

Meeting of the Washington Board of Selectmen – January 5, 2015

1. J. Huebner called the meeting to order at 7:00pm. Attending for the Board were J. Huebner, M. Case and S. Lennon.
2. After leading the meeting in the Pledge of Allegiance, J. Huebner made a motion to accept the minutes from December 22, 2014. M. Case seconded and the motion carried unanimously.
3. The Board discussed with P. Clark the Middlefield Bridge evaluation report from the DOT. P. Clark informed the Board that he is still in the processing of reviewing the documentation but knows that the report was prepared for the MA DOT by a consultant that recommend the rating and that it is a reasonable assessment. The Board will be meeting with DOT in Lenox at 10:00 am on Tuesday, January 6, 2015 to discuss that topic as well as others. J. Huebner entered into the record that the Town was notified on Friday, January 2, 2015 that DOT will reluctantly let the Town use a temporary bridge with a five ton limit imposed. The Board and P. Clark then discussed the communication timeline with DOT regarding the use of a temporary bridge on Cross Place Road Bridge with P. Clark stating that the DOT was verbally informed that the temporary bridge was being used allowing for the continued use of the road.
4. D. Fish informed the Board that the Highway Crew has begun the replacement of the Middlefield Bridge reporting that the wooden frame has been removed, that the remainder of the bridge will be removed soon and that they're working on the best way to transport and set in place the temporary bridge. J. Huebner informed D. Fish that the Town of Middlefield offered assistance. D. Fish will let them know if assistance is need when the process is finalized. J. Huebner asked P. Clark if he approved the process of total removal and replacement that the Highway Department is using. P. Clark stated that he did.
5. The Board discussed briefly the CSX Guard rail on Upper Valley with P. Clark stating that the rails are installed and that he has not heard anything regarding fencing.

6. J. Huebner has a letter dated December 17, 2014 regarding the Hazard Mitigation Grant Program for Eden Glen awarding \$778,000.00. After discussion J. Huebner motioned to accept the award with S. Lennon seconded that motion which passed unanimously. It was determined that the Highway Superintendent is the authorized signatory for the grant. D. Spencer asked if the correspondence mention an obligated contribution from the Town. P. Clark stated that the grant application was structured to include a contribution from the town and that the awarded amount is to cover 75% of the cost not to exceed the \$778,000.00. There was discussion about FEMA contributing half of the 25% remaining with P. Clark informing the Board that he is exploring the possibility of or the process of petitioning FEMA for reimbursement. J. Huebner signed the paperwork where the Selectmen's signature is required then submitted the package to D. Fish for authorized signatory pointing out that some of the documentation requires notarizing. P. Clark and J. Hostetter asked for a copy.
7. D. Spencer asked the Board what the Town is going to do regarding plowing, salting and sanding Summit Hill Road. D. Fish reported that the road has not been posted, that the Highway Department was on that road today. J. Huebner added that as far as the Board is concerned the status of road is currently unchanged as it is not posted although it may be in the future.
8. The Board asked for input on how to spend \$500.00 from DEP that was earned from Transfer Station recyclables and that has to be spent on recycled material. After discussion it was decided that the money will be spent on recycled metal to repair the paper container door which will cost about \$650.00. The Board asked D. Fish to inform M. Lampro of the decision.
9. J. Huebner entered into the record receipt of a letter/survey from Wired West that if accepted will be sent to all residents of the town. M. Case motioned to approve signature of the letter. J. Huebner seconded the motion that passed by unanimous vote. S. Nelson the Town's Wired West representative informed the Board that he will need some office supply resources for the mailing and that it should go out in two or three weeks.

