



TOWN HALL | 3 EAST MAIN ROAD | PERU, MA 01235

## **SELECT BOARD MINUTES | AUGUST 13, 2018 at 6:00 P.M.**

COMMUNITY CENTER

**OFFICIAL**

**Present:**

Ed Munch, Chairman/Historical Commission  
Bruce Cullett, Selectman/Police Sergeant  
Verne Leach, Selectman/ACO/Transfer Attendant  
Caleb Mitchell, Town Administrator/Con Com  
Brian Dewkett, Fire Chief  
Caryn Wendling, Treasurer/Tax Collector  
Evelyn Torrey, Accountant  
Kim Leach, Town Clerk  
Irene Morrison, Administrative Assistant

**Residents:** Michael Dewkett, Lucas Waters

**Guests:**

Item 1: **Call to order** - Meeting called to order at 6:00 P.M.

Item 2: **Roll Call** – Chairman Munch, Selectman Leach, Selectman Cullett present

Item 3: **State recording status**: Selectman Leach, Adm. Asst. Morrison

Item 4: **Review and approve Meeting Minutes for 7/30/18**

Mr. Munch motions to approve the 7/30/18 Minutes pending changes. Mr. Leach seconds. All in agreement.  
**VOTE 3-0**

Item 5: **Report from Departments**

**Fire Dept. – Chief Dewkett reporting**

Chief Dewkett said, “the 2<sup>nd</sup> member that we paid for the EMT Test has passed his test.

Chief Dewkett informed the BOS that he has an issue with the insurance. He turned in the bill, but the insurance didn't get paid. He said he got a letter today from the Insurance Company saying that if payment is not received by 8/20/18, they will send a direct notice of cancellation for non-payment of premium. He would need a check by tomorrow out of the Volunteer Firemen Association insurance account for a total of \$6,376.00. He said he turned the separate bills in, but Town Accountant Torrey is unable to find them. Chief Dewkett said that he would go down to the Fire Station to get copies of the bills that he had turned in, and that will tell the date he

submitted them. Chief Dewkett came back from the Fire Station and said that they were dated 6/4/18, and the due date was 7/1/18.

#### **Town Administrator – TA Mitchell reporting**

TA Mitchell said he put the ad in for the ZBA for the CVE Group Special Permit Hearing, and that they have already posted their meeting for 8/27/18. He said he has an application from them in request for determination for Conservation.

TA Mitchell said that Brad Torrey got sworn in as a Member of the Conservation Commission. He said that he contacted William Tatro by e-mail, and is still waiting to hear back from him to see if he can be available for whenever it is decided to have a meeting. Mr. Leach said, “seeing how you have 2 open positions, the BOS would have to fill in if need be.” Mr. Cullett said there would have to be a temporary appointment. Mr. Leach said it should be like the BOH before there were members until the position is filled.

TA Mitchell indicated that he does have another candidate that he has to contact to see if he’s willing to serve on the Commission.

Mr. Munch said the posting shows that the size of the solar project changed again. It was 6 acres, but now is 14.5 acres. He said that the Assessors have no information about the size of the project. “We were originally told it was 1.0 megawatt, and it was going to be 6 acres, and now it’s 14.5.”

#### **Town Clerk – Kim Leach reporting**

Town Clerk Leach reports she and Assistant Town Clerk Gruele have completed the first phase of LUCA which is the Federal Census.

Town Clerk Leach said that Kofile got the Town Books back to us, and they did a beautiful job. There are 4 more books that are left in the project which aren’t bad at all. She said that the sooner we do them, the cheaper it is. She said while they were here, she asked for them to give her a price. That may be coming up on next years Town Meeting. Mr. Cullett said it was brought up by someone at the Town Meeting about local colleges restoring the books. He asked if we could explore that potential option with 1 book. The person that brought it up at the Town Meeting said that there’s a program at MCLA where he goes to school that would be able to do the same thing. Town Clerk Leach asked “where does the liability lie? These are permanent records if something happens to them. As Town Clerk, I’m not comfortable with it.” Mr. Cullett replied that the project would be overseen by a Professor. Mr. Munch stated that these types of projects are regularly completed at Colleges. She said that she’ll need to get a fire safe filing cabinet. The film should be in a Safe Deposit Box at a bank out of here.

