

Meeting of the Washington Board of Selectmen at Washington Town Hall

April 2, 2018

1. J. Huebner called the meeting to order at 7:00 pm. Attending for the Board were J. Huebner, T. Drugmand and R. Grillon. After leading the meeting in the Pledge of Allegiance J. Huebner made a motion to accept the minutes of 3/26/2018 as written. T. Drugmand seconded the motion and it was approved unanimously.
2. **Open Forum for Residents:** Carol and Frank Kennedy Joined the meeting to introduce themselves to our new Police Chief, Nicole Miller. They also asked that something be done about speeding cars on Washington Mountain Road (WMR) and excessive gunfire noise near their home. They described very loud, possibly automatic, gun fire. T. Johnson mentioned that he too had heard the loud gunfire. J. Huebner told the Kennedys that he had talked to the State Police in Cheshire about more police control over speed on WMR. He asked C. Kennedy to tell Police Chief Miller who she thinks is responsible for the gunfire and asked Chief Miller to investigate the gunfire complaint.
3. **Legal Residency Question:** J. Huebner opened discussion of an issue regarding legal residency qualifications that was raised at the previous meeting. He said that he had spoken to Town Counsel Jeremia Pollard about car excise issues and whether where cars are garaged proves location of the primary residence. D. Grillon had said that since Mr. Shapira's vehicles are registered in Lenox, Washington cannot be considered his primary residence. With regard to Homestead registration D. Grillon said that this designation could only be terminated by death of the owner or the sale of the property in question.
4. J. Huebner asked that the Clerk join the meeting later to clarify how the Town establishes residency.

5. **Broadband:** Steve Nelson appeared before the Board to obtain the Chair's signature on newly issued pole agreements. This was necessary because the initial agreements which we signed were with Eversource which has now changed its corporate name to "N Star". J. Huebner duly signed the re-named agreements. S. Nelson mentioned that the surety bonds will have to be re-signed also. He reported that he and K. Lew attended a Westfield Gas and Electric seminar last week on drops from the network to residences. K. Lew identified only approximately 30+ Washington homes which will require long drops. The state will contribute some funding to cover the cost of our long drops.

6. **Highway:** J. Huebner said that he had emailed Foresight Engineering and got an immediate response. They said that they would do the Middlefield Road bridge design within our budget. They are revising the budget now to be less than \$500,000. \$487,000 was the figure mentioned by Foresight.

T. Johnson said that he had no news on the upper Frost Road culvert design. R. Grillon asked him about the location of the Washington/ Middlefield line. T. Johnson said that it follows the county line on the left side facing the lake. Then it crosses the river. J. Huebner said that Middlefield had made it clear that they have no interest in helping us with the cost of the new bridge.

J. Huebner said that he had received a letter from DOT District One regarding the recent work done to re-build WMR. DOT claimed in the letter that they had never promised total deep reclamation of the road. J. Huebner said that this puts the burden on Dalton to commission a traffic study. He will follow up with Ken Walto, Dalton Town Manager.

J. Huebner said that he had received a note from Phil Clark about the Eden Glen project. He will follow up with Phil to find out what the issue is as he believes the FEMA project is finished.

Regarding Dave Fish's CDL status, T. Johnson told the Board that he had contacted DOT and learned that a CDL is not needed to operate construction equipment. DOT's response also made it clear that Dave cannot drive the three big plow trucks. There were additional restrictions. T. Drugmand said that the Town needs to understand its liability under these circumstances. J. Huebner said that we must speak with our insurer on this question.

7. **Police:** J. Huebner reported that a number of personal items had been taken from Chief Breen's office after his passing. Sean Connors told the Board that Kathy Breen had asked him to retrieve some of the Chief's possessions. He said that she told him she was unable to face the task herself. Matt Thomas was present and witnessed the removal, as was Jodi Hostetter who objected to anyone entering the Police Department office.. Mentioned as removed were: a hat, t-shirt, folded flag, 2 certificates, and a picture from World War II. S. Connors said that he asked permission from J. Huebner before entering the office. J. Huebner said that notification came after the fact. J. Huebner said he believed this service was rendered from the best of motives. He asked Police Chief Nicole Miller to get a signed, itemized list of the items removed by Sean Connors. T. Drugmand objected to the way entry of the Police Office and removal of the items was handled. J. Huebner replied that this was a very emotional incident and that he believed no damage had been done. He said we received a thank you note from Kathy Breen.
8. **Search Committee for Long-Term Police Chief:** J. Huebner asked S. Connors for his recommendation on who should be on this important committee. S. Connors said that he will email his list to the Board for consideration. T. Drugmand told the Board that Jodi Hostetter had sent her the Personnel policy manual outlining some regulations, but no current job description. detailed Chief of Police job description from Town files. J. Huebner asked that (delete forwarding to Sean Connors)she forward this

job description to S. Connors. It was agreed that only T. Drugmand would represent the Select Board on the Search Committee.

