifications and voices that cannot be heard; will there be amplification. The response was that they have been measured many times and have been within the bylaw volume limit.

Mary Boyce, 28 Church Street, added that for years Naumkeag had events without any amplification. It is a residential neighborhood and does not feel the amplification is necessary. She also questioned why non-profits are running a business.

Shelly Swofford, 14 Main Street, Merwin House, voiced support and stated that it is a hardship to run non-profits with federal and state funding cuts. She added that the hours are just 5PM to 8PM and it is a short season. She is a neighbor but supports Naumkeag.

Don said that he was inclined to say no amplification but they are making an effort.

Liz Murray, 7 Yale Hill Road, stated that she is pro Naumkeag. Naumkeag is a jewel to the Town and we need to help in any way we can.

Ruth Pearce, 12 Main Street, is also a neighbor but one in support of the Naumkeag events as it brings young people to Town. It is a beautiful setting and amazing program. It is important to support our neighbors; please don't push back.

Jesse Toro, 19 Cherry Hill Road, and she grew up next to Naumkeag and noted that it is affordable and family friendly. We are supporting local musicians and bringing people together. She is in full support.

Christine Rasmussen, 3 Sergeant Street, agreed with the positive impacts of the Thursday night events at Naumkeag and hope that the Board will support Naumkeag.

Gary Pittney, 37 Church Street, stated that he was representing the neighborhood and that it is a short season for the neighbors also. He encouraged the Board to allow events but no amplification at all.

Shelby Marshall, 3 Cherry Hill Road, said that he is a supporter of the event. He said that a part of the event is food and drinks and it does not make it a business.

Don said that no one was debating the events themselves or Naumkeag itself; it is a question of the noise in a residential neighborhood.

David McCarthy, 29 Church Street, said that this provides wonderful community events. He also hears the music but believes in the greater good of the events in building a stronger community. If they were

all weddings, one might have a different point of view. While he respects his neighbors who are against the events, there is also a large group in favor of the Naumkeag at Night events.

Don said that Naumkeag is making the effort and Chuck added that he would like to try it, approve the two June events and meet again to see how things went and discuss any issues.

Terry added that they would see how it goes while protecting the quality of residential neighborhoods. Both sides are talking, listening and trying to work things out.

Chuck made a motion to grant Naumkeag both one day alcohol and event permits for the Naumkeagger and Naumkeag at Night events in June. Don seconded and the vote was unanimous.

Danielle asked that Naumkeag come back in front of the Board at the June 26<sup>th</sup> meeting to approve July permits. Hopefully the new policy will be in place by then.

Next on the agenda was Marc Wilhelm from Wheatleigh. He asked for a one-time extension for music at an upcoming Saturday night wedding, June 24<sup>th</sup>. Music will begin at 8:00/8:30 PM and he asked that it could end at 11:15PM. Kate Fletcher, a neighbor to Wheatleigh, asked what time the event would wind down and Marc responded that he was asking for 11:15 PM.

Terry made a motion that the event be granted to end at 11:15 PM, Don seconded; the vote was unanimous.

Next on the agenda was Don with discussion on the Town Administrator position. Citing Town Counsel opinion that as Danielle Fillio had applied for the position, she was asked not be present at the meeting during the discussion.

Don began by saying that he had spoken to Town Counsel concerning regulation of the matter. There was an internal announcement of the job opening posted as dictated by the employee hand book. He stated that after a year and a half of job descriptions, postings, an application process, withdrawals, regionalization, and agendas with no results. Danielle was appointed as Interim Administrator at the end of that process. Being faced with going through this whole process again, having another subcommittee, we would be rushing the process. We have many options on how to proceed. The time line could be 5 to 7 months, if the process works. We have Danielle who has been doing the job for 9 months as Interim Town Administrator. She worked 9 years as the Administrative Assistant and she has kept the ship afloat. She has essentially been doing the job as Town Administrator; she takes initiative, shows insight, gets along with others and listens. She is in place and can do the job. Her appointment would involve a promotion from within, a highly desirable practice for an organization. If we promoted for within we would have a hands on regional person familiar with Stockbridge. This would be a relationship with high potential for the long term. We are not in any emergency situation.

Don had gone over all the resumes and job descriptions and feels it would be the best long term interest to appoint Danielle. It would give us a competent administrator and let us to move on. She is a fully capable and competent person.

Danielle sent in a letter of request to be considered for this position.

Don made a motion to appoint Danielle as Administrator pending the conclusion of successful contract negotiations.

Terry spoke and said that this process was very underhanded and contrary to what had already been established. He believed that Chuckie knew ahead and accused both Don and Chuck of orchestrating Danielle's appointment in advance and that he was unaware of the internal job posting; an underhanded, sleight of hand. He would do everything to find out if this can stand ethically. This has to do with process, sneakiness, and obstinance on Don's part. He accused Chuck on dragging his feet by not re-starting the search.