10. Per the request of the Board the Planning Board, Building Inspector, Health Inspector , Zoning Board of Appeals and Mr. Loveszey, General Manager of Bucksteep LLC were all in attendance to review what still needs to happen before Bucksteep LLC can operate in any capacity. J. Huebner opened the discussion by entering into the record an email complaint from Joseph Demary stating that Mr. Loveszey has had guests and served them contaminated water on a regular basis after bring shut down. MIT had 45 people stay there at the end of October and that he has also installed gas lines, water lines and electrical without permit or licensed contractors. I (J. Demary) was property manager up until 3 weeks ago and I'm willing to attend a town meeting to bring all this to the town's attention. J. Huebner then added that Mr. Demary was not present at the meeting but that the Board will invite him to attend next week's meeting. J. Huebner then acknowledge that the complaint could be statements made by a disgruntled employee but it speaks to the discomfort the Board has felt with the level of communication since Mr. Loveszey took over Bucksteep. J. Huebner added that it has been difficult to get Mr. Loveszey to have a proper inspection of the septic system done then asked Health Agent S. Krzanik to report on the status. S. Krzanik reported that there 4 known systems, one could not be accessed. The three systems that were inspected had failed. The Board asked for a report on the kitchen facilities. S. Krzanik reported that while he was present for Title V inspection he performed a walk through with Mr. Loveszey, that it looked like all the upgrades that needed to be completed from the inspection performed for the previous owners were made with the exception of an exterior grease trap, which should be tied into the new septic. He will fill out and submit an official inspection report for that walk through. The Board asked the Building Inspector to report on the ADA compliance proposal submitted by Mr. Loveszey. P. Greene reported the proposal submitted by Mr. Loveszey to access the building is acceptable but that he needs a timeline for installation. P. Greene also informed the Board that he needs a proposal for bathroom access and time line for that installation adding that he would be satisfied if both timelines were provided. P. Greene reminded that Board that the Town is at risk if the work is not done. J. Huebner asked P. Greene what should be done if non-permitted work had been done. P. Greene replied that the illegal action would need to stop immediately, place a call to the proper inspector to get an inspection of what was done and follow the proper procedure going futher. J. Huebner then asked if it would be reasonable to direct that the work that was done be removed and re-done. P. Greene replied that if it can be

inspected then it should be inspected, if something cannot be seen, the inspector has a right to see it. The Board asked the Planning Board to report on the property use, grandfathering and zoning. M. Wiley reported that after conversation with M. Loveszey it's not clear if the use is 100% the same as the previous owners with the addition of therapists and special need children services. After discussion J. Huebner summarized the conversation asking the Planning Board for statement confirmation that while the Planning Board may recognize a grandfathering of activity that took place by previous owners that Mr. Loveszey's proposed activity and planned use of the property is outside the scope of what was done before and therefore does not fall under grandfathering or permitted use under the Town's zoning by-laws. M. Wiley and D. Gagnon agreed with the statement. J. Huebner addressed Mr. Loveszey stating that without taking into consideration the complaint email there is still issues to be addressed with the septic system and use sanctioned by the Planning Board. J. Huebner informed Mr. Loveszey that the Board's decision on Bucksteep LLC's application to transfer the Alcohol Beverage License is at a minimum delayed until the Planning Board is satisfied with the planned property use and the Health Agent reports that there is a functioning, Title V passing septic system. J. Huebner asked if there were any other issue that the Town should be concerned about. P. Greene added that when a change of usage is submitted to the Planning Board that usage can be down played where public safety is concerned. He added that a clear plan has to be submitted; compared planned usage to previous use and then a determination has to be made. If there is a downgrade, side-grade or upgrade. E. Bond read aloud the Town of Washington Zoning By-law 6.1.3 to further explain what should be done. J. Huebner informed Mr. Loveszey that he needs to provide a detailed plan for the use of the property, get his septic fixed, make the building and bathrooms accessible before he will consider accepting the transfer of AABC license application. J. Huebner stated it is unlikely that he would sign off on the transfer application if it is determined that events were held when he was explicitly told by the Board not to. Mr. Loveszey addressed the Board stating that Mr. Demary was a caretaker from June until November 12th when he left a message on the phone stating that he no longer wants to work there. They never met. He gave a list of accusations. A few days later they figured that a several pieces of tools used by him were missing. He asked him about it and he (Mr. Demary) went off about how they could accuse him. There is a record of it on the phone. He (Mr. Demary) never came out to address him (Mr. Loveszey) face to

