



Town of Phillipston, Massachusetts

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BOARD OF SELECTMAN MINUTES

Phillipston Memorial School

Wednesday, November 03, 2021

Call to Order:

Chairman Bernard Malouin called the November 03, 2021, meeting to order at 7:06 pm

Board Members Present:

Chair-Bernard Malouin, Vice Chair-Gerhard Fandreyer, Clerk-Thomas Daoust

Board Members Absent:

None

Announcements/Discussions:

Attorney Dupere: Discussion for school agreement and related matters.

Attorney Dupere is currently representing Petersham and Warwick, so it may be difficult for him to get involved due to a conflict of interest. Biggest roadblock for us would be the OPEC Retirement Cost. You must pay everything off. You can not borrow the money or get a bond. You could pay back by working out a deal.

Eight members are on the RAAC Committee. Five from Templeton, and three from Phillipston. Attorney Dupere asked if the vote for the agreement was seven out of eight. Gerhard Fandreyer did not recall. Attorney Dupere suggested that we review the minutes for this vote and give them to Town Council if the vote was done incorrectly.

Attorney Dupere said that argument needs to be made on why the school needs to be open, and was the process done correctly? We have two options. Option 1-Special Litigation, but he does not believe that will ever happen again. Option 2-Withdrawal policy. Gerhard Fandreyer asked if we could get around that, if a third party could use the school if we are not involved?

Home schools and Kindergarten, we would not be subjecting them to the district. Attorney Dupere said that Charter Schools, the state is particular on them, but it would be possible. Private schools would be questionable. Thomas Daoust questioned him on having school choice and have Petersham/Warwick lease the building. Attorney Dupere responded that the town would have to get out of the region first and look carefully at cost effectiveness. Attorney Dupere will be unable to work on this for us, but he knows some Attorneys who could possibly work on this.

Gerhard Fandreyer would like an Attorney to look at the agreement, and guide us through the process, due to the Templeton Town Administrator contacting their Attorney all the time for their advice for the Town of Templeton. Attorney Dupere responded that the Regional Attorney should be looking out for the best interest of the region. The Regional Attorney should let the group write up what they want, and then the Regional Attorney would write it up. Then the Regional Attorney would review both sides and if he see's a problem with the agreement, he would let them know.

Bernie Malouin questioned why we are doing a new agreement? Tim Haley responded because it is 100 years old. Thomas Daoust mentioned laws, and Karin Foley responded that it mentioned schools that are no longer in existence, so we must get this section rewritten. Bernie Malouin responded, that sounds simple. Karin Foley said that if they went with the original agreement where we pay for the students, then we would say yes. Bernie Malouin responded that he is just trying to figure what is the purpose of rewriting the whole thing. Could you just clean it up if there were just a few things that do not involve you anymore? It would be easier to resolve.

Gerhard Fandreyer said that the 2004 Agreement was voted in, but the agreement was never approved by the Commissioner of Education. Linda Ellis replied that it was never accepted or approved. Attorney Dupere said if the Commissioner says that the agreement is not effective, the process is the Committee votes, the Town Meeting votes, Commissioner of Education approves. Bernie replied, so if it was never approved, should we be trying to amend that one? Attorney Dupere responded that at the next meeting that they go to, they need to ask which agreement they are working with. Is it the 2004 one or the 1977 agreement? Gerhard replied that they have said several times that it is the 2004 one, but he feels it should be the 1977 one.

Attorney Dupere replied that if Town Council believes in fact that they are working off the 1977 agreement, they need to clarify that right away. You do not want to be amending the wrong document.

Linda Ellis questioned Attorney Dupere, if the town people vote unanimously at town meeting to leave the District on Templeton Floor? Attorney Dupere replied that you still must follow Regional Agreement to make that happen and pay for OPEC. The Commissioner must approve it. But, even if you did, DESE would never let you leave unless you had a full plan on what you are going to do with the kids. A viable plan, a viable budget, a viable everything. So that would probably be difficult because of the cost of running the school yourself.

Opel Clark, public service award discussion

Karin Foley has not heard back from her.

Xan Kinsmen-PMS use as a Pre-K

Would like to lease one classroom from the PMS and use this for a preschool, with the potential of additional classrooms in future years. Would like to run two classes a day, 8:30am-11:00am, 12:00pm-2:30pm, 5 days per week. Licenses for up to 24 students and will hire 1 assistant teacher. She will carry her own insurance. Kids would be from our community and the surrounding area. Bernie Malouin questioned on how the students would get here, and Xan Kinsmen responded by parent drop-off. Bernie Malouin informed Xan Kinsmen that we would have to speak with our Attorney and break down the cost before giving her an answer on use. Xan Kinsmen would like us to decide quickly, because she will need to move on if not approved.

Conservation Commission appointment

Conservation Commission requested to appoint Daniel Sheehan as a member to the Commission. This will be a three-year term.

Motion made by Bernie Malouin to approve Daniel Sheehan to the Conservation Commission for a three-year term, Seconded by Gerhard Fandreyer. 3 in favor 0 opposed.

---Motion Passed.

Licenses-Auto, Liquor, Entertainment, etc.