Terry asked for time and Don said that they could drag this out but his best judgement was that there would be no advantage to going through the whole process again.

Terry stated that he did not trust Don's best judgement. He said that Don is one selectman; not a dictator. He said that it was egregious, what Don was doing.

Terry said that they should not have such a vote tonight without informing everyone. His disagreement was not with Danielle doing a good job but the process is not correct. Terry said again that the disagreement is process wise, not to Danielle being Town Administrator.

Don stated that they need to move on; it is a 7 month process.

Terry said that there should be a screening committee and advertisement for the job which could be done that night.

Don stated that they have a Town employee who is in the job and he did not understand Terry's objection to that.

Terry stated that he felt blindsided but he is not anti-Danielle. It is a careful process.

Bronley Boyd, 4 Pixley Hill Road, questioned that as Danielle reports to the Select Board, who reviews employees and asked when she had last had a review. Don said that they do not have a formal review process but are putting one together. Bronley said that with a review process it could better be determined who could fill the position.

Charles Kenny, 5 Meadow Road, said that the Board was doing a great job keeping Stockbridge independent and to continue to follow through. He has confidence with Don and Chuck's decision on how well Danielle has done but that the Town deserves to have the best person and look for the maximum number of candidates to review. Danielle continues to do a great job as interim which gives the Town added strength; this gives the Town an advantage to have her in place while we search. He added that this should be a two tiered selection process; a selecting committee to then pass the decision onto the Selectmen. We have someone in place who is excellent but are we set up to go further?

Louise Gachet, 39 Church Street, questions how long the Town is going to put Danielle through this whole process and objected to putting Danielle through the same hoops again.

Mary Boyce, 28 Church Street and member of the Finance Committee, said that one of their recent discussions had been about the importance of a grant writer. She asked if anyone had training in grant writing and will the Town provide the position with the necessary training.

Chuck said that all necessary classes would be offered.

Michael Blay spoke that he has been the Principle Assessor for the Town for 23 years; 22 years with Jorja and that he has worked with Danielle since they have been in the new building. He continued that he always felt that Danielle is extremely qualified and as she worked under Jorja; who better to promote. He continued, speaking for many of the Town Department heads, that they know that Danielle is knowledgeable and willing to learn the job. This is an example of promotion from within and he believes in the process. Danielle is the perfect choice for the position and has already proven that she can do the job. He urged the Board to give her the consideration.

Jay Bikofsky, 6 Larrywaug Cross Road and Chair of the Finance Committee, shared his thoughts; first with respect to the success of a Town Administrator is having the support and respect of the people who work for you. He added that the Town has a number of critical elements to deal with in short order and do not have another year or 18 months to wait. We have someone here who has the experience who can acquire any other expertise she needs. The Town received an A++ Bond Rating this year and they incorporate the team who is running and working for the Town. He urged the Board to give it a shot. With this year's budget, it was a streamlined budget and Danielle ferreted out the issues and resolved the issues. She did an excellent job with the budget and Article 4 passed without an issue. He stated that the Town should give her the opportunity to prove herself and that they have nothing to lose.

Denny Alsop, 3 Main Street, spoke to Stockbridge being a great Town because of its traditions and the way they have of working together. The Board of Selectmen sets a tone for the Town and the tone has not been collegial and open as it could be over the last few years. He said to the Board that process and procedure and tradition do matter as much as personality. In this process, to read in the newspaper what is coming down has the effect to scare off applicants. The Board is continuing the process of not getting along, and not investing the time and collegiality needed. It takes time and good will. He urged the Board to honor the process for Town Administrator selection.

David McCarthy, 29 Church Street, agreed with all that Denny said. He also said that there first needed to have been a process to follow and secondly, communication amongst themselves.; there should have been a discussion. He felt that it was inappropriate and had made it impossible for qualified candidates to now apply. He felt that the tone of the Town has eroded over the last 5 to 6 years and this was another major setback.

Tom Labelle, 39 Church Street, said that with respect to Danielle, everyone can have their processes but you cannot learn what Danielle has learned in the last nine years. Aside from being a paralegal, extremely organized, and demonstrates a great command of municipal law; her main qualification is

that she knows the Town of Stockbridge. No one who comes in, no matter their degree, will know that for two to three years, if at all. He stated that Don is just attempting to cut the over-processing and he hopes that he does.

Ruth Pearce, 12 Main Street, stated that she was extremely uncomfortable about the discussion of a particular individual in a public forum. As for proper procedure of choosing a Town Administrator, one should look for the best option overall; the final choice should know that they were selected because they were the best option overall, not the default choice because it is expeditious. A formal process should be followed.