face or any of them. During the summer he (Mr. Demary) went through a difficult financial situation, we lent him \$2,500.00 and it had been requested that it be paid back. Pretty much that anything that Mr. Demary is saying is out of spite against me against Bucksteep that he was promised so many things. As they ran through the barn and the tools shed and other things we found, evidence of smoking in spite of very specific instructions by them that there is no smoking. They found numerous short cuts in his works, he (Mr. Demary) sabotaged a lot of things so whatever Mr. Demary says is out of spite and allegations made to hurt business. J. Huebner asked if Mr. Loveszey if he would like to address the specific allegations now. Mr. Loveszey did. J. Huebner read aloud the complaint allegations. Mr. Loveszey told the Board that gas lines were installed by Propane Company and he has a receipt for the work. He would need specifics regarding electrical as no new lines were installed and the well head extension work was done by certified welder. J. Huebner asked if the Plumbing Inspector issued permits for the work. P. Greene asked that Mr. Loveszey to provide the names of the contractors and the receipts for the work done so he can investigate whether or not the proper channels were taken and if necessary why they were not adding that it is important that work is done by a licensed contractor and that it was done correctly. The Board thanked Paul Greene. J. Huebner asked Mr. Loveszey if he has held any events since August 1st. Mr. Loveszey informed the Board that MIT students did rent the property. S. Lennon asked how many events were held, was it just once for MIT. Mr. Loveszey replied that there was a weekend event and an on-line event also. There was additional discussion on the septic, kitchen inspection. M. Case stated that he will not support an AABC license until everything is done because he cannot accept the liability for the town receiving a fine from the state. The Board thanked Mr. Loveszey for coming in to discuss Bucksteep LLC and that the Board will notify him if Mr. Demary plans on attending a meeting. Mr. Loveszey is welcome to attend but it will not be a he said she said type of conversation the Board wants Mr. Demary on the record for the statements he made just as Mr. Loveszey entered his statements into the record. There was a brief discussion on legal action by Mr. Loveszey regarding Mr. Demary with the Board stating that it is not a court of law but should be kept informed of any decision.

11. S. Krzanik reported that a Title V Inspection for Goucher on Cross Place Road was done and that the report states it had failed. There will be perc test for that next week.

He also reported that he has a list of permits that he would issue to Bucksteep LLC when all is completed adding that the planned use determines the specifications of the septic system. The Board thanked him for attending the meeting.

12. J. Huebner asked J. Hostetter to post the public awareness documentation on air quality provided by BPHA.
13. J. Huebner entered into the record the receipt of a proposal from Mr. Loveszey regarding the ADA Compliance building access.
14. Entered into the record a \$25.00 Check from the Plumbing Inspector for a permit issued to K. Sharp, and a \$30.00 check for a permit issued to Hastings.
15. The Board discussed an email request from Carol Kennedy regarding holding a memorial 5K runs within the town. After discussion the Board agreed they did not have any objections for an event and determined that in C. Kennedy's absence she should submit a proposal outlining the event. There was a discussion on liability with M. Case stated that Pugzee's Farm has guides when he has runs. J. Huebner will contact C. Kennedy.
16. J. Huebner reported that he attended a group for the Pipeline today, getting towns to sign up for funding the effort so it can go forward. The cost probably will not be anywhere near the \$10,000.00 proposed. He also mentioned that during the meeting he stated that a small town like Washington should not have to pay as much as a larger entity like Pittsfield. There was discussion regarding the number of members, and if those members have taken similar action to Washington with resident approval for the appropriations. J. Huebner reported that it is expected that 11 towns will be involved with approximately half already taking some level of action. Meetings have occurred with Hinsdale voting down participation and Dalton considering the use of discretionary funds rather than a STM. P. Drugmand expressed concern that the participation cost will be greater if the number of cities and towns participating is low. J. Huebner reassured that if there is not good participation by other towns, this Town will not allocate any money. The next step is BRPC sending out a proposal outlining what you get when you join and a request for a promise to appropriate funds.

