

**MEETING MINUTES**  
Town of Heath  
**BOARD OF SELECTMEN**  
SAWYER HALL  
April 24, 2012

Called to order at 7:31 p.m. by Tom Lively, with Brian DeVriese present. Also present, Town Coordinator, Kara Leistyna and Rebecca Allen.

**Reviewed Agenda:** Ken Gilbert will attend budget meeting to discuss firefighter ATM articles.

**Reviewed Minutes:** Brian made a motion to accept minutes of 04/10/12 Select Board meeting as amended. Tom seconded. Vote was unanimous. Motion carried.

Brian made a motion to accept minutes of 04/17/12 Select Board meeting as amended. Tom seconded. Vote was unanimous. Motion carried.

**7:50 p.m. Dave Christopolis from Hilltown Community Development Corp. (CDC) and Municipal Complex Committee (MCC) members Bob Bourke, Ken Gilbert and Jeff Simmons entered meeting. Shortly after, Don Freeman, Jan Carr, Ned Wolf and Dave Gott entered.**

**Municipal Complex Committee & Hilltown CDC:** Dave Christopolis from Chesterfield, has been discussing funding options with the MCC for the planning of the Municipal (Safety) Complex. This CDC helped fund the fire station in Plainfield, MA where the MCC toured recently. Mr. Christopolis outlined the grant and funding options for this type of project. A first step, he advised, was to update the Community Development Strategy that was completed for Heath in 2008. He does not believe that a Block Grant is an option due to income ratio for Heath. He suggested that Heath could conduct its own research if that income figure is disputed. He also stressed the importance of a feasibility study. The MCC will meet and produce a report with recommendations/updates on research and prepare a handout for Annual Town Meeting. They will meet again with the Select Board on 5/8/12.

**8:45 p.m. Dave Christopolis and Bob Bourke left meeting.**

**Ken Gilbert:** Discussed with the Select Board and Finance Committee the articles submitted for the warrant 1) MGL 32 Sect. 85H1/2: *“establishing a disability pension for any member of The Heath Fire Department who is a call firefighter or volunteer firefighter, and any reserve, special or intermittent police officer of the Heath Police Department, who becomes permanently mentally or physically disabled by injuries sustained, through no fault of his own, during the actual performance of duty as such firefighter or police officer.”* And, 2) M.G.L 258 Sec 13 which states *“Shall the town vote to accept the provisions of section thirteen of chapter two hundred and fifty-eight of the General Laws which provides that the town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission except an intentional violation of civil rights of any person under any law, if the official at the time of such act or omission was acting within the scope of his official duties or employment?”*

Ken believes there would be no extra cost to the Town if MGL 258 Sec 13 but Town Counsel responded that this vote needs to happen via ballot rather than ATM vote. Both articles were discussed and several questions arose regarding the cost to the Town if articles were adopted. Currently, according to Town Counsel, under the *“Massachusetts Torts Claims Act, G.L. c.258, §2, all municipal employees are*

*absolutely immune from individual liability for damages on account of any negligent performance of employment duties where such damages are not the result of civil rights violations or certain intentional torts.*” Town Counsel further states, “*Article, M.G.L. c. 32, Section 85H provides for a \$3,000 annual pension and a \$3,000 per annum “wage-substitute” under similar circumstances. If Article were adopted, it would supersede this default statute, Section 85H and would increase substantially the Town’s liability not just for the pension, but also for the wage-substitute component*”. Everyone agreed that both articles require further research. The Board made a commitment to continue to research both articles stating the importance of the Town’s volunteers. The Board fully supports all volunteers and everyone deserves the best protection. The goal is to determine how the Town can fund a lifetime pension once the disability coverage term through the insurance company ends. Jeff Simmons will inquire with other towns that have adopted this article and ask what kind of coverage they have. Kara will inquire further with MIIA, provider for Town insurance coverage.

