

Meeting of the Washington Board of Selectmen – October 20, 2014

1. J. Huebner called the meeting to order at 7:00pm. Attending for the Board were J. Huebner, S. Lennon and M. Case.
2. After leading the assembly in the Pledge of Allegiance, J. Huebner made a motion to accept the minutes from October 6, 2014. M. Case seconded and the vote to accept was unanimous.
3. J. Huebner reported that Carol Kennedy had informed him about a road race that was being run on Washington Mountain Road over the weekend. M. Case mentioned that he too saw the race and agreed that it was poorly managed. She asked if they should have a permit. The Board did not think a permit was needed. They asked that a note be written to Eyal Shapira letting him know we have had complaints and asking him to get Chief Breen involved in the traffic details when he is planning to have road races. The safety of drivers and of runners is at stake. The runners should be directed to stay close to the side of the road.
4. J. Huebner confirmed that he will be away the next two Mondays, October 27 and November 3. He has written draft agendas for those 2 weeks. He asked M. Case and S. Lennon to update J. Nelson on any items that need to be added to the agendas before the posting time each Thursday.
5. M. Case reported that he had received a check in the amount of \$200.00 for the pumpkin walk from the Keators. The Board was very grateful and asked Ed Bond to thank the Keators. They will also send the Keators a note.
6. J. Huebner mentioned the intense search for Mr. Fred Hanson Sr., one of our elderly residents suffering from Alzheimer's. He wandered into the woods near his home on Summit Hill Road on Friday afternoon and was located alive by state Police at about 11:00 am on Sunday. Sean Lennon,

along with Paul Mikaniewicz, were on site at Town Hall to assist the state police and several other search groups. The emergency situation revealed some preparedness gaps that the Town must address. Most urgent is the need to get our existing radio charged and set-up to communicate with local resources in an emergency. Our chief emergency officer, Paul Mikaniewicz, was present at the meeting and emphasized how important this is. Chief Breen agreed. It is the first occasion on which we have needed to use that radio. An additional radio may be needed. The Board directed Chief Breen to get that radio working as soon as possible. He said he would get it working by the end of the week. Chief Breen told the Board that Fred Hanson Jr. came to him first to make the missing person report. Chief Breen notified the state police and the search was begun. The state police kept him updated every 2 hours. J. Huebner asked him about the report of a woman lost in October Mountain State Forest. Chief Breen said that the state police found her with their helicopter. That made two missing person cases in Town in 2 weeks' time.

Victor told the Board that he has a meeting scheduled with FEMA. They will turn over the trailer abandoned in the woods to him. He needs signatures for this. A second trailer, which will be paid for by a grant he obtained, will be filled with emergency equipment and be kept ready for use.

7. Jodi Hostetter presented the Board with the Pumpkin Walk permit to sign. They did so.
8. J. Huebner reported receiving from Kinder Morgan further information on the pipeline which will cross the Berkshires and the rest of the state. Included was a list of the locations for and the schedule of a series of informational open houses they will conduct. There will be an open house in Pittsfield at BRPC at 1 Fenn Street from 6:00pm – 8:00pm on October 23. Dick Grillon told the Board that the Town needs to take a position on the pipeline. He believes that the pipeline is unnecessary and would severely damage the environment. He also believed that fixing the gas leaks in the

present pipeline would save enough fuel to make the new pipeline unnecessary. He said that the route of the pipeline is still unclear. J. Huebner responded that we will have a Special Town Meeting soon during which we will take up this issue of the town's position. That will be the forum to debate the issue. He observed that some towns and their elected officials support the pipeline. The Governors of the five New England states have expressed their support, though they have backed off a bit recently. The Board needs to have the sense of the town. J. Huebner believes that this is not a decision that the Board should make alone. He called for a town resolution. He added that It might not be in the Town's interest to oppose the pipeline. We could possibly collect tax revenue from the project. Pittsfield will not oppose it going through their watershed.

