



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

SELECT BOARD MINUTES | 11/19/2018 at 6:00 P.M.
GYMNASIUM

Present:

Ed Munch, Chairman/Historical Commission
Bruce Cullett, Selectman/Police Sergeant
Caleb Mitchell, Town Administrator/Con Com
Justin Russell, Highway Superintendent
Brian Dewkett, Fire Chief
Caryn Wendling, Tax Collector/Treasurer/Tax Collector
Kim Leach, Town Clerk
Irene Morrison, Administrative Assistant

Residents: Dan Doherty, Colleen LaRochelle, Karlene McAvoy, Michael Dewkett

Item 1: **Call to order:** 6:00 p.m.

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

Item 3: **State recording status:** Adm. Asst. Morrison recording

Item 4: **Review and Approve Meeting Minutes for**

Mr. Munch motions to approve the 11/05/18 BOS Meeting Minutes with changes. Mr. Cullett seconds. Mr. Leach not present. Both Mr. Cullett and Mr. Munch in agreement. **VOTE 2-0**

Item 5: **Report from Departments**

Fire Dept. – Chief Dewkett reporting

Chief Dewkett reports that they have started the 3rd session of First Responder Training. The next portion will be next Tuesday. He has received a credit from Air Gas in which he had turned in a duplicate bill that had been paid. Air Gas will be sending a check. He said that there has been 1 chimney fire. They cleaned the blockage out of the chimney, but the chimney is so bad that you can smell the smoke on the 2nd floor. Mr. Cullett said that in that situation, normally the Building Inspector is notified. Chief Dewkett said he will talk to the Building Inspector about it. The BOS discussed that if the resident contacts Paula Bilodeau, Housing Rehab Manager at Hilltown CDC, some assistance for repairs may be available.

COA – BOS Chairman Munch reporting on behalf of the COA

Mr. Munch said that Margaret Chieffo, COA Director was contacted. She is aware that she can buy a phone, such as a TracFone as opposed to what was originally said.

Highway Dept. – Supt. Russell reporting

Supt. Russell reports a couple private roads that haven't yet had any work done to them. He said that Garnet Mtn. Lane, Cornell, and Greylock Circle still need to be fixed. He talked to the homeowner on Garnet Mtn. Lane near the South Rd. Ext. side about 1 ½ months ago, regarding the work that needs to be done. The homeowner did make an effort, but the road still needs further repair. Supt. Russell said that Greylock Circle is really bad. Mr. Munch said to continue plowing this year, because he wants to bring up the issues with the private roads at the Annual Town Meeting. The homeowner on Garnet Mtn. Ln. and all homeowners on Greylock Circle will be notified, reiterating what was said in the previous letter. Mr. Cullett said if action isn't taken by December 15, 2018, plowing will be discontinued. They will have to trim back overgrown brush and branches. Areas need gravel, but Mr. Cullett said that won't happen this year.

Resident Dan Doherty said that he has done some painting on the old town garage. He asked why the sign that was carved to hang on the building, wasn't up. Supt. Russell said it's finding the free time to do it. He said he had expressed before to both Mr. Doherty, and the BOS that he wants to put the sign on the new building to be under the light. He said the other garage is no longer the town garage, but a storage building. Mr. Doherty said that he and the person who made the sign don't agree that it should be on the new garage. He then said, "put it anywhere you want, but just put it up." Mr. Munch said as soon as Supt. Russell gets a chance, he will hang the sign.

Karlene McAvoy asked Supt. Russell if he could lift the plow when he turns around, so that it doesn't leave ridges of snow in the road.

Michael Dewkett said he takes care of his Father's property, and that last year it was a disaster with plowing. He said the door yard had a giant mound of snow, and pointed out that once the stone wall is passed, it's private property. He said he would clear the road and keep it sanded and wants to work with the Highway Dept. Supt. Russell said that 2 years ago Mr. Dewkett's father came in to see him, and said to plow right out past the garage. Mr. Munch asked if his father could come in to clarify. Mr. Dewkett once again said that it was private property, then left.

Town Administrator – TA Caleb Mitchell reporting

TA Mitchell reports that he received a receipt of the certified letter sent to the resident at 2 Marlow Dr. to remove the rocks on the edge of road by 11/9/18. He has received a response letter from the resident, in which he gave each of the BOS a copy. The letter doesn't just pertain to the rocks. There were numerous other issues that were brought up within the letter. TA Mitchell said it sounds like the resident wants to schedule a meeting to meet with the BOS. He said the best idea is to have him come here to the next scheduled meeting to have a discussion.

Mr. Munch told TA Mitchell to contact the resident, and put it on the Agenda for the next meeting.

