

## **Town of Washington Board of Selectmen Meeting – July 11, 2011**

1. J. Huebner called the meeting to order at 6:57. J. Huebner, S. Lennon and M. Case present.
2. The Pledge of Allegiance was recited.
3. M. Burke asked if the Board was aware of the law requiring the Town Hall flag be illuminated or taken down every evening now that the Pledge of Allegiance is being recited. V. Breen informed the Board and M. Burke that those actions are no longer required as the federal law has been changed. M. Case added that the law that authorizes Veterans to salute the flag has also been changed.
4. J. Huebner responded that anyone is allowed to tape a meeting to K. Walls question regarding taping for the joint meeting minutes of the Selectboard and Finance Committee.
5. M. Case motioned to accept the minutes of June 27th as printed. S. Lennon seconded the motioned. The motioned passed by majority with J. Huebner abstaining.
6. M. Burke informed the Board that he again did not receive an electronic copy of the minutes. J. Nelson confirmed that he was not included and receipt of his contact information.
7. The Board discussed the reverse 911 alternates with Chief Breen, confirming he had received the forwarding email. Chief Breen reported that he had requested the information and received a copy of the bill. The language is complex and not easily understood so he had request additional information in a printable, easy to understand format. The Board submitted to Chief Breen correspondence from Diane Pearson of the Berkshire County Board of Health regarding private providers offering the same service for lower cost, requesting that he compare those services to the 911 service, then report to the Board.
8. The Board discussed with Chief Breen the security of the Town Hall and data. Chief Breen recommended replacing door locks and continues with the alarm card system. The Board requested that he look into the key and alarm cards status before a decision is made.
9. Chief Breen reported back to the Board regarding the security for the July 15<sup>th</sup> and 17<sup>th</sup> concerts at Bucksteep Manor stating that he spoke to Rudy Sacco and received an email notifying him of a potentially large crowd. He has determined that the events have the potential to yield the thousand person capacity of the permit requiring an additional officer. Tor Krautter, promoter of the event, addressed concerns stating he expects approximately 300 patrons, Highfield Security has a positive track record with the majority of personnel having backgrounds in EMT, law enforcement and the military. Additional aid is available with off duty employees attending the event. The band, Match Creek, having been around for forty years now promotes a family orientated environment. Residents were contacted to address any concerns they had. The Board asked what for the current rate for an additional Officer, if the Manor was going to be used and if the second well was hooked up and tested. D. Sacco stated that the Manor will not be used and there are two wells, tied together, that have been tested on a monthly basis since May 2011. Documentation is available. V. Bird has been invited for a sit visit. Tor Krautter stated the current rate is thirty-five dollars an hour with time and a half on weekends and there is no money remaining in the budget to hire an additional Officer. J. Huebner will contact V. Bird regarding the well and Chief Breen will call in the State Police if he deems it necessary.

10. D. Fish reported that Rudy Sacco was pleased with the flag pole installed at the Chapel.
11. J. Huebner entered into record the postponement of the Municipal Light Plan agenda item.
12. J. Huebner reported that the unemployment of K. Sharp is currently in the determination stage.
13. J. Huebner entered into record the following receipts: \$2.68 from Tractor Supply, \$2.00 from Lawrence Tool Insurance Agency, \$160.00 from Provost Plumbing and Heating, \$35.00 for a permit issued to Myer Enterprises, \$3,000.00 from Southern Berkshire Solid Waste.
14. J. Huebner motioned to approve the Highway Departments request for an emergency beaver trapping permit. S. Lennon second and motioned passed. The permit was not readily available. J. Nelson will provide a permit for signature. S. Lennon proposed that a highway employee receive certification to trap. D. Fish will look into it also stating that trapping at a \$100.00 per beaver is cheaper than the time required to continually cleaning the deceivers. S. Nelson suggested blocking the pipe with a finer mesh, lower than the road surface forcing the beavers to build in front of the pipe, keeping the water level much lower than the road.
15. D. Fish reported that he walked the Nursing Home site with Phil Clark and that Mr. Clark is reviewing the current Notice of Intent to see what is in place for culvert repairs. He also commented that he does not know where the funds would come from if a new Notice of Intent has to be advertised.
16. The Board addressed the concerns of a report that the loggers left isolated trees along Washington Mountain Road. D. Fish reported that he did not see an issue. M. Case commented that he had not noticed any isolated trees during his daily drive of the road. He also reported that he had visited the site and spoke to a gentleman who showed him the State Permit and informed him that the permit requires a buffer.
17. The Board will discuss the Inter Municipal Agreement during next weeks Board of Health meeting.
18. J. Huebner asked J. Nelson if the City of Pittsfield had responded to her June correspondence requesting payment for stumpage fees, referencing to R. Borgnis's bill. Since the City continues to ignore the Town requests, the Board agreed to refer follow up to Town Counsel. J. Nelson will forward to J. Huebner, her June letter along with the R. Borgnis's correspondence so that he can contact counsel.
19. J. Huebner motioned to adjourn as 7:35 p.m... S. Lennon seconded. Motion passed without discussion.

