



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

SELECT BOARD MINUTES | 12/3/2018 at 6:00 P.M.
COMMUNITY CENTER

Present:

Ed Munch, Chairman/Historical Commission
Bruce Cullett, Selectman/Police Sergeant
Verne Leach, Selectman/ACO
Caleb Mitchell, Town Administrator/Con Com
Justin Russell, Highway Superintendent
Kim Leach, Town Clerk
Irene Morrison, Administrative Assistant

Residents: Colleen LaRochelle, Jesse Pelkey, Brett MacPhail, Jane Whiting, Dave Whiting

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

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

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

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

Mr. Munch motions to approve the 11/19/18 BOS Meeting Minutes pending changes. Mr. Cullett seconds. Mr. Leach was not present at the 11/19/18 BOS Meeting. Both Mr. Munch & Mr. Cullett in agreement. **VOTE 2-0**

Item 5: **Report from Departments**

Highway Dept. – Hwy. Supt. Russell reporting

Supt. Russell informed the BOS that our most recent hire, Bill, has not worked out, so he is no longer employed with the Town of Peru Highway Dept. He said that he notified Bill today that he needed to turn his uniforms in, or it would come out of his payroll if he didn't. Bill responded that he left a bag at 4:00 a.m. outside the gate. This morning, Hwy. Worker Mark Bedard, informed Supt. Russell that someone dumped trash outside the gate, and that he threw it in the Compactor. Supt. Russell informed Bill that he never should have left it outside the gate. He should have left them hanging on the hanger in the shop. "That is \$283.83 that the Town has to cover." Mr. Cullett said that the town shouldn't have to eat that cost. Supt. Russell indicated that from now on, no one will get a uniform until their 90 days are up. TA Mitchell said that we may have to get a legal opinion regarding holding his paycheck. He said we may have to pay him, and take action in Small Claims Court to cover the cost of the uniforms. It would be a separate issue from the paycheck. Mr. Leach said he feels that we should get legal advice, because he thinks we can't legally take the money out of his paycheck.

Mr. Munch motions that we take the former employee to Small Claims Court for not bringing back his uniforms. Mr. Leach seconds. All in agreement. **VOTE 3-0**

Supt. Russell informed the BOS that the 08 International 4-wheel drive front differential blew up on it last week. Currently it's at Dave Swail's garage. It will probably cost approximately \$3,500.00 - \$4,000.00 for parts. He got a price for a new rear-end that would match what was in there for about \$4,300.00, or about \$2,900.00 for a re-built. The owner of Delorey International called him and said they had an upgraded model for \$3,000.00. It's a brand new International part, and will have a warranty on it.

Supt. Russell said that Wednesday they have a class at Mass DOT garage for culvert assessments. He said they will be building the sand bed outside of the Community Center as soon as they can.

Supt. Russell said he discussed Garnet Mtn. Ln. on the South Rd. end, with the woman who lives in that house. He told her he's not going in there anymore. There's a culvert that he had talked to them about that was exposed this past summer. The water was running right over the top of it. He looked at it, and saw the culvert torn in half, and the metal is sticking up through the road, so he's not going to take the chance of getting flat tires. He told her the concerns, and she said she would talk to her landlord, and have him call Supt. Russell. Mr. Munch said we sent the letters out in good faith. If the things we asked them to fix, aren't fixed, you can't go over there and plow. Resident, Colleen LaRoche asked if he would be plowing any part of that road. Supt. Russell said the other end of the road will be. He said the residents over there made a big effort to fix the road up.

Supt. Russell received e-mail correspondence regarding the MIIA Grant today. He indicated that we were awarded \$3,550.00, which is only ½ of what was applied for, which was \$7,135.50 toward the security camera's. Mr. Munch inquired how much the cameras were going to cost. Mr. Cullett said that it was the full amount that was applied for. It was for the cameras, installation, and fiber wire. It would have ran off our fiber system down at the garage. He said we'd have to re-assess and do what we can. Supt. Russell said we could talk to Bug Buster to see how much could be done with what we've been awarded. Mr. Cullett said that we could apply for the same grant again next year, but Supt. Russell said the grant changes each year as to what we can go after.

Supt. Russell said he wanted to get together with Mr. Munch to finish out the inspection report for the Dept. of Labor. He has not had the time to do the paperwork to come up with the templates or the different things they require. He said he sent an e-mail correspondence to get an extension on the date. He did 8 out of the 9 items that they wanted. However, to date, he never heard back from the Dept. of Labor. Mr. Cullett asked Supt. Russell to e-mail him the attachments. He said he would take a stab at it, and at least get it to a point where we just make it specific to the town afterwards. Supt. Russell said one template is the MSDS sheets regarding combustibles. He said there may be a few additives spray cans that are combustible, ethers and starting fluids. There are other MSDS sheets for everything we have in there, but he was only worried about combustible stuff.