Mr. Cullett said "we can meet with him, but we've been very clear about those particular rocks. He put up markers to mark those rocks that we're referring to on the side of the road. Rather than sending letters back and forth, we told him we were going to take action, and he did not. I would just go down with the loader and push it out of the way." Mr. Munch said "if he wants to come here and meet at the next meeting, but in the meantime, get the Chief of Police, go down there, and move the rocks out of the way. If he wants to come talk about all this other stuff here, he can do that." He instructed Hwy. Supt. Russell to get the rocks out of there.

TA Mitchell reports at the monthly Managers meeting, Assessor Tonelli said that she believes we need to have a special town meeting to appropriate the additional funds for the new highway truck. He explained that the Tax Collector/Treasurer can only use money out of the Stabilization Fund for operating expenses. When purchasing a new truck, you have to have a Town Meeting to appropriate the funds. We're not going to be able to certify Free Cash at this point in time. Appropriating money either from the Stabilization Account or Future Equipment, he would have to write up a Warrant with the Article, then present to the BOS for signature. Mr. Cullett said it would then have to be posted. The BOS discussed a tentative date of 12/20/18 at 7:00 P.M. for the Special Town Meeting. TA Mitchell will have to check with the Town Clerk to find out how many days in advance notice needed for a Special Town Meeting.

TA Mitchell said we have received an ADA Grant from the MA Office of Disability. We got the Community Compact. He has sent proposals out to the Institute of Human Design, and BRPC. He has received a response from the BRPC, but

no response to date from the Institute of Human Design. He forwarded a copy of the bid proposal to Tom Matuszko, Director of BRPC. They have since provided a "Scope of Work" bid proposal. TA Mitchell will be meeting with them to finalize that. Any agreement to move forward, would have to be brought before the BOS for signature.

TA Mitchell said the Recap Sheet was submitted and accepted. The tax rate was approved. Karen Tonelli, Assistant Assessor, and Caryn Wendling, Tax Collector/Tax Collector/Treasurer will be meeting tomorrow, 11/20/18 to prepare the tax bills in hopes of issuing on 11/28/18, with a due date of 12/28/18. Evelyn Torrey, Town Accountant was able to set up the FY19 Budget. He has provided a copy of the Financial Report to the BOS that shows the status of the accounts.

TA Mitchell has been contacted by Bay State Roads. The training class for the Highway Dept. was rescheduled.

TA Mitchell indicates that a records request has been received through e-mail from a reporter for the Berkshire Eagle. The request is to acquire all "Settlement Agreements" reached between the town & others spanning the last 3 years. TA Mitchell indicates he doesn't know of any "Settlement Agreements". He said under normal circumstances, this request would be via phone or in person. Mr. Munch suggested a call to the reporter asking for more specific information.

Item 6: Discussion, Review and possible vote to update/approve inspection fees for the Fire Dept.

Chief Dewkett was contacted by a couple of the oil companies about the oil burner inspection/tank removal. "To the best of my knowledge, those fees are set by the us. The \$40.00 fee that was charged forever, doesn't really account for the amount of time it takes to properly do an inspection on those things. He would like to increase the fee for the oil burner to \$50.00. He would also like to leave the CO & Smoke Detectors where they are only because it's pretty easy, it's been that way so long, and that's a deed that a person selling their house has to encounter." He asked if we have a fee schedule is posted through the Building Inspector on the town website, because he is receiving on-line. "We have one company that has been writing on their permits "online fees says \$40.00, and they haven't contacted me, and don't leave their contact information on the permit. He sent back a pack of permits that the company sent, because they were not properly filled out. "You have to have the disposal information of the tank, and who's transporting the waste if there is any. f they're not filled out, I'm not accepting them." Mr. Cullett read the permit to reiterate fees Oil tank removal/installation \$50.00; oil burner installation permit \$50.00; underground propane tanks \$50.00.

***** Rule of Necessity invoked by Mr. Cullett, Senior Member of BOS, to allow Mr. Munch to vote. Mr. Munch is on the Fire Dept. Mr. Leach not present.**

Mr. Cullett motions to adopt the new fees as outlined by the Fire Chief. Mr. Munch seconds. Mr. Leach not present. Both Mr. Cullett and Mr. Munch are in agreement. **VOTE 2-0**

Item 7: Discussion, Review and possible vote to allow the Town Clerk to retain \$1.00 for each dog license issued, unless otherwise provided by law.