9. At 7:35 the public hearing on Bucksteep LLC's request for the transfer of the liquor license began. Bucksteep's attorney, Mr. Vinette, gave the Board an affidavit confirming the notification of all abutters about this hearing. The Board called on J. Hostetter for an update on the application form. She had reviewed the application when it was delivered to the Town 20 days ago. At that time she noted several irregularities. It was also unclear who the manager of the facility would be. In addition there were several typographical errors. Alcoholic Beverage Control Commission (ABCC) regulations require that a completed final version of the application be submitted to the Town for approval. J. Hostetter told the Board that the Town has not yet received a revised, completed application. Mr. Loveszy was notified on October 2 that the Board deemed the application incomplete, requesting a review of all forms submitted for missing or inconsistent information. J. Hostetter also spoke on the phone with Mr. Vinette about these matters on October 7th. Bucksteep has had adequate time to submit a completed application prior to this meeting. Mr. Vinette claimed that all those corrections were minor errors. J. Hostetter replied that they were not minor. Dom Sacco is listed as the manager of Bucksteep LLC on one of the application forms, which he is not. That and all the other errors must be corrected before the Town can consider the application.

Several residents asked about the structure of the company running Bucksteep. Attorney Vinette replied that the liquor license is being applied for by Bucksteep LLC. Family Unity, a non-profit autism treatment provider, is the owner of the property and leases the facility back to Bucksteep LLC. Bucksteep will continue the business of holding events like weddings and conferences on the property. These are two separate businesses. J. Huebner asked who the managers are. Raphael Loveszy is the Bucksteep, LLC manager. Attorney Vinette said that the revenue generated by the LLC is taxable by the state, but the property is not taxable by the Town.

A resident asked about the work of Family Unity. She mentioned that having children and liquor on the same site does not seem compatible. Richard Loveszy said that the children will not be in the same space as the LLC operations. They will be housed in a separate “camp” area. The Manor House and barn will not be used for Family Unity activities. The autism program will start next summer. It will be physically separate from the LLC. Ed Bond told the Board and Mr. Loveszy that the Sacco’s were operating under special permit as a non-conforming use. As a result, Bucksteep LLC also needs a special permit or variance to host weddings and other events . They met with the Planning Board last week in a session open to the public, but no ruling came out of that meeting. Until that happens, the permitting process can’t go forward.

Robert Sacco told the Board that he was attending for his brother Dom. He said that the family was sad to have to sell the property. They wanted to find someone who would maintain it in the same spirit. Dick Grillon asked that there be another Planning Board meeting, better publicized, for the residents to attend. He observed that we also have no information from our inspectors and health agents. J. Huebner agreed that we need to push this back onto the Planning Board. Then the Town can come back to this question of the liquor license. He said that we have been telling Mr. Loveszy this for a couple of months now. There has been no progress. The Board learned that there was

liquor served at Bucksteep in late July after the sale by the Sacco's had closed. This was under Dom Sacco's supervision, but still should not have happened. The Board will consult with our new attorney about all of these issues over the next month and will resume this discussion then. J. Huebner reminded Bucksteep LLC that they need documented approval from the Planning Board. If that is denied, they will have to go before the Zoning Board of Appeals.

10.D. Fish told the Board that he has submitted all of the paperwork for storm reimbursement. J. Huebner asked him if there had been any progress regarding Mrs. Dacey's flooding situation on Lower Valley Rd. D. Fish replied that there had been no solution to the leak from her basement onto the road. He wondered if perhaps the Town should help if she can't afford the repairs. Mr. Piachinski of the BRPC and D. Fish did meet and discussed the PACER study on Town road conditions. Mr. Piachinski concluded that our roads are on a par with those of neighboring towns, and in some cases are better. We are expecting a formal report from him. We are not sure whether BRPC did the traffic study on Lower Sargent Rd. as requested.

D. Fish told the Board that Upper Valley Road needs another coat of paving. P. Clark added that some work is needed to open ditches on the culvert approaches. The water flow is restricted. There is no drainage path away from the culverts. To provide relief we would have to go on private land. P. Clark recommended a drainage easement. That is the best way because the Town would not have to ask permission from property owners. D. Fish supported this approach. J. Huebner told P. Clark that BRPC is writing a road maintenance plan that he should take a look at. D. Fish told the Board that he is still waiting for sand and salt. The cost is up 30%. He has collected all the wood needed for the Pumpkin Walk bonfire. M. Lampro said that updated signage for the transfer station has been provided

11. At J. Huebner's request J. Hostetter posted information on low cost insurance for small businesses on our web site.

12. Ed Bond has put together cost information on repairs to the Old Town Hall for the Historic Commission. They are working on a grant application to Mass Historic for funding to install new windows and repair and paint the exterior of the building. Matching funds will have to be provided by the Town.

13. J. Hostetter told the Board that she has nearly finished FY2012 and FY2013's Annual Reports and will send the drafts when the Clerk submits her information. Mr. Levernoch is still writing his section. She is ready to print copies of 2010 and 2011. 2014 completion will depend on the fiscal year end financial close.