#### **Item 6: Request by Katie Boucher to park vehicles at the Town Hall Parking Lot on 9/1/18**

Katie Boucher said she is having a wedding event at her house on 9/1/18, and is looking for BOS approval to use the Town Hall parking lot from about 3:45 P.M. until 10:30 P.M. or 10:40 P.M. Mr. Leach asked her to check with the Town Clerk to see if the Community Center is rented out. Mr. Munch said if the BOS approves her request, he would like for her to say something to the Police Dept.

Mr. Munch motions to allow the Boucher Party to park their vehicles at the Town Hall Parking Lot on 9/1/18. Mr. Leach seconds. All in agreement. **VOTE 3-0**

**Item 7: Discussion, Review, and possible vote to award contract for South Road Paving Project**

TA Mitchell gave the BOS copies of the 3 bids. He said that Supt. Russell filled out the list from MASS DOT of the 3 bids that we received.

Mr. Cullett motions to award the contract for the South Rd. Paving Project to Palmer Paving Corp. at \$336,128.70. Mr. Leach seconds. All in agreement. **VOTE 3-0**

TA Mitchell has a form that Supt. Russell gave him for the BOS to sign after they approve the bid. He said this is the form that has to be filled out by the Contractor. Mr. Cullett said that this is a draft of the contract. He said that what the BOS has to do is to fill in the appropriate information and the Contractor should be signing it, and sending it to the BOS. He said they can send in an executed copy of the Agreement. They can use our Agreement as the basis. They can fill it in, send it to us and we can sign it.

**Item 8: Discussion and Review of Town Audit**

Mr. Gruele, Finance Chairman reviewed with the BOS, Town Accountant, and Treasurer/Tax Collector the Draft Audit Report from Roselli, Clark & Asso. Within the Audit Report, there are Informational Items, Significant Deficiencies, General Findings and Recommendations. The Auditors Report notes 3 items that they determined to be significant deficiencies. Significant deficiencies are identified in the applicable sections of the Report where they are discussed further. There will be further discussion on this at next week's BOS Meeting. For further information, see attached Audit, or Report.

Treasurer/Tax Collector Wendling said that she spoke with the Auditor regarding Tax Title. The Auditor suggested that we look into a company called "Tallage". They are a company who buys tax titles. They would pay the Town what's due in the taxes, then the property owner who's property it is would have to deal with them. She said it may be something that we could have Tallage come in and do a presentation so that we could see what that entails.

**Item 9: Discussion and possible vote to appoint a Commissioner to the Northern Berkshire Solid Waste District to Represent the Town of Peru**

Mr. Leach said that he contacted a lawyer from Ethics. He said he could do it under form 930 Chapter 6.02 Disclosure. He said, "I think it would not be in the best interest of the Town, for myself or the administration, because in order to do that, we would be a Municipal Employee for all 12 Towns that serve on the District Commissioner under Section 17, and cannot participate in any matter of any of the 12 Towns of mutual concern in that District. There's another theory, but you have to fill out the disclosure. Without that, you're only allowed 3 positions in the Town."

Mr. Leach said he has 2 candidates in mind. Supt. Russell or the other Transfer Attendant that fills in most of the time. TA Mitchell said the position could be posted, then see if anyone wants to volunteer. The BOS agreed to having TA Mitchell post the position for 2 weeks, qualifying that it's a volunteer position.