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## Town of Washington Board of Selectmen's Meeting – July 18, 2011

1. J. Huebner called the meeting to order at 7:02 pm.. J. Huebner, S. Lennon and M. Case present.
2. J. Huebner made a motion to accept the July 11, 2011 minutes as written. S. Lennon seconded and the motion passed.
3. The Pledge of Allegiance was recited.
4. J. Huebner reported on the insurance update he received from S. Brazee. She is going to contact MIIA to see why there is separate coverage on the Nursing Home. R. Borgnis stated vacant building liability insurance was required for the walk thru and that current carrier's coverage was cheaper than MIIA.
5. R. Borgnis submitted a print out of an email regarding the Green Communities Act.
6. R. Borgnis provided the Board with a recap of the July 14, 2011, Mapleview Reuse Committee meeting. The underground oil tank was removed. There were no visible signs of leaking or ground contamination. Soil samples were taken for testing but that report has not come back yet. Karen Avalor attended the meeting to discuss the back taxes. According to today's email the Town would, if the home was sold, apply \$214,000 of the sale price to the tax account. In reviewing the RFP the Committee decided the following: the tax issue be cleared up; scheduling a walk thru, request the Board approve removal of approximately 40 mattresses; request the Highway Department use the brush mower to cut the lawn; advertise a request for proposal allowing other uses rather than an auction restricted by our single use zoning. The other uses would be evaluated by both the Selectboard and MRC. The Planning Board is on board. The RFP should be ready in about a month. S. Connors asked if the abutters will have a say in the use. E. Bond stated that use would be approved by the special permit process, which includes abutters input. After discussion the Board asked D. Fish to research the cost of disposing the mattresses along with possibly a couple beds and end tables and if the Highway Department would cut the lawn.
7. Chief Breen suggested changing the Town Hall front door lock and asked the Board their thoughts on changing the Highway Garage to a master lock along with all other Town buildings. The Board confirmed that Chief Breen had keys to the garage and asked D. Fish if he thought the Highway Garage door lock should be changed. D. Fish is not sure who has keys to the garage and requested keys to the Old Town Hall because it was left unlocked this weekend and Chief Breen had to lock it. The Board determined security should be discussed during the Town Hall Usage Committee meeting and that one person should be in charge of town keys.
8. D. Fish reported that P. Clark is still researching the current Notice of Intent regarding the Nursing Home culvert work.
9. The Board asked D. Fish for a trapping update. D. Fish spoke to the trapper but has not seen him yet. S. Connor asked where trapping was taking place to which D. Fish replied Cross Place and the Town Park.
10. J. Huebner informed D. Fish that E. Bond, as a Parks Department volunteer, was not happy that the Town Hall playground equipment was sold. J. Huebner asked if he hasn't scrapped the equipment yet perhaps he would be willing to donate it to the park. D. Fish replied that he purchased the equipment so that it would not be scrapped and was happy to hear the Parks Department wanted it.
11. S. Connor asked the Board for an update on the Woody's pond dam breach. J. Huebner reported that there has not been a response to the April letter to M. Stinson, his bosses or Dam Safety but was assured by P. Clark that the Town would receive a response and an investigation would be done..