14. Huebner reported that he had invited Ken Elstein of Hampshire County Organization of Governments to the Nov. 3 meeting to discuss the aggregated electric power program they have developed. This is a bulk purchase agreement that will permit member towns to buy electricity at about a 24.3 percent increase over last year instead of the estimated 37 percent increase non-member towns will see. Ten towns have signed up so far. These are Clarksburg, Dalton, Florida, Lenox, New Marlboro, North Adams, Sheffield, Tyringham, West Stockbridge and Williamstown. J. Huebner also reported that Skybourne Solar has declined the opportunity to build a solar farm in town because it will be too costly to take the power out of here.

15. J. Huebner asked Glenn Grogan for an update on the public records request filed with the Town by John Hilliard, a journalism student at Boston University. G. Grogan replied that he had completed the work with assistance from our payroll company. He showed the Board a one page report. The reply only took him a few minutes to prepare. Glenn will forward an Excel file to the requester. He will copy the Administrative Assistants for the files.

16. J. Huebner reported receiving 3 checks for the Town: \$50 From Energy Enablers for a building inspection fee, \$ 4500 from Hinsdale for winter roads and \$410.13 from George Apkin Company for scrap metal.
17. The Board also received notice of the Berkshire County Head Start Annual Meeting which already took place on 10/15. Additionally the Board received the Massachusetts Cultural Council annual contract for a grant of \$4300. J. Huebner signed the contract.
18. Belinda Phillips submitted her written resignation to the Board. They received it with regret. J. Huebner made a motion to accept the resignation. M. Case seconded the motion and the vote to accept was unanimous. Sue McGrath will serve in the interim. G. Grogan asked about her compensation. As of the 30th Sue's compensation should be adjusted, however that would actually mean a pay cut. Discussion was deferred until Sue could be here.
19. The Board commented briefly on and discussed the following items:
 - a. The Board received a letter from the DEP awarding us a \$500 grant for re-cycling. J. Huebner signed off on the grant agreement which is to be mailed back to the DEP.
 - b. Letter received from the Mass. Broadband Institute about a series of regional public meetings that they will host along with WiredWest to discuss critical issues surrounding the roll out of the "Last Mile" broadband connectivity projects. Options for financing will be on the agenda. Meetings will be held from 6:00 to 8:00pm in 2 Berkshire locations: Monterey on Oct. 29 and Becket on November 19th. Pizza will be served. More information on the meetings is posted in Town Hall.
 - c. J. Huebner said that he had heard that the legislature had appropriated \$100,000,000 for highways. The new governor will release those funds to the towns when he or she takes office.
 - d. Chief Breen told the Board that tomorrow he has an appointment here for the state to install a new high speed internet router in his office. He also mentioned that he bought a military deuce and a half

truck which he would like to park down at the highway garage and in exchange would let the Town use it for emergency management.

- e. Mass Development will send a representative out to do a site visit at North Lake and to advise the Town on its options for the property. Mass Development has no money for cleaning up the Borgnis property landfill. J. Huebner will investigate BRPC as a source of grant money.
 - f. Accountant D. Parnell will be away for the next three weeks. G. Grogan will cover for him.
 - g. The Board, Finance Committee and P. Clark, as our consulting engineer, met with the three finalist bidders for the Culvert design work on Thursday, Oct. 16. After interviewing all 3 competitors, a unanimous decision was made to go forward with Holden Engineering of New Hampshire. J. Huebner made a motion that we hire Holden Engineering for the job. M. Case seconded and the vote was unanimous. We will have a Special Town Meeting (STM) on November 10 at 7:15. Funds to move ahead with the culvert work will be voted on at that time. We need voter approval. The figure is not to exceed \$65,000. J. Huebner had prepared a letter to Peter Holden confirming the Board's decision. The Board members all signed the letter. There will also be a vote on the Town's position on the pipeline at that STM. That meeting will be posted next week. We need a warrant for that.
 - h. Shaun Lennon to work with J. Nelson to see that the monthly selectmen's letter is voted on and forwarded to the Tracks next week.
 - i. Dick Spencer told the Board that Cummington wants to form an alliance with the other CBRSD outlying towns to self-protect against closing an elementary school.
20. J. Huebner made a motion to adjourn at 9:00pm. M. Case seconded and the vote to adjourn was unanimous.

Approved: _____ Date: _____

Approved: _____

Approved: _____

Minutes written by J. Nelson