9. **Police Cruiser:** T. Johnson told the Board that the cruiser is down in the Town Garage. T. Drugmand urged a check of the car's insurance and said that if the insurance is adequate the Cruiser should be available to Chief Miller. J. Huebner made a motion that Police Chief Miller be given the keys to the cruiser. T Drugmand seconded the motion and it carried unanimously.

10. **Constables:** J. Huebner asked Police Chief Miller how many constables would be a reasonable number for Washington. She said that Becket has 2 constables and recommended that number. She offered to serve Washington in that capacity too. J. Huebner appointed Police Chief Nicole Miller as a Washington Constable. She indicated that she would be available to work as Police Officer at the upcoming Town Elections on the 19th. Sean Lennon also serves as a Town Constable.

11. **Board of Health:** J. Huebner observed that Woody's roadhouse collapsed two days ago. Our Building Inspector and Fire Chief are issuing a notice of demolition. Our Health Agents have been notified of the demolition. Members of the Guthrie family have inquired about salvaging some items from the building. J. Huebner said that there will be a Board of Health meeting at 3:00pm on Wednesday, April 4th. The meeting is regarding the Order of Conditions on 828 Upper Valley Road owned by Craig Willis.

12. **Treasurer:** J. Huebner questioned a recent communication from the USDA about an outstanding loan. He believed this was a mistake on the USDA's part as we should have paid off all USDA loans. He will check with Treasurer Glenn Grogan on this. G. Grogan told the Board that Chief Breen left no beneficiary on his Town employee retirement account (OBRA). G. Grogan will investigate how and to whom he should direct these funds.

13. Annual Town Meeting: J. Huebner made a motion that the Select Board endorse all of the ATM warrant articles. These are: Adoption of the Green Communities Stretch Code; Vote on a proposed revision of the Central Berkshire Regional School District Charter; Vote on a by-law to defer any action on Marijuana commercial activity until the end of 2018 ; to exempt residents who have farm assets from excise taxes on their farm animals and equipment under MGL Chapter 59 Section 8A; to allow the Town Treasurer with the concurrence of the Select Board to sell Town-owned property in Virginia Lakes Estates and return revenue to the Town. T Drugmand seconded and the motion passed unanimously. J. Huebner said we should have the warrant ready next Monday.

14. Town Park Committee: D. Drugmand, Parks Committee Chair, submitted the summer fair application of the BWCP (Becket Washington Community Partnership) for signature by the Select Board. He assured the Board that the application had been carefully reviewed by the Park's Committee. The Board duly signed the document.

15. Pilot Funds: J. Huebner reported receiving a letter from Senator Hinds regarding our PILOT funding cut- back. The Senator states that he has made this one of his FY 2019 priorities and will work to get our funds restored.

16. Election Staffing: Town Clerk Allison Mikaniewicz joined the meeting and reminded the Select Board that the Election Board supervises the upcoming election. That Board includes a Constable and an Election Warden. Police Chief Nicole Miller has committed to serving as Constable at the Saturday Town election. The Select Board must confirm availability of an Election Warden for that election. It was decided to continue this discussion next Monday.

17. Establishing Town Residency: J. Huebner asked the Clerk what documentation a person has to show to be recognized as a resident and be registered to vote in Town. R. Grillon was questioning E. Shapira's right to

claim residency in Washington because his vehicles are registered in Lenox. He pays property tax in Washington. J. Huebner asked what the statutory requirement is to establish primary residency. After a brief discussion the Clerk agreed to investigate the issues raised by this question.

18.Adjournment: J. Huebner made a motion to adjourn the meeting at 8:40 pm. T. Drugmand seconded and the motion was approved unanimously.

Accepted: _____ Date: _____

Accepted: _____

Accepted: _____

Respectfully submitted,
Jan Nelson