12. Chief Breen informed the Board that he does not recommend alternate emergency notification systems as outlined in D. Persson June 22, 2011 email to J. Huebner. S. Lennon reported that the Sheriff, who holds the Reverse 911 system licenses, would like Tom Grady, the Director of Communication to meet with the Board and Chief Breen to outline the Reverse 911 system. S. Lennon also reported that Reverse 911 membership has community service benefits as well. M. Case recommended negotiating a lower price with the Sheriff for the reverse 911 system. S. Connor express concerned in not spending money locally and stated as a member of the BMC trauma team he as seen first hand how organized the enhanced 911 system is in coordinating the State Police, Sheriff department, ambulance service, triage and other committee members in a very short amount of time. After further discussion the Board determined that S. Lennon would setup a meeting with T. Grady and the Town should try negotiating a better price since three other companies offering a similar service for almost half the cost.
13. D. Parnell reported to the Board that FY2010 is complete with the exception of free cash. DOR has to proof it. The straight free cash calculation is approximately \$80,000 with the secondary calculation free cash proof coming out much lower. Free Cash will not be released by the DOR until FY2012 books are closed and certified.
14. J. Huebner reported that the Siding RFP walk through was today and there are two potential bidders for next weeks bid opening.
15. S. Nelson reported that because there were some mistakes made by other towns WiredWest's newly retained counsel is requiring new paperwork. He submitted a Certificate of Votes to Join WiredWest and Make Appointments for vote along with a draft of the WiredWest cooperative agreement entered into by the Town and a draft of the WiredWest Bylaws. There was a provision added to the bylaws stating that WiredWest can not obligate the town in anyway other than membership. The Board requested electronic copies. J. Huebner read aloud the Certificate of Votes to Join WiredWest and Make Appointments requesting the following votes: that the Board designates Steve Nelson as Manager of the Municipal Light Plant (MLP); that the MLP join WiredWest Communications Cooperative Corporation (WiredWest); that the Board designate Steve Nelson as its Delegate to WiredWest; that the Board designate Jan Nelson as Alternate Delegate to WiredWest; that the manager is hereby authorized and directed to execute any and all documents necessary to effectuate the purposes of these votes; and, that any actions previously taken by the Manager which are consistent with the purpose of these votes are hereby ratified and confirmed. J. Heubner motioned to vote on the six points of the certificate from WiredWest designating Steve Nelson, designating Jan Nelson, joining the corporation, authorizing S. Nelson to act on the Town behalf and excuse him from anything he done in the past in this capacity. S. Lennon seconded the motion. Motion passed unanimously. Copy of the document is attached.
16. J. Huebner entered into record receipts of \$120.00 from the Building Inspector for permits issued, \$45.00 from the Massachusetts Treasurer Association and \$45.00 collected from the Chapel Commission.
17. J. Nelson reported that Mr. Ellsworth will need to shut off the Town Hall power for four hours on the 27th and 28<sup>th</sup> to repair the generator. He has the part but is waiting for completion of the boiler installation. She will check with him on the blower repair.
18. J. Heubner read correspondence from the Historical Commission requesting the recently vacated head start office space for their commission then submitted it S. Lennon for the Town Hall Use Committee.
19. J. Huebner read correspondence from BRPC reminding the Board that the Chief Administrator may appointment an alternate to the commission and requested that be done as the FY2011 delegate was unable to attend the entire year. J. Nelson volunteered to represent the town. The Board was happy to accept.
20. J. Heubner motioned to go forward on meeting the provision of the Green Communities Act. S. Lennon seconded. The Motioned passed. J. Heubner volunteered contact Mr. Barry.