Mr. Cullett said there's a State Statute, Chapter 147 that says the Town Clerk's of City's & Towns shall issue dog licenses & tags, receive the money therefore, and pay such funds to the treasuries of their respective cities and towns on the first Monday of each month or more often, at their discretion. The Town Clerks of cities and towns, except the city of Boston, may retain for their own use \$.75 cents for each license issued, unless otherwise provided by law, and shall certify under penalties of perjury the amounts of money thus received and paid over to them. Mr. Cullett said that by Statute, \$.75 is already in place for the Town Clerk to keep of each dog license fee. Tax Collector/Treasurer Wendling said that Town Clerk Leach brought it up to her awhile back, but since she has been the Tax Collector/Treasurer of the Town of Peru, she has not paid any Town Clerk any dog license money. She said she was not aware of it, and in the other towns where she has worked, they haven't done that either. Mr. Cullett said that the Town Clerk gets to keep 100% of the late fees. Tax Collector/Treasurer Wendling said that with the Death & Birth Certificates, the Town Clerk gets those fees. She said "the town doesn't get any of that, yet we're using town ink, paper etc." Mr. Cullett said he has no issue with the Town Clerk receiving a portion of those fees. However we appropriate it every year, those fees go to the library. TA Mitchell said that he believes the Library gets \$1,500.00. Tax Collector/Treasurer Wendling said "we're just about there. At Town Meeting, I'm trying to figure out whether or not we've collected enough money. If that comes in short, that has to be waived the following year on the recap. To do something like that, you almost should be doing it at the start of the fiscal year." TA Mitchell pointed out that in the Chapter 147 State Statute, the Town Clerks of cities and towns, except the city of Boston,

may retain for their own use. He asked if that meant for the use of the Town Clerk's Office, or that it's their money. Mr. Munch said with the wording, it would mean their own money for their own use. Mr. Cullett said before we have a formal vote on this, we should determine if in fact this Statute does apply, by getting a quick legal opinion. Mr. Munch said to table this Article onto the next Town Meeting.

Item 8: **Update/Discussion Charter/Spectrum**

TA Mitchell has no new information. Mr. Munch said we need a price from Charter/Spectrum on what it would cost us to do W. Haskell Rd. (1), Stephanie Ln. (3), Gentian Hill Rd. (1), Ridge Rd. (2), Hickenbotham Rd. (1), August Smith, (1) Curtin Rd. (6), Curtin Rd. Ext. (2), each broken out separately in those groupings. Mr. Munch said to TA Mitchell, "once we get these numbers, then we can go to Peter Larkin to determine if the State or Federal Gov't, whatever can help us with these."

Item 9: **Update/Discussion and Review of Town Audit**

TA Mitchell has discussed the Audit with the Auditor to basically finalize the report. He said at this point, we don't need to discuss this any further. Mr. Munch asked about the Library. TA Mitchell said he has discussed that with Joel Bard of KP Law, who was supposed to give him an opinion. He said that was several weeks ago. Mr. Munch reiterated a previous communication that Joel Bard had relayed, in that it wasn't that unusual. TA Mitchell said there are circumstances where other towns have a private non-profit for a library. Mr. Munch inquired about the re-write that the Auditor was supposed to have done. TA Mitchell said it has been re-written. Mr. Cullett said we just want to use the legal opinion to determine if the Library will continue to operate as it is, or if we need to get rid of the dysfunctional relationship.

Item 10: **Review and approve accounts payable, treasury warrants, payroll warrant**

The BOS & TA Mitchell reviewed the 7/1/18 – 6/30/19 Financial Statement Report.

***Acct. 40214.00:** \$15,208.00 was not expended.

***Acct. 60004.10: & Acct. 60004.00:** Town Green, Park, Cemeteries (acct. 60004.10) and Town Green (acct. 60004.00) are listed as 2 different accts. Should be 1 acct.

***Acct. 10135.02:** last years financial report shows \$20,000.00 was appropriated for Town Audit. The current report shows \$14,587.50

***Acct. 20292.00:** shows \$571.64 expended & 100% Exp. – nothing appropriated for FY 2018-19

***Acct. 51545.02:** there should be a separate line item for Chief of Police Salary

***Acct. 40213.25:** shows a minus \$30,050.43 expended in FY17-18

***Acct. 40500.00:** There should be a separate acct. for Compactor Attendant wages from this acct.

***Acct. 50700.00:** Cemetery Sexton & Cemetery Expense are lumped under "cemeteries"

The BOS and TA agree to look at Financial Statement Report closer and work with the Town Accountant.

Item 11: **Adjourn**

Mr. Munch motions to adjourn the BOS Meeting of 11/19/18. Mr. Cullett seconds. Mr. Leach not present. Both Mr. Munch and Mr. Cullett are in agreement.

The BOS Meeting adjourned at 8:17 P.M.

Articles used:

11/5/18 Meeting Minutes

11/19/18 Agenda

Sign-in Sheet

Fee proposal from Fire Dept.

Section 147 State Statute

Map/road listing from MBI of homes not serviced by Charter

Records request from Berkshire Eagle Reporter via e-mail correspondence

Financial Statement Report 7/1/18 – 6/30/19

Letter from 2 Marlow Dr. Resident

Vendor Warrants


Payroll Warrants

Respectfully submitted,

Irene J. Morrison

Administrative Assistant

Ed Munch, Chairman

A handwritten signature in blue ink, appearing to read "Ed Munch", written over a horizontal line.

Verne Leach, Selectman

A handwritten signature in blue ink, appearing to read "V. Leach", written over a horizontal line.

Bruce Cullett, Selectman

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Approved:

12/10/18