**Item 10: Update on Draft Letter to Residents/Property Owners on Private Roads**

TA Mitchell has given the BOS a copy of the e-mail he received from KP Law. The Lawyer gave an opinion that basically said that in order to spend Town Funds and use Town Equipment to plow private ways, is basically discretionary, and you're free to establish that because there are equitable conditions upon what you're willing to authorize as service. It would be up to the BOS as to whether they wanted to authorize

Supt. Russell to plow the road or not. However, he also cited a General Law Chapter 40 Section 50D. Mr. Cullett said the procedure requires submission of a petition to the BOS before even considering it. Mr. Munch said that the MGL 40 Section 50D should be posted where people can see it before the Annual Town Meeting so that people could put a petition together. TA Mitchell said there's a general letter, but then there's a letter you may want to send to a specific property owner on a specific private road because every private road will need different repairs. Mr. Cullett said we could specifically outline the issues for each individual road. Putting himself in the position of a private road resident, Mr. Cullett said if someone from a road that is maintained by the association comes to the BOS, saying they want their road plowed as well as the others. "How do we say no, when we say yes to the others?" He said it needs to be all or nothing. Mr. Leach said that there needs to be criteria's put into place, like a turn around spot. Mr. Cullett said that he doesn't know why we ever started plowing private roads. There's a reason they're private, and that they're maintained privately. Mr. Leach pointed out that the people who live on the private roads are paying their taxes.

Mr. Munch said this needs to be brought up in the Annual Town Meeting. We need to let people know that if the private roads are to be plowed, all the people on the private roads need to get together, and will have to total 20% of them to put a petition in. TA Mitchell said that if this letter is sent out, it would have to be sent to every property owner on every private road. Mr. Cullett said that instead of a form letter, address it to each individual property owner, and reference their address. TA Mitchell said that the letter should be sent to people on private roads that we're currently plowing. Mr. Cullett said he would change the letter slightly, saying "if you have any questions, please contact Highway Superintendent Russell. The list of roads that are being plowed and in which letters would go out to are Greylock Circle, Garnet Mtn Lane, Cornell Ln. Hill Rd. Hillside Rd. Lee Rd. Pine Rd., Spruce Rd. and Stone Rd.

Mr. Munch said we are sending the letter as is with the exception of adding the Highway Superintendents name on it to the property owners on those roads just listed.

Item 11: **Discussion, Review and possible vote to amend the Town of Peru Highway Department Policy & Procedures**

TA Mitchell said he met with Hwy. Supt. Russell, and that a new employee is being hired for the Hwy. Dept. They reviewed the Personnel Disciplinary Policy because every new employee needs to get a copy of that and sign it, as well as the Highway Dept. Policy & Procedures. He said some changes were made to the original Highway Dept. Policy & Procedures that had been revised in October of 2015. He reviewed with the BOS what those changes were. Along with those changes, and under Narcotics and Barbiturates, Alcohol, he added in "please refer to the Town of Peru Personnel Disciplinary Policy." Mr. Cullett said that our Disciplinary Policy is strictly discipline. He said our Disciplinary Policy probably doesn't have a procedure for proving if an employee is under the influence. He said an alcohol policy typically will require immediate breathalyzer or blood test in the event of an accident while on the clock. He said that DOT has specific regulations as well. TA Mitchell will add to the Disciplinary Policy the actions that will take place if someone is suspected of being under the influence of drugs or alcohol. Mr. Munch said that this will be revisited once TA Mitchell brings it back to the BOS. It will be put on next weeks Agenda.