21. J. Huebner informed the Board that Town counsel is talking to Pittsfield counsel regarding money owed for stumpage fees in an attempt to prevent legal action. E. Bond asked how much is owed to which the Board replied the Town billed 5% of the gross receipts generated from the logging plan filed with the state totaling \$27,000.
22. D. Fish reported that he can dispose of the mattresses in the Mapleview Nursing Home for ten dollars a piece. The Board asked D. Fish to use the Building Maintenance Account and check with R. Borgnis regarding the few remaining pieces of furniture.
23. J. Heubner read correspondence informing the Board of the WiredWest July 16<sup>th</sup> incorporation meeting postponement.
24. J. Huebner read a letter from MIA regarding a property damage claim filed by Albert DiNicola for lost damage or destruction to a building on March 5<sup>th</sup>. J. Huebner informed the Board that A. DiNicola is his neighbor and volunteered to follow up and let him know that the Town does not maintain their road.
25. M. Case asked for an update on the Marge Foster's request for a copy of the Selectboard minutes in which the Selectboard did not approve funding for Kittridge School. J. Nelson reported that she provided A. Mikaniewicz with a copy requesting that she certify and mail it. J. Nelson will follow up.
26. J. Nelson informed the Board that a rivet on the mailbox is broken. J. Huebner asked E. Bond as the Building Maintenance Coordinator to repair the mailbox. E. Bond resubmitted the proposal for the Building Maintenance Coordinator position and expressed the need for an electronic record of maintenance history, maintenance schedule and inspection checklist for the three historical buildings. S. Conner agreed that creating an electronic maintenance record is a good idea. J. Huebner stated that the administrative assistant can assist him with that.
27. E. Bond explained to the Board that he felt he did not have the authority when advising C. Taylor to compile three bids to exterminate the ants infesting the Chapel roof and except the bid from, who she determined, the most responsible person to deal with and to give him a call if there is a problem. He had an exterminator spray for ants in 1978. He replaced damaged boards and duplicated of the roof aesthetics and advised C. Taylor to do the same. J. Huebner replied that as the Building Coordinator he has the authority, reading aloud responsibilities from the resubmitted contract. J. Huebner motioned to ask the Building Coordinator replace the mailbox at the contract rate of \$45.00.
28. The Board discussed with E. Bond replacing a member of the Parks Commission who has been unable to attend meetings. E. Bond said that P. Willis would be a good choice. S. Lennon stated that P. Willis has done a lot for the park and would be a good candidate. J. Huebner remarked that the town park is seen by many people and should be kept up. J. Hostetter, being a mother of two small children volunteered to serve. J. Huebner nominated J. Hostetter to the Parks Commission. S. Lennon seconded. The motion passed. S. Connor suggested keeping T. Willis as an alternate. E. Bond reported the shed situation has been resolved. The Board confirmed that with K. Walls of the Conservation Commission.
29. J. Huebner submitted enforcement of zoning regulations for next week's agenda. .
30. J. Huebner motioned to appoint S. Lennon as Constable. M. Case seconded and the motion passed unanimously.
31. M. Case motioned to purchase a stool for the paper recycle bin. J. Huebner seconded and the motion was passed unanimously.
32. J. Huebner motioned to adjourn the Selectboard meeting 8:15. M. Case seconded. Motion passed unanimously.

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## Town of Washington Board of Selectmen's Meeting – July 25, 2011

1. J. Huebner called the meeting to order at 6:58 pm. J. Huebner, S. Lennon and M. Case present.
2. The Pledge of Allegiance was recited.
3. J. Huebner made a motion to accept the July 18, 2011 minutes as written. M. Case seconded and the motion passed unanimously.
4. Ed Bond informed the Board that he spoke to the State Ethic Commission who recommended he request G.L.C. 268A Section 20(b) for Municipal Employee, file the disclosure with the Town Clerk, limit his hours of work to 500 per year and not to bid any job other than cursory maintenance. He also reported that there is no need to buy a new mailbox as he had fixed the existing one.
5. J. Huebner informed the Board that he had submitted to the Berkshire Public Health Alliance the same corrected copy of the Town's regionalization priorities emailed to them.
6. J. Nelson reported on L. Peltier's public request for recordings and contracts. She compiled a log of the Selectmen meeting tapes. The cost of listening to library is \$646.00. S. Brazee does not have any contract records but D. Parnell can print out payable records for Phil Clark or Horizon. She will ask him if he has the invoices as well. J. Huebner stated that it's the approved minutes and not the tapes themselves that reflect the happenings of the Board's meeting and he is in favor of not keeping them as the requests have become burdensome. He also stated that if citizens would like a recording of the meeting, they are welcome to attend and tape the meeting themselves. M Case asked if there was any law dictating the retention of the tapes. Tapes are public record but the retention of them is not required. L. Larson stated that it's the minutes and not the recordings that are approved by the Board. J. Huebner motioned to destroy or reuse the recording of the meeting after the minutes have been approved. S. Lennon seconded the motion. Motioned passed unanimously. J. Huebner has a digital recorder that he will donate to the Town for the Selectmen's meeting.
7. D. Fish reported that the Highway Department laid six tons of blacktop on both Kirchner Road and Upper Valley Road. Gravel was laid on Watson Road. He graded October Mountain to the four corners and the first mile of County Road. There is still more work to be done. He spoke to Allstate Asphalt whose real time price is \$88,000 a mile to shim and \$26,000 per mile chip seal Washington Mountain Road. That price is unrealistic as it would cost approximately \$880,000 to do the entire road. He would like to use Chapter money to shim, filling in the low spots but Cathy Stevens would like to see at least an inch thick across the road with which cost would allow fixing only one mile. He would also like to fix the rest of Kirchner Road then chip seal it, which will cost \$28,000. That will keep that Road in good condition. Frost Road resurfacing has cracked and needs repair before winter. Hinsdale is doing reclaim work on some of their roads for \$24,000 per a mile. He welcomes the Board's input as he's still trying to figure out the best way to repair with the money the Town has and having repairs last for more than a year. The town should have, with appropriations, approximately \$170,000 dollars in chapter money. J. Huebner reported that with the new criteria Washington Mountain road is higher up on the list. After discussion the Board agreed crack sealing is a top priority, to remain in contact with Cathy Stevens, fix the worst things, keep up with what's in good shape and see if the Frost Road resurfacing project work was guaranteed.