Nancy Socha, 5 Rattlesnake Mountain Road and Town Tax Collector, stated that it is known that Danielle is qualified and clearly knows what she is doing. She continued that Danielle does an excellent job. The people who work alongside her know her and her qualifications best. The Town has someone in the position and should keep her there. She is confident and knows what she is doing.

Terry asked Chuck how long he knew that the appointment was going to happen and mentioned that the Selectmen are not allowed to talk to each other in private but he questioned the reality of it happening.

Kate Fletcher, 83 Hawthorne Street, asked the Board to stop the current discussion and reset. The decisions sounded like a foregone conclusion. She felt that the article in the Berkshire Eagle was inappropriate and made the decision a foregone conclusion.

Don asked that they talk a bit amongst themselves. He said that he felt it would be horrible to send the Town through another circus like they had before.

Terry said that he wanted more time and that the two of the other Selectmen will proceed no matter what and asked for more time.

Don said that he believed they have a competent and capable person in place who had been doing the job for nine months and has been doing it very effectively. He believes that it would be in Stockbridge's best interest to end this process and this is the right thing to do.

Don asked for Chuck to second the motion.

Chuck stated that he had been working with Danielle for nine months as interim administrator and for additional years prior. He felt that Danielle was excellent at her job and that he had 100% confidence that she can do the job and move this Town forward. He did not believe that they could find a better candidate. She completed the budget process and instituted 5 year plans. At this year's Town Meeting all articles went through and the Town had the best budget year in a long time. The Town Offices are running very smoothly. She is upfront, honest, she tells us if we are doing something wrong, listens and that is what he looks for.

Terri asked about the process that has transpired and Chuck responded that last year's hiring process went from ten applicants, to two, to the last person who was highly qualified but there were issues. He

stated that he was 100 percent in favor of hiring from within as was down with hiring Chief Fennelly. Stockbridge is unique and the Town would benefit greatly by giving Danielle the job and move forward.

Bronley Boyd, 4 Pixley Hill Road, again stood and stated that he was disappointed and that this process should not be about Danielle; she is a wonderful person and probably extremely qualified to apply for this job; it is about the process which the Select Board had taken.

Jay Bikofsky, stated that the Town has elected the three Selectmen to represent and manage the Town and we should take the decision they have and evaluate that decision, based on performance, in future years at an election.

Terry asked Jay his feelings about a Board of three and one person being left in the dark.

Jay said that he had no position on that but would not support that someone was secluded.

Don directed to Terry that there were no previous discussions and the opinions of all three Board members were well known. He also felt it would be a mistake to drag the Town through another process.

Terry asked that there be discussion at a public meeting first.

Tom Stokes, 51 Interlaken Road, stated that there are two tracks; one is process and the other the evaluation of Danielle. He is heart touched by how well she is doing but questioned the process and collegiality. He said that if the Board is of the mind to make this decision now, that they should go into executive session to discuss it. The Board members replied that they are not allowed to do that. Tom said that the two issues should be separated. He urged the Selectmen to work it out the best they can.

Christine Rasmussen, 3 Sergeant Street, stated that she had never seen the discussion of a person occur like this at a public forum and that it was unfortunate but cannot be helped. She also said that it is unfortunate that there was not a job description approved. It would be helpful to provide the community a job description and in two weeks put it on the agenda to discuss that description; not any person, the qualifications looking for in a Town Administrator. She asked the Board not to make a decision that night as no one deserves to be appointed to a position with this much controversy.

Shelby Marshall, Cherry Hill Road, strongly agreed with Christine and as Ruth said, he would suggest that the Board require, with a time limit, that they get qualified with any particular skills that they do not have at the start.

Chuck agreed that that is done in contract negotiations.

Don stated that there was a motion on the floor.

Chuckie being 100% confident seconded the motion.

Don reread his motion: "I move that we appoint Danielle Fillio Stockbridge Town Administrator pending contract successful negotiations." With the motion being made and seconded, Don asked all in favor;

Don - yes, Chuck - yes. Don asked for all opposed and Terry abstained with comment that they should not talk about any individual person; only the job description should have been discussed. This should have been done differently. He cited broken trust, an egregious procedure and an egregious newspaper article. The process was out there and it was derailed. He added that he wanted to make sure that Danielle knows that none of his emotion reflects on his view of her. He was not angry with her, just upset in the way the whole thing was done.

Don said that the motion had passed.

With no further items on the agenda, Carl Bradford, 2 Sawmill Road, addressed the room and added that it was vitally important that everyone, with excitement, welcome Danielle to this job and wish her well. The negativity that was heard was ancillary. Every comment heard about Danielle that evening was positive.

With no further business, Don made a motion to adjourn. Chuck seconded the motion. The vote was unanimous.