17. The Board discussed with D. Drugmand the December 15, 2014 STM article 3 regarding the non-binding resolution to ban the pipeline, specifically the last paragraph in which language states that a copy of the resolution will be sent various officials. After further discussion it was determined that J. Huebner will draft a cover letter to be approved and signed at the next Selectmen meeting and J. Hostetter will insert the resolution into the document and send it to Congressman Richard Neal, Senator Markey, Senator Warren, Senator Downing, Governor Deval Patrick, Governor Baker, Representative William Pignatelli, Representative Stephen Kulik, F.E.R.C and the Massachusetts Secretary of Energy and Environmental Affairs.
18. J. Huebner entered into the record receipt of a USB drive containing the Publication of the Massachusetts Selectmen Handbook. S. Lennon and M. Case had also received a USB drive. J. Hostetter asked to use one to print out a handbook for the files.
19. There was a brief discussion the HCOG Petition with K. Lew offering to put together a couple sentences summarizing the petition for the Tracks to comply with the suggestion that the Town share the petition with the citizenry. It was also determined that the petition in its entirety be published on the website.
20. J. Huebner entered into the record receipt of an invitation to attend the Seven Town Advisory Committee with Mr. Putman on February 6th at 6:00 PM at Nessacus School. J. Huebner, M. Case, K. Lew and R. Spencer will be attending.
21. J. Huebner asked J. Hostetter to work with the Clerk in distributing the Conflict of Interest Law education requirement with instructions.
22. J. Huebner asked J. Hostetter to complete the ABCC Annual report form for 2015. Currently there are no Alcohol Beverage Licenses issued in the town.
23. J. Huebner entered into the record receipt of the MA DOR Municipal Calendar.
24. G. Grogan presented to the Board a check for \$40.54 check issued to DOT to obtain a hard copy of the report for the Summit Hill Road Bridge.

25. The Board asked if anyone wanted to nominate someone to be the Director of MIIA. No one expressed interest.
26. J. Huebner entered into the record receipt of the Newsletter for Community Planning in the Berkshire.
27. Chief Brien asked the Board to sign the Commonwealth of Massachusetts Standard Contract Form for the Emergency Management Trailer Grant. Dan will setup an account, the check will be written and once the documentation is submitted the Town will receive 100% reimbursement.
28. J. Huebner informed the remaining members of the Board that he will not be here next Monday. After discussion it was determined that M. Case will be the Chairman of the meeting. There will be no meeting on the 19th.
29. P. Drugmand asked the Board if they had already discussed the Road and Bridge, Borgnis Landfill agenda items. J. Huebner stated that the road and bridges were discussed earlier, that M. Provencer thinks we might get money to evaluate the landfill and the North Lake will be discussed during the a Capital Meeting.
30. J. Huebner asked J. Hostetter for the Administrative Assistant update and why beaver permit was not issued. J. Hostetter replied that she was sick, her children got sick that she asked J. Nelson to cover but she had also gotten sick so some emails have fallen through the cracks over the past few weeks. J. Hostetter asked for permission to publish a picture of the Christmas tree for the first tree lighting ceremony in the park on the cover of the FY2012 Annual Report. The Board gave the approval. J. Hostetter reported that she did not scan documents the past week.
31. K. Lew requested an agenda item for a joint meeting to discuss the accounting for the Highway Department.
32. The Board asked P. Clark to put numbers together for Cross Place, Middlefield and Eden Glen. K. Lew would like time to meet with DOR, put the figures into context along

with Wired West and other project figures for a short and long term plan before any Special Town Meeting.

- 33. There was a discussion on Wired West and household participation. K. Lew explained that the uptake percentages are aggregated. Fifty percent of the subscriber base needs to be reach before revenue flows into excess, which are paid out against the debt service by the proportion to the Town’s contribution. It was decided that there should be general, informational meetings to discuss this with the residents.

- 34. M. Case asked D. Fish for an update on the Highway truck. D. Fish was given a January delivery date. D. Fish will continue to follow up.

- 35. J. Huebner motioned to adjourn at 8:29 PM. M. Case seconded the motion that passed unanimously.

Approved: _____ Date: _____

Approved: _____

Approved: _____

Respectfully submitted by J. Hostetter