

Meeting of the Washington Board of Selectmen at Washington Town Hall

February 12, 2018

1. J. Huebner called the meeting to order at 7:00pm. Attending for the Board were J. Huebner, T. Drugmand and R. Grillon.
2. After leading the meeting in the Pledge of Allegiance J. Huebner made a motion to accept the minutes from February 5, 2018. T. Drugmand seconded the motion and it passed unanimously.
3. **Broadband Update:** S. Nelson told the Board that pole agreement negotiations with Verizon and Eversource had been concluded. He passed out hard copy of the agreements to the Board. He mentioned that the agreements had been vetted by an experienced attorney hired by Plainfield, providing more protection for the towns. J. Huebner said that he would also like to have the agreements vetted by Town Counsel. He asked that electronic copies be emailed to Jeremia. S. Nelson agreed to do so. He told the Board that the agreements required proof of surety, extended liability and a check for Verizon. He had provided D. Parnell, Town Accountant, with a form to cut that check. He mentioned that signed agreements would need to go out in 2 weeks.

S. Nelson informed the Board that he and K. Lew will go to Westfield tomorrow to meet with our contacts at Westfield Gas & Electric. This meeting was scheduled for last week but had to be cancelled due to the snow storm. They expect to get a look at the complex cabling data map being developed by WG&E. The company is ramping up to begin stringing cable, though they are running a bit behind schedule. He and K. Lew continue to work closely with them and will keep the Board updated.

4. **Parks Commission:** D. Drugmand, Chair of the Washington Parks Commission, presented the Select Board with the updated and revised Washington Town Park Special Events Permit Application. The new

application is comprehensive and includes a number of revised or new requirements. D. Drugmand gave a brief overview of the document . He mentioned that for larger events applicants must submit a Certificate of Liability Insurance for at least \$1,000,000 in coverage naming the Town of Washington as an additional insured.

For groups over 20 the application fee is proposed to be \$25.00. The security deposit will be \$200.00. The proposed Park Use Fee would be determined on a sliding scale depending on the size of the event and ranges from \$1.00 per person for 21 to 100 people to \$275.00 for 501 to 1,000 people. The revenues would go into a revolving account and would be used to cover materials for and maintenance of the Park.

A Hold Harmless Agreement indemnifying and holding harmless the Town of Washington is also required of applicants for use of the Park. J. Huebner asked that this Agreement be reviewed by Town Counsel. The Select Board agreed to defer voting on acceptance of the new Application until after Attorney Pollard reviews it. The Board is the licensing authority for Park events. The Board thanked the Parks Commission for their hard work on the new Application.

5. **Highway:** The Select Board discussed the letter received last week from Dalton Town Manager Ken Walto asking for a heavy truck exclusion on Washington Mountain Road (WMR). J. Huebner said that Dalton has more influence than Washington, but we do not have to support the request for a ban. Cooperation from other towns will be needed for such a ban to be effective. The Board agreed with WMR resident and selectwoman Tricia Drugmand's statement that we do need to respond to Dalton regarding the ban request. She said that at the height of activity she has counted 40 to 50 heavy trucks such as cement mixers and quarry haulers a day. She suggested flashing lights and warning signage. D. Spencer and J. Huebner said that they would support a ban on 18 wheelers on WMR. T. Johnson observed that the ban would create a major problem for heavy trucks

making local deliveries. J. Huebner agreed that a reasonable detour for the trucks would be required to avoid damaging area business. He said that he would draft a letter to Dalton for the Board's consideration. He stated that we need a safe road and we need commerce. Chief Breen added that Dalton has been doing more policing of their portion of WMR. The Board agreed to continue discussion of the issue at their next meeting.

J. Huebner asked T. Johnson if we want to write another application for small bridge construction. Lower Sargent and Lower Valley were discussed as candidates. No conclusion was reached. R. Grillon asked for a copy of the Small Bridge Program application. T. Johnson reported that he has one more bid on the Upper Frost Road culvert coming tomorrow. He has had no word from Foresight Engineering. T. Johnson also mentioned that he had attended the DOT bridge inspection meeting covering the new Summit Hill Road bridge last week. Concerned about the width of the new bridge, he measured it before attending the Lenox meeting. He discovered that the new bridge was narrower than the original by about a foot and a half. He said that at this width snow removal on the bridge will be more complicated, take more time and be more expensive for the Town. J. Huebner said that he will draft a letter to MassDOT in Boston about this situation. Addressing a complaint from a resident of Frost Road, J. Huebner said that Mrs. Cadman's driveway drain will be replaced. T. Johnson will speak with her and schedule the repair for Spring.