Liquor License renewals have been sent and are on the agenda to be issued on November 17, 2021. Auto License renewals have been sent and are on the agenda for December 01, 2021. We have some additional licenses that Cindy Kennedy is working on due to not being sent out for a few years. She is working on gathering information for Common Victualler Licenses, Entertainment Licenses, and Automatic Amusement Devise Licenses. Cindy Kennedy will send out applications to the local businesses and gather the information she needs. Cindy Kennedy presented the board with a list of current fees for review.

Motion made by Bernie Malouin to approve the fee's' for licenses as written for Auto, Liquor, Entertainment, and Automatic Amusement Devices. (Fee's attached to minutes). Seconded by Gerhard Fandreyer. 3 in favor 0 opposed.

---Motion Passed.

Meeting Minutes:

Thomas Daoust presented to the Board minutes from 9/8/2021, 9/13/2021, 9/20/2021, 9/22/2021, 9/27/2021, 9/29/2021.

Motioned made by Bernie Malouin to approve the minutes from 9/8/2021, 9/13/2021, 9/20/2021, 9/22/2021, and 9/29/2021. Seconded by Gerhard Fandreyer. 3 in favor 0 opposed.

--Motion Passed.

Hold on 9/27/2021. Need to fix a portion with the Executive Session on the roll call vote. Bernie Malouin will fix it, and have Thomas Daoust review it.

Question of Nepotism

Fire Chief would like the input from the Select Board on if his wife could join the Fire Department. Don Smith brought up that in the past family members have been allowed to work together. Karin Foley, Linda Ellis, and Cindy Kennedy will work on finding the Nepotism Policy.

Holidays

Karin Foley asked about Holidays that fall on a Saturday. If a holiday falls on a Saturday, like this year Christmas falls on a Saturday, the holiday is Saturday. If a holiday falls on a Sunday, we observe the holiday on Monday. What is the Policy for Saturday? Employee policy states that we get paid for a set number of holidays. If someone needs to work that day, how are they compensated? Bernie Malouin would like to leave it up to the discretion of the head of that department on giving them a day off. Thomas Daoust agreed with that idea.

Year End Balances

Problem with some of the payroll. The amount is a little bit off. The information was entered in the wrong place. Will need a couple of weeks before she can report on this.

Rick Tenney mentioned a problem with the bridge abutment, and it could be \$60,000.00 more to make repairs. The end caps are wrong. Tighe Bond Engineering and the State need to approve a change. It will take time, and fees associated with the repair.

Linda Ellis mentioned to contact Ann Gobi's office to make them aware of the situation.

OLD BUSINESS

Senior Write-Off

Cindy Kennedy and Linda Ellis have information from the State regarding State Withholdings for the Senior Write-Off program, but they have been finding it very difficult to gather information for Federal Withholdings from IRS. They have spent hours on hold on the phone, with numerous hang-ups. Cindy Kennedy and Linda Ellis are still working on getting this information before the tax rate is set in Phillipston, so those that are volunteering may submit their hours.

OTHER BUSINESS

Linda Ellis applied for a \$5071.00 grant to help the Highway Department get equipment such as chainsaw & equipment.

Linda Ellis submitted for the \$129,837.00 Cares Act Grant, and we are waiting to hear back on if everything was approved.

QUEEN LAKE

Tim Haley requested that the Queen Lake Association be placed on the Agenda for the next meeting. They would like to discuss weed treatment and the boat ramp.

PMS PHONE LINE

Don Smith reported that the phone line in the elevator is all set. Bernie Malouin asked Don Smith if that would drop the price, and Don responded no. We need to still put in another line for the alarm system. They need to run an independent line. Linda Ellis brought up that we are still paying for a line that no one can find.

Linda Ellis asked if the Alarm System at the PMS is with Simplex or is it with Verizon? Don Smith replied that Simplex is fire. Bernie Malouin responded that he thought our Burglary & Fire Alarm was American Alarm. Gerhard Fandreyer

stated that Simplex is the maker of the alarm system, but American Alarm monitors all the alarms throughout the town except for the school. Gerhard stated that only certain alarm companies can work on Simplex Alarms.

SECRET LAKE ASSOCIATION

Letter from the Secret Lake Association was received, requesting payment for an association fee for property owned by the town. Thomas Daoust believes that it went on Town Floor to not pay for Association Fee. Board agrees to not pay. Bernie Malouin will table the request and uphold the town meeting vote.

PMS GYM LIGHTING

Don Smith reported that the PMS has lighting issues in the Gym. He spoke to Rick Tenney, and Rick Tenney informed Don Smith that he could get lights for the school for \$30.00 per light. They are usually \$155.00 per light. These lights will have a lens on them that will refract the light.

Bernie Malouin asked what we could do with the lighting at the Town Hall. Gerhard Fandreyer reported that he added a light switch at the Town Hall by the sink in the kitchen for the motion light outside. He installed the switch upside down, so it may have been accidentally shut off.

Gerhard Fandreyer asked Bernie Malouin what we should do with the lighting at the PMS School. He does not feel that the Solar light is enough. It is not getting enough sun. Bernie Malouin suggested hard wiring a light. Don Smith said whatever we could do to light it up would be good.

Bernie Malouin made a motion to adjourn at 9:56pm. Motion was seconded by Thomas Daoust. 3 in favor, 0 opposed.

---Motion Passed.

Respectfully submitted,

Cindy Kennedy

Administrative Assistant

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