

SELECT BOARD MEETING MINUTES
Monday, January 28, 2019
7:00 PM
TOWN OFFICES, 50 MAIN STREET

Present:

Don Chabon, Chuck Cardillo, Terry Flynn, Ray Miyares and Danielle Fillio

Call to Order:

Don called the meeting to order.

Announcements: Don stated that the Conservation Commission did not approve the SBA's notice of intent for herbicides.

Agenda: Fire Department Issue Review:

Don stated that they would be having an Executive Session Hearing with Chuck on February 5th and outlined the discussion for the meeting.

Town Counsel Miyares discussed the legal procedures on the matter. Ray noted that his firm has been working on the personnel issue, they have been in conversation with Chuck's lawyer and he is hopeful that they will come up with a resolution that is acceptable to all. He said that an executive session has been scheduled for February 5th for a hearing. With respect to the two companies; in response to demand letters, Noble Products responded by offering to donate all of the delivered fire foam to the Town and to resend the outstanding amount owed which was \$12,555.71 which they say the Town owes. The effect of that would be, if agreed upon, that they would have more than an ample supply of fire foam but they would not have paid too much for it. Danielle has fielded some inquiries from other towns who might be interested in purchasing some of that foam. There is a process: the Fire Department needs to determine the amount of surplus and based on that they would need to go some type of procurement process to make it available to other Towns. If this works successfully, with respect to fire foam, the Town would end up not having paid too much or having too much. This is a reasonably successful resolution. He continued by stating with respect to Pioneer, the Town has fire wipes, ice away, truck wash and hose and gear cleaner. They claim that the company has over charged by about \$30,000.00, have one unpaid invoice that will remain to be unpaid (\$7,489.37) and Pioneer had been completely silent. Don asked if the companies were connected and Ray responded that they have separate ownership and addresses but when talking to them, they do sound like the same people. One company is ready to cut a deal while the other has greeted the Town with radio silence. Ray said that they have a partial accounting of what they have and is waiting to hear from the acting chief to firm up the numbers they have.

Ray suggested that the Board make a motion to authorize Town Counsel to execute a settlement with Noble by which the Town will not owe any additional money and will be allowed to keep all the fire foam that has been delivered to date and further that as a part of

the deal, Noble would not be delivering any more product. Don said, "So moved." Terry seconded; all were in favor.

Danielle said that once the amount of fire foam was surplus, it would be advertised in the paper stating the amount available for purchase, by a given date, and take the highest bidder.

Peter Socha said that the acting chief Neil Haywood was working on the inventory. Don said that Neil Haywood and Peter had agreed to continue to serve as the interim chief and assistant fire chief at this time.

Don asked Peter about the issues of readiness, responsiveness and preparedness of Fire Department as it exists today as concerns had been expressed. Peter said that they have a very strong group of dedicated volunteers in the department and would like to assure the Selectmen and citizens of Stockbridge that they have been able to meet all the calls with sufficient numbers. He continued that he and Chief Haywood have had discussion with colleagues of surrounding communities and with long established mutual aid agreements they have assured the department of coverage for large incidents. Peter said that they had no concerns at that time.

The next item was about procurement and procedures with questions addressed to Danielle Fillio and Jay Bikofsky. Concerning accounting procedures, invoices go from the department head to the accountant, bills are check for funds and then into the warrant which is signed off by the Selectmen. The issue here was that the bills fell under the \$10,000 threshold. Now realizing that this individual limit did not work a new procedure was implemented and Jay continued. He stated that existing purchasing and procurement procedures were reviewed by the Town auditors. They suggested combining both documents be combined into a single policy which is currently under review by the Town and a work in progress. In conjunction with the review, Jay stated that it was proposed the Town's Chief Procurement Officer, Town Administrator Danielle Fillio, approve all purchases recommended by department heads and in excess of \$10,000. The Town has also decided to implement its own internal control measure to pin point multiple invoices making up over the \$10,000 by having the Town Administrator also sign off on all invoices over \$2,500. In addition a list of frequently used vendors will periodically update and maintained internally for a reference and review process. Jay also emphasized that purchases in excess of \$10,000 but less than \$50,000 require three written quotes according to Massachusetts General Law. Department heads will be required to provide copies of these quotations as well as well as completion of the Town purchasing for approval by the Town Administrator and ultimately for future payment. Jay concluded by saying that once the revision of the updated policies had been completed, they will be presented to the Select Board as well as the Finance Committee for approval as deemed appropriate. Once completed these policies will be presented and reviewed with all department heads; with signature page to be done annually.

Terry asked to clarify that when a vendor creates a bundle of billing by segmenting invoices to keep the amount under \$10,000, it is actually illegal under Mass General Law and it was confirmed.

Jim Balfanz directed a question about the shelf life of the products in question and Chuck responded that they do not have a shelf life. He then commented if they had the room to store it why not keep it and use it instead of selling it at a cut cost. Peter said that that analysis had not currently been done but would look at it and make a recommendation to the Town. Ray added that if low bids come in the Town is free to reject the bids.

Kate Fletcher presented an update on the Zoning Review Committee. The committee was previously asked to take on short term rentals and the decision was that it should go to a committee. It was brought to the Planning Board and they agreed to create a bylaw on this issue and have ready for the Annual Town Meeting. She also updated that concerning their Cottage Era Bylaw review and it was recommended to resend that bylaw and replace it with an Open Space Residential Development Bylaw with incentives for restoration, resource protection and recommended that Town Counsel get something together before Town Meeting.

Adjournment:

With no further business, Don made a motion to adjourn. Chuck seconded; all were in favor.