- 6. Virginia Lakes:** J. Huebner asked the Finance Committee to join the meeting. Dick Spencer told the Board that Town Counsel is working actively on clarifying the road ownership status in VA Lakes. Discussions with The Nature Conservancy continue. J. Huebner asked that in preparation for the ATM we instruct Jeremia to write the Virginia Lakes article in the broadest language possible. K. Lew made the point that we need enough information for people to trust us and give us permission to go forward with the sales. Offer language needs to be formalized for parties who want to give their land back to the Town. We need clarification on how to proceed when title

is not clear. J. Huebner commented that “If we don’t own them we cannot sell them”. Some land will go back on the tax rolls.

- 7. Proposed ATM Article:** Dick Spencer submitted to the Select Board an Article he had drafted for the ATM. The Article read: “ To see if the Town will, pursuant to the provisions of Chapter 59, Section 8A of the Massachusetts General Laws , vote not to not impose the excise tax on farm machinery and equipment and farm animals established in said section of MGL, Chapter 59”. He asked the Select Board to take a vote on the Article. J. Huebner made a motion to approve the Article as presented. T. Drugmand seconded and the vote to accept was unanimous.
- 8. Full Time Town Employee Benefits:** There was brief discussion of insurance providers for the town employees. MIIA and Afflack were mentioned. Offering a menu of benefit options was also mentioned as a possible approach. K. Lew said that the Fin Com will discuss this question with Jeremia and make some recommendations to the Select Board.
- 9. Town Valuation:** There was brief discussion of how best to establish the Town’s correct valuation. K. Lew consulted Mass DOR’s data base on the question. DOR has the final say on this. It appears that our valuation was ten million and has been down-graded to seven million. The question of whether or not the adjustment is correct was raised. J. Huebner asked K. Lew for an email explaining the valuation.
- 10. Pugzee’s Farm/Neighbor to Neighbor Donation:** R. Grillon said that he thinks Mr. Shapira is trying to avoid paying personal property tax on his WMR estate by terminating his state of homestead in Lenox. He believes that Mr. Shapira could be running a profit-making business from his Washington home. J. Huebner asked R. Grillon to do some research on this before making such allegations and offered to send him an electronic file to get started. He can’t just guess what is going on. R. Grillon pointed out that Mr. Shapira has set up Pugzee’s Farm as an LLC. J. Huebner said that

registering as an LLC is not proof that a business is being operated. T. Drugmand suggested that the Board could search for comparable examples of private properties used as LLC's. J. Hostetter told the Board Chief Breen had confirmed that Mr. Shapira had made a generous contribution to the Neighbor to Neighbor Fund. Mr. Shapira told Chief Breen that he will send in the check with instructions. J. Huebner asked that the Administrative Assistants send Mr. Shapira a thank you card for his donation to the Town's needy residents.

- 11. Administrative Assistants:** J. Hostetter told the Board that Conflict of Interest Certificates are being submitted. She will get an updated count. She is caught up on postings to the town web site including the Neighbor to Neighbor information. She also followed up with Berkshire Taconic. J. Hostetter told the Board that the Tax Collector does understand now how our deliveries work with Fed-Ex and UPS. She has given the Tax Collector her own mailbox key.
- 12. Board of Health:** J. Huebner signed the Berkshire Public Health Alliance Inspectional Contract. The inspections of Woody's and Bucksteep are set for March 1.
- 13. Berkshire Selectmen's Association (BSA):** The Association has sent a letter to the Governor supporting plans to bring public rail transit into Pittsfield. The BSA also contacted the Governor to protest the fact that western Mass had no representative on the state's public transportation council. We now do have representation on the council. J. Huebner pointed out that the newly energized BSA has already done good things for the Berkshires.
- 14. Brief Items:** D. Grillon said that he will attend the Berkshire Regional Transportation Authority meeting next month; J. Huebner received a brochure from Community Economic Development about their Home Loan Modification Program. He will put the information in Tracks.; J. Huebner

and K. Lew will attend the CBRSD 7 Town advisory meeting on February 13 at 7:00pm at Nessacus School.

15. Adjournment: J. Huebner made a motion to adjourn at 8:55 pm. T, Drugmand seconded and the motion passed unanimously.

Accepted: _____ Date: _____

Accepted: _____

Accepted: _____

Respectfully submitted,
Jan Nelson