### **Budget Meeting:**

- Reviewed warrant articles.
- Article 16 was removed from warrant (*to borrow up to \$36,000.00 for the purchase of a vehicle for the Police Department*). Finance Committee recommends increasing maintenance funds to keep current police vehicles running for another year.
- Don presented an updated FY 13 Tax Levy projection and again encouraged borrowing for large expenditures to keep levy down.
- Removed Article 18 (*\$35,000.00 for the purpose of funding the costs for the addition of a bay to the highway garage*). Will wait for results of Feasibility Study to decide if this is necessary.
- Discussed engineering costs for Town bridges and modified wording of article to, “*To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$40,000.00 for engineering costs related to the Town’s bridges, or take any other action related thereto.*”
- Discussed storage needs for Community Hall. Decision was to wait until the Space Needs Task Force report was reviewed to make purchases for storage. Finance Committee recommended allocating \$1,000 for interior storage needs to be added to Comm. Hall Maintenance and Utilities budget line item.
- Finance Committee made recommendations for Stabilization, Free Cash and Overlay Accounts for attempts to lower tax rate. Decided to transfer a total of \$62,369.00 to reduce taxes in FY2013.
- Select Board needs to review Town Clerk’s revised job description and proposal for increased hours and wages.
- Consensus for increased stipends was that this cannot be addressed this year due to budget constraints.
- COLA will be determined at next meeting and Kara will schedule Town Clerk to attend on 5/1/12.
- Article 3 and vote on ATM warrant will also be added to the agenda for next scheduled meeting.
  
- Reviewed Special Town Meeting warrant. Article 1 was increased due to additional vehicle repair invoices in the amount of \$1,000 (09 Chevy) and \$1,573 (03 International) for a total of \$11,457.00. Brian made a motion to accept the Special Town Meeting warrant as revised. Tom seconded. Vote was unanimous and motion carried.

**9:52 p.m. Don Freeman, David Gott, Jan Carr, Ned Wolf and Jeff Simmons of the Finance Committee left the meeting.**

### **Mail/ Email:**

1. Pancake Breakfast Fundraiser 4/28 7:30-10:30 am Heath Comm. Hall
2. Letter from MassDOT responding to inquiry regarding programs to fund bridge repairs

3. Letter from MacKenzie Clark, Environment Massachusetts – thank you for support
4. Highway Dept. weekly report
5. Accident report at Transfer Station (past incident)
6. Heath Natural Hazards Mitigation Planning Committee – meeting 4/23-25 or 5/3
7. Request from Dave Freeman for swing set at Comm. Hall. Kara will let Park & Recreation Comm. know.
8. Regional Dog Kennel Program looking for rep and alternate rep for Oversight Committee. Kara will ask Bob Tanner and Margo Newton.
9. Susan Draxler has joined the Cultural Council. Brian made a motion to appoint Susan Draxler to Heath Cultural Council. Tom seconded. Vote was unanimous and motion carried.
10. Letter from Ellen Jenkins re: interest in ConCom Clerk position and/or opening on Commission. Kara will invite Ellen to next ConCom meeting.
11. Letter from FRCOG (Tracy Rogers) Re: Emergency Management workshops for elected officials. Board would like a refresher course in ICS; weekday evenings preferred.
12. FY2013 Projected Tax Levy Worksheets from Finance Committee
13. Email from Accountant regarding Dog Fund
14. Email from Don Freeman – Budget Discussion Points
15. Job Evaluation Comments From Sheila re: Town Clerk position. This will be a primary discussion item at next scheduled meeting.
16. Response from Town Counsel on Dog Bylaw

Weekly warrants, FEMA paperwork and HCOG 32B Implementation Report on Sect. 21-23 signed.

Brian moved to adjourn at 10:25 p.m. Tom seconded. Vote was unanimous.

**Next meeting is scheduled for May 1, 2012 at 7 p.m.**

Respectfully Submitted,  
Kara Leistyna, Town Coordinator