

Town of Washington Board of Selectmen Meeting March 7, 2011

1. J. Huebner called the meeting to order at 7:01. J. Huebner, S. Lennon and R. Borgnis present.
2. J. Huebner motioned to accept the minutes from February 28, 2011 as written. R. Borgnis seconded. Motioned passed unanimously.
3. V. Breen thanked the Town for appropriating the funds to send him to VSO training. He recapped the knowledge received reporting that many of the Towns attending have a health insurance policy for veterans receiving benefits that cost between \$200.00 and \$390.00 per month. The insurance protects the town from paying non reimbursable medical and miscellaneous expenses equal to the amount of the veterans benefit percent. An alternative to health insurance is making it mandatory for any veteran filing for chapter 115 with the town sign up for VA benefits with the VA Hospital releasing the town of any financial responsibility for miscellaneous expenses. One of the largest challenges a VSO faces is determining the facts and knowing who has a legitimate claim to the various types of benefits available as 90 to 95% of all veterans applying for article 115 are approved. Out of the 156 Towns represented 155 of the Towns pay for VSO services. The cost of regionalization ranges between \$3,000.00 to \$4,000.00 with non-regionalizing costing approximately \$1,700.00. VSO Breen submitted paperwork for 100% reimbursement to the Town, which was signed by the Selectboard and processed. The Board asked VSO Breen to make it mandatory that all veterans register for VA benefits with the VA Hospital and gather information regarding regionalizing. V. Breen in response to L. Larson question regarding veteran status stated that anyone serving one day of combat duty or two years of inactive service are considered a veteran.
4. The Board discussed with R. Spencer the 180% salary increase request from the Town Clerk comparing her current salary to a spreadsheet of salaries paid by other Towns, revealing a sizable gap. The board acknowledged the amount of work the Clerk does and has no problem with increasing her salary. The topic will be discussed further. R. Spencer thought it prudent to review proportionately increasing salaries across the board as previous increase were in line or just above inflation. R. Spencer asked R. Borgnis to collect additional salary information for other positions.
5. J. Huebner read the nomination of the Town's Inspector of Animal position correspondence from the Massachusetts Department of Agricultural Resources then asked V. Breen if he would like to continue with this responsibility. After V. Breen expressed his continued interest, J. Huebner asked the Board if they would like to keep V. Breen in this position. J. Huebner motioned to nominate V. Breen as the Inspector of Animals. R. Borgnis seconded. Motioned passed unanimously.
6. The Board in response to K. Walls question, stated that the Beaver Solution representative has been invited to attend the March 28, 2011 Selectmen's meeting to discuss, among other topics, possible grant money available for beaver deceivers. Beaver Solutions has not yet confirmed acceptance of the invitation.
7. K. Walls reported that he along with L. Peltier and M. Lampro attended the MACC Spring Seminars in Worster where he had picked up a lot of information on dam removal.
8. L. Peltier informed the Board that she had filled out and returned the Town Hall Usage Report but after talking to the Commission would like to include a request for locked file cabinet. She also expressed concern that public records are disappearing as two Selectboard meeting tapes are not available under the public records request. The Board informed L. Peltier that many of the Committee and Commissions have responded that meeting and filing space is desirable and that public records are not disappearing as J. Hostetter found two tapes labeled January 24th and after listening to the tapes discovered that the January 31st tape was just mislabeled. J. Hostetter returned the Town Hall Usage Survey for Conservation Commissions addition. L. Peltier also asked if the normal posting date for the Selectmen's agenda was on Friday to which the Board replied that the agenda is usually posted Wednesday or Thursday. J. Hostetter commented that due to a medical emergency in the family Thursday she did not post this weeks agenda until Friday morning.
9. M. Case gave an update on the BCRSD contract negotiations stating that conversation is occurring and moving forward but the outcome is going to be a long way down the road. Reporting that enrollment for the region has declined, including Washington, which lost around 70 students to Lee during the school remodeling project. Also part of the operating assessment includes Washington's seasonal residence income which inflates the income average. R. Spencer reported that a committee tried to re-write the Regional Agreement on school choice and how capital cost are assessed, basing it on the number of school eligible kids rather than actual attendance but only six of the seven towns were in favor and the proposal did not pass. M. Case, in response to R. Spencer question, stated that Washington's assessment for next year is reasonable compared to the rest of the district and he will forward him the amount.
10. J. Huebner reported that J. Stankiewicz would like to schedule a meeting in each town with the Selectboard and Finance Committee. The board along with R. Spencer discussed there respective schedules and agreed on the first Monday in April. J. Huebner will extend the invitation and email R. Spencer with the Mr. Stankiewicz response.