Item 12: **Discussion, Review and vote to appoint the following Election Poll Workers**

Mr. Munch motions to appoint **Darryl Darby** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Sara Adams** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Kathleen Borden** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Sharon Bruso** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Richard Burke** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Ruth Calaycay** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Margaret Chieffo** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Brenda Darby** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Amy Davidson** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **George Gruele** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Sharon Gruele** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Linda Kellogg** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Terry Kellogg** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Barbara Kenney** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **James Kenney** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Shana Lecours** as an Election Poll Worker. Mr. Cullett seconds. Mr. Leach  
recuses. Mr. Munch and Mr. Cullett in agreement. **VOTE 2-0**

Mr. Munch motions to appoint **Cathy MacPhail** as an Election Poll Worker. Mr. Cullett seconds. Mr. Leach  
recuses. Mr. Munch and Mr. Cullett in agreement. **VOTE 2-0**

Mr. Munch motions to appoint **Nanette Mone** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Irene Morrison** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Coralie Pelkey** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Jennifer Pensivy** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Amy Pharmer** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Denise Shaw** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Evelyn Torrey** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Peggy White** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **David Whiting** as an Election Poll Worker. Mr. Cullett seconds.  
All in agreement. **VOTE 3-0**

Mr. Munch motions to appoint **Emma Whiting** as an Election Poll Worker. Mr. Leach seconds. All in agreement. **VOTE 3-0**

Item 13: **Review and approve accounts payable, treasury warrants, payroll warrant**

Mr. Cullett said that our Verizon bill for 2 fax lines, one in the Police Dept. and one in the Town Hall are the only 2 analog lines that come into this building. He said we are charged for long distance, and the only long distance faxing that goes on is a couple numbers here and there. All the calls to Ludlow have the same numbers and were charged almost 5¢ per call. That's our Security System checking in with the status of the monitoring station. They use their dialing through our fax numbers. Every call that is 27 seconds long is the system checking. It adds up over time. There are plans through Verizon that cover long distance. Mr. Cullett has asked TA Mitchell to give them a call.

**Other items not listed, but brought up for discussion to the extent permitted by law.**

Lucas Waters, South Rd. said that he bought property on the corner of South Rd. & South Rd. Ext. last year. When he bought the property, he wasn't aware that there were 3 parcels until the closing. Originally it was a single parcel. It's a single deed with 3 parcels. Mr. Cullett said it was divided into building lots at some point, so there was a plan submitted to the Planning Board where the Planning Board approved that plan that separated all those building lots. "In order for it to become 1 parcel again, another plan would have to be submitted to the Planning Board. They would have to accept it to turn it into one building lot." Mr. Cullett recommended that he contact the surveyor who divided the property. They can redo the plan, then re-submit it through the Planning Board.

Item 14: **Adjourn**

Mr. Munch motions to adjourn the BOS Meeting. Mr. Leach seconds. All in agreement. **VOTE 3-0**

**Meeting adjourned at: 9:44 P.M.**

**Articles used:**

BOS Meeting Minutes of 7/30/18  
Agenda of 8/13/18  
Sign in Sheet of 8/13/18  
Appointments of Election Poll Workers  
CVE Group Special Meeting Notice copy  
Audit Report Draft  
Draft Letter to Private Road residents who have their private road plowed by the Town  
Palmer Paving Contract for South Rd. Paving  
Town of Peru Highway Dept. Policy and Procedures  
Payroll Warrant P3  
Vendor Warrant

Respectfully submitted,

*Irene J. Morrison*

Administrative Assistant

Ed Munch, Chairman

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Verne Leach, Selectman

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Bruce Cullett, Selectman

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

**Articles used:**

BOS Meeting Minutes of 7/30/18

Agenda of 8/13/18

Sign in Sheet of 8/13/18

Appointments of Election Poll Workers

CVE Group Special Meeting Notice copy

Audit Report Draft

Draft Letter to Private Road residents who have their private road plowed by the Town

Palmer Paving Contract for South Rd. Paving

Town of Peru Highway Dept. Policy and Procedures

Payroll Warrant P3

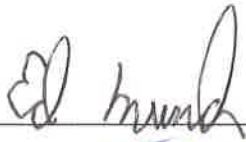
Vendor Warrant

Respectfully submitted,

*Irene J. Morrison*

Administrative Assistant

Ed Munch, Chairman



Verne Leach, Selectman



Bruce Cullett, Selectman



Approved: 8-20-18