8. D. Fish reported that the trapper removed two beavers from the Town Park area and have moved on to Cross Place Road. That bill has been submitted. He also reported that there is no visible sign of CSX trapping Upper Valley Road yet.
9. D. Fish requested an extension on the emergency beaver permit. The Board issued another permit.
10. D. Fish reported that 37 mattresses were removed from the Nursing Home. Credit card information had to be given as the Town does not have an account with Covanta. He also expressed interest in purchasing a bath tub. The Board suggested that he contact the Maple View Nursing Home Committee.
11. D. Fish reported that he hadn't heard from P. Clark regarding the Nursing Home culvert but will call him again in the morning. S. Lennon stated that FEMA grant money will be available soon for culverts and he will keep D. Fish informed. D. Fish thought that Cross Place Road is the highest priority.
11. Chief Breen asked for the Police Chief Appointment card so the Town Clerk can swear him in by the end of the week. J. Hostetter filled out his appointment card and reported that about half of the appointment letters are complete.
12. The Board reviewed open items. S. Lennon will try to schedule a visit from Tom Grady for next Monday. J. Huebner talked to D. Grillion regarding the duties of Sexton, Sexton handle death certificates and anything to do with the cemeteries.
13. J. Huebner open the only bid for the Town Hall siding energy efficiency improvements at 7:38 p.m. from Kurtz, Inc. in the amount of \$114,891 with a deduction for installation of white pine instead of hemlock in the amount of \$1,470 and a \$8,715 deduction for installation of pre-finished fiber cement. The Board thanked Ms. Kurtz for attending the meeting and submitting a bid then informed her that they will contact her after the bid is reviewed by the engineers and that there is not enough grant money to cover this bid. If the town were to move forward with the bid would need to find alternate funding to go forward. J. Nelson confirmed that all addendums have been signed and contained in the bid package. Ms. Kurtz asked to be contacted if there is a re-bid or change the scope of work. J. Nelson faxed the bid package to BCRP.
14. S. Lennon informed the Board that the first meeting of the Town Hall Usage Committee will be this Thursday. He will forward the minutes to the Board. The Town should have the amount remaining on the grant for discussion next Monday. The Board updated the Town Building Coordinator and discussed with E. Bond, L. Larson and K. Walls alternative efficiency improvements that could be made. J. Huebner will research the possibility of spending the grant money for other improvements.
15. J. Huebner entered into record the receipt of E. Bonds Disclosure of Financial Interest from a Municipal Employee. The Board signed the certificate of exemption G.L.C. 268A Section 20(b). Copies were made and filed with the Town Clerk.
16. J. Huebner reported on his conversation with the Building Inspector regarding the causality loss form filed with the Town. A report must be filed with the Building Inspector and Board of Health to notify those authorities anytime there is damage to a home in excess of \$1,000 in the event that the home is not longer habitable or a building permit is required.
17. J. Huebner entered into record receipt of \$270.00 from the Building Inspector for permits issued.
18. J. Hostetter reported that the FY2011 Annual Report request letters have been written and are ready to mail.