11. The Board acknowledge receipt of an application for Town of Washington Scholarship dated March 1, 2011 from Kyle Kelson to attend NESCOM in pursuit of an Audio Engineering - Communication degree. J. Hostetter will forward the application to Washington Scholarship Committee.
12. M. Lampro asked the Board about compensation for the Transfer Station alternates as S. Brazee would like to pay the alternates as vender rather than employees for insurance purpose. The Board will talk to S. Brazee.
13. Thanks to R. Spencer the Town was put in contact with MA DOR DLS who are looking to create a open source municipal accounting software package that should be integrated to work with the tax and assessor software.
14. J. Huebner entered into record receipt of \$35.00 from the Building Inspector for building permits.
15. D. Fish reported that the "Magic Salt" is worth the cost increase, the garage doors job is complete, and he took lots of pictures and recorded the contractor's hours.
16. J. Huebner read an email from Melissa Provencher of BRPC informing the Board that she has requested a change to the scope of work for the Town Hall Boiler replacement. If the DOER officially approves the inclusion of the hot water heater the Town may have to re-bid the job. If payment is not approved the Town will need to appropriate the funds in a Special Town Meeting. The Board discussed with R. Spencer and K. Walls the breakdown of the grant covering the highway garage doors, boiler replacement and Town Hall siding.
17. J. Huebner informed the Board that the Berkshire County Selectmen's Association dinner meeting is scheduled for Thursday, April 28, 2011. Police Chiefs are cordially welcome to attend at a cost of \$29.00 dollars. This item will remain open item until next meeting.
18. J. Huebner reported that J. Hostetter will be meeting with Jan Nelson on Friday, March 11th at 9:00 to discuss coverage during
19. J. Hostetter reported that the 2009 Annual Reports are in the Town Hall available to distribution and the 2010 submission requests have gone out with a March 14th deadline. Response are coming in. The Board would like the 2010 available for the Annual Town Meeting.
20. J. Heubner gave commentary on the three ethics investigations going on in the Town, the at least three public records request submissions, the complaint filed by the Conservation Commission against the DPW and a letter following up on a complaint against a member of the Selectboard stating that all of these are legal and he is not implying any diminution in the use of these tools, however in a Town of around five hundred people one would hope that efforts would be spent in trying to help one another get jobs done, asking things person to person, following up on things person to person rather than the need to take formal actions. It is regretful that we spend as much time and energy on such things. Having said that he suggested that the Board review the list of elected and appointed individuals to identify anyone who may be at risk for a conflict of interest violation and contact them to recommend they contact counsel as it is up to the individual to seek guidance to their status regarding conflict of interest. It is his understanding in reading the statute and consulting with the Ethics Commission that because Washington is a small town you can where as many hats as you want as long as they are all appointed or all elected or not making any money. The risk is if your both elected and appointed and are making money directly or indirectly from the Town and people need to take care of themselves and not get themselves into a jam. M. Lampro stated that knowledge is power and all elected officials are required to take the online ethics course. R. Borgnis added the ethics course is required every two years and the certificate of completion is filed with the Town Clerk.
21. D. Fish requested a copy of the complaint filed against the DPW.
22. The Board reviewed and discussed a draft of the Town of Washington Protocol for Public Records Requests which would appoint a custodian to handle, record and make sure all requests are acknowledge and completed. The wording was approved by Town Counsel and the statue was reviewed. J. Huebner motioned to accept the public records requests. S. Lennon seconded. Motioned passed with R. Borgnis abstaining.
23. J. Huebner, per the Public Records Request Protocol, asked J. Hostetter to send a letter to R. Borgnis requesting \$35.00 to cover the cost of compiling information requested in her Public Records Request and to calculate the cost of completing L. Peltier's Public Records Requests for a similar letter.
24. J. Huebner asked the Board and D. Fish if they had an opportunity to review the correspondence including photographs from the Conservation Commission regarding a list of violations by the DPW to the Wetland Protection Act, its regulations, the Rivers Protection Act and the National Wild & Scenic Rivers Act. that they have been made aware of. The Board, D. Fish, K. Walls, L. Peltier and M. Lampro discussed the complaint. Conservation Commission members expressed that the activities outlined in the letter are not indicative of the Highway Superintendent's prior expressed desire to cooperate with the