19. J. Huebner read two letters from the Zoning Officer dated June 19, 2011 regarding complaints made under zoning bylaws 4.1.5 (3), 4.1.5 (3) and 4.2.7 for properties located at 52 Summit Hill Road and 600 Upper Valley Road requesting a determination from the Planning Board. The Board will follow up with M. Wiley. Copies of the letters are attached.
20. J. Nelson reported that Mr. Ellsworth will complete the electrical work on the generator this Wednesday and Thursday. He was not aware of the blower request or which blower needed repair. He will submit a quote for the blower and can complete the job on Friday if the Board approves. J. Nelson will check with R.J. Peltier and let the electrician know which blower needs repair.
21. J. Huebner reported that he had not heard back from Town Counsel regarding the stumpage fees owed the Town from the City of Pittsfield or if CSX has responded to our letter.
22. J. Huebner entered into record receipt of one dollar collected from Madeleine Smindlehurst in 1984 from a St. Andrew's raffle. The dollar and raffle ticket was recently found in an envelope while she was cleaning out her files. J. Hostetter to contact Anita Shartrand, the recipient of the sold ticket to inform her that her ticket was not included in the raffle and ask what she would like done with the dollar.
23. J. Huebner confirmed that everyone received the forwarded email regarding the adverse health impacts from wind turbines. The Board discussed the effects the ground vibration and noise had on individuals living within 200 feet of a turbine.
24. J. Huebner read a letter from the Department of Workforce and Development informing the Board that it had determined that K. Sharp is not entitled to receive unemployment benefits.
25. J. Huebner read a letter from of Eloise Stevens, Executive Director of Head Start informing the Board of the formal move date of August 15, 2011 and request consideration on purchasing the shed and dishwasher. The request was forwarded to the Town Hall Use Committee.
26. L. Larson asked what the shed in the Town Park is being built for and asked if there is a way to clean up the water waste. M. Case informed him that the shed will house park use equipment. K. Walls added the shed will hide the electrical wires and that the small beaver dams were removed and the area cleaned up.
27. J. Huebner entered into record that the payroll information for Climate Heating and Cooling boiler installation was faxed to BCRP.
28. J. Huebner read the Berkshire Metropolitan Planning Organization July 26th meeting notification. He will not be able to attend.
29. J. Huebner read Bartlett Consolidated LLC notification of completion on the guardrail repairs on Washington Mtn. Road requesting an inspection of the work. The Board will forward the request to D. Fish.
30. J. Huebner read sections of the Commonwealth of Massachusetts correspondence regarding MGL Chapter 115 outlining a Veterans' Agent roll and reminding municipal leaders of the obligations that all towns are charged with.
30. The Board discussed the next steps for the Green Communities. M. Wiley is on Board with what the Planning Board needs to do. J. Huebner will ask D. Parnell to compile the amount paid on invoices for electricity, oil and gas use by the Town for the past four years.

31. The Board discussed the request from Craig Willis to be designated as a special Municipal Employee. The potential for an ethic violation lies in if you hold elected and appointed positions. It was clarified with Town Counsel that the Tree Warden is an elected position and the Planning Board seat is also elected. Although C. Willis holds two elected positions the issue is the scale of business he does with the town. The Board would be setting a precedent for everyone else who fits that category. J. Huebner suggestion would be for C. Willis to resign as Tree Warden as he was not re-appointed to Constable. J. Huebner will draft a letter for review and email the Board the duties of the Tree Warden
32. S. Lennon asked where the contracts with the Town are located. J. Huebner said that the contract review item on the agenda could not be discussed as S. Brazee was not here but he Board does need to review all contracts with the Town as well as personnel policies.
33. J. Huebner requested content for the next Selectmen's letter submission to the Tracks.
34. J. Huebner motioned to adjourn the meeting at 8:55. S. Lennon seconded. Without discussion the motion passed unanimously.

Approved: \_\_\_\_\_

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