Commission and therefore lead them to believe he does not have an understanding of what he can and can't do, risking future more serious violations, compelling the Commission to involve the Selectboard. K. Walls stated that during conversation with D. Fish it appeared that D. Fish did not read the GNOI. The Board agreed that it is an appropriate action for the Conservation Commission to make the Board of Selectmen aware of any activity by a employee or official that could harm the Town. J. Huebner confirmed with D. Fish his awareness of what he is can and can not do and then reassured the Commission members that the amended order of intent prepared by paid engineers is the guild line that the DPW will follow in future projects. Commission members stated that depositing contaminated material near a brook is not allowed with or without a permit. The Board discussed with Commission members the photographs of dirt containing blacktop that was pushed up on the side of the brooks on Summit Hill Road and Lower Valley Road determining that the Board had already been informed of these violations by the Commission and according to the Board was cleaned up a day or two later. K. Walls recently inspected one area by removing a foot of snow and were satisfied with the clean up while other members of the Commission reserved decision on cleanup until inspections can be done in the spring. The Board asked if any of the violations still exist. K. Walls reported that he inspected the swamp on Upper Valley Road where town truck went off the road depositing oil and sand in the swamp and that there is still a large amount of oil present. D. Fish reminded the Commission members that due to the high risk of accident the Commission advised him to hire a privately insured contractor, who used the town truck. J. Huebner proposed filing a claim with the contractor's insurance company for clean up and asked D. Fish to contact Delaney requesting that they contact the Conservation Commission directly. Discussion regarding the photographs of trees cut and pushed over the bank above the brook on Johnson Hill Road revealed that the photographs were mislabeled. The widening on Middlefield Road was not discussed. L. Peltier stated that she has informed D. Fish, without response, of free education available from the DEP Circuit Rider which would be the best way to prevent violation by contacting the DEP directly. D. Fish stated that he had emailed L. Peltier back requesting the contact information but received a invitation to set up a meeting instead. K. Walls presented D. Fish with the DEP Circuit Rider business card. J. Huebner asked D. Fish to check with K. Walls or DEP prior to performing any DPW work besides plowing the roads. The complaint will be filed with the Select board minutes and the Conservation Commission will verify the complaint in the spring.

- 25. J. Huebner acknowledges the Conservation Commission letter to C. Willis regarding his Complaint of Environmental violations at Selectmen Shaun Lennon's Washington Mtn. Rd. property. Forest Cutting Plan did not include the roughly estimated five acres cleared to the left of the house. The State forester asked for the cutting plan to be amended and the Conservation Commission will review the area in the spring.
- 26. J. Huebner read correspondence from R. Borgnis to the Commissioner of Public Works & Utilities, Bruce Collingwood questioning why they have not complied with public record request for timber sales and copy of contracts for timber sales located in Washington. All Board members signed the letter and J. Hostetter will mail the correspondence.
- 27. J. Fish asked the Board if the drain pipes located near his home on Washington Mtn. Road could be unplugged and the catch basis cleared out as they have been blocked since 1994 and causes flooding in his basement every spring. A foot and a half of water flooded his basement early this morning and it took approximately five hours to pump it out. The Board asked D. Fish to look into the problem and consult with DEP on the work that needs to be done. D. Fish will inspect the area for two possible solutions, a vendor could be hired which would cost approximately \$800.00 to vacuum out the debris or if the drainage pipe needs to be replaced it would cost around \$300.00 to excavate, replace the culvert pipe and blacktop as the Highway Department has culvert pipe in inventory. It would be an addition to the amended notice of intend. The Board thanked K. Walls for volunteering to visit the site with D. Fish.
- 28. J. Huebner motioned to adjourn at 8:39. R. Borgnis seconded and the motion passed unanimously.

Approved: _____

Date: _____

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