Supt. Russell wanted to talk about his position and the open ended amount of overtime that he's been working the last few years. When he was originally hired, it was agreed that for 40 hours he would get a week of comp time/vacation. That is not working out. He said he's not able to use comp/vacation time, because he's constantly working with 1 guy short. It's causing them to work a normal 5-6 hours of plow detail which is turning into 8-12 hour detail. He has talked to other 3 man highway departments. The Superintendents getting a salary have been getting overtime pay. He wanted to know what the BOS thought about that. Mr. Cullett said it would have to be a separate winter overtime account. He said comp time works great for people who can use it. Mr. Munch said we'd have to put an Article on the Annual Town Meeting. Supt. Russell asked if it could come out of the snow road account. Mr. Cullett said he thinks it could. Mr. Leach indicated that at one time, there was a separate account for overtime, but it was rolled over into one account. Supt. Russell said there are a lot of laws that pertain to overtime. He said comp time is really not legal. If you are a salaried employee, it's based on a set number of hours every week. Mr. Munch said the BOS needs to think about this. He will talk to Finance Chairman Gruebe to see if it can be taken out of snow roads. Mr. Cullett said, "something to consider is to get some quotes from Contractors to do side roads if we get in a situation where the Highway Dept. only has 2 guys out there working. It would take some pressure off if we had Contractors lined up, have a price in place, have their insurance in

place, and all their qualifications, and know who's going to be out there." He said we could solicit quotes from reputable contractors who do work in other municipalities. TA Mitchell asked if they wanted to post the position in the Berkshire Eagle. Supt. Russell said last time, it was something like \$300.00 for 1 day, and there were no responses. He said he has talked to Treasurer Wendling about posting in some of the Hilltown papers. She has contacted local truck driver schools. They were going to post it. Also, Berkshire Works will post it. TA Mitchell said it's also on our website with the actual job application.

Supt. Russell has a reimbursement request for Chapter 90 projects that the BOS need to sign. He will submit copies to the BOS.

Jesse Pelkey said he has talked to Supt. Russell about the sand. Mr. Munch said we agreed last year on how we were going to do it. He said the only reason why we don't want him loading it with his tractor is for the liability factor. Mr. Leach asked for the record that Jesse use it for public buildings only. Jesse said he usually does the Fire Dept., the Church, and just in case for emergency calls.

Town Administrator – Caleb Mitchell reporting

TA Mitchell has received a request from Catherine Skiba of Mass DEP who is requesting to do a follow up site visit at the Transfer Station & Highway Department to see the progress that's been made since the Inspection Report. Supt. Russell said there is one item saying to refer to Conservation about where things are stored in the highway yard. TA Mithcell said it was also regarding the underground storage tank. Supt. Russell said that's all pumped out. It's a matter of finding the time to pull that out.

TA Mitchell has received the "Scope of Work" for the ADA Grant from BRPC. He will meet with a staff member of BRPC where they will review it, and who is assigned to do the work. He said we would have to sign an Agreement with them to move forward. Mr. Cullett asked if they have given us a cost proposal. TA Mitchell said they did, and it was for \$9,000.00 and the Grant was \$10,000.00. He did report back to the Grant Provider.

TA Mitchell said he received an e-mail from Fire Chief, Brian Dewkett saying that there is a problem with the phone at the Fire Dept. TA Mitchell said that was supposed to be up and running by Nov. 20. He sent an e-mail to Crocker. They got back to him, and said they thought the phone should have been fine. They ported the phone. Supt. Russell said he can make a call on the phone, but can't receive calls. Mr. Cullett said it may be ported, but that they need the extensions so that they can be set up. Treasurer/Tax Collector Wendling would have to add those extensions in the pre-recorded message that she sets up. Mr. Cullett said the 2 Verizon numbers, the one that rings the highway garage, and the one at the Fire Station need to ring through Crocker. He said it may not be working because of Verizon, and someone needs to call them. Jesse Pelkey said offered to call for the Fire Dept. It hasn't been switched over to Crocker yet. Verizon is moving lines almost every day. Someone needs to call Crocker to come up.

ACO – Mr. Munch reporting

Mr. Munch said he has received a certificate of appointment from Michael Cahill, Dept. of Agricultural Resources for the Inspector of Animals. The appointment covers the inspector until April 30, 2019. The Animal Inspector may choose to carry a copy of the certificate with him.

BOS – Mr. Cullett reporting

Mr. Cullett said, "we need to talk to Sam Haupt, and urge them to get the old Fire Station situation taken care of so we can get it back on the taxables."

Mr. Cullett asked Administrative Assistant Morrison that if needed, would she be willing to do some work for the Planning Board. She said she can do that. Mr. Munch said the By-law for Green Communities for the right to have solar in town will have to be done by the Planning Board. Berkshire Regional Planning Board will send someone to help write it. He said he would talk to Sam and have him contact her so that they could discuss it. TA Mitchell said there would have to be a series of meetings for public input before the by-law could be written. The By-Law needs to be reviewed and voted on at the Annual Town Meeting, and into the State by October 2019.

Item 6: Discussion, Review, and possible vote to approve the Special Town Meeting Warrant for December 20, 2018

TA Mitchell said he has discussed the Warrant with Town Council, Joel Bard. He stated over the phone that the Warrant looked good, but we still don't have a firm legal opinion from him. He said that he could not attend the meeting himself. He will check to see if there's another attorney in his office that could attend. He still has not gotten back to TA Mitchell. TA Mitchell said he would like the BOS to sign the Warrant tonight, since it needs to be posted 2 weeks prior to the meeting. Mr. Cullett said the wording on the Warrant is somewhat misleading. It should say the remaining balance, not additional expense. Mr. Cullett said we can let folks know our plan is to replace that money with Free Cash if at all possible, or release a portion of it. He asked if we were sure we would want to transfer the entire amount from Stabilization, or move some from the Equipment Acct. TA Mitchell said, "there are sufficient funds in the Stabilization Fund, if the intent is to return the full amount of money. Mr. Cullett said, "that's what the equipment fund is set up for. That's already been appropriated." Mr. Munch said, "we may be using that possibly for the new Fire Truck that may be coming. There is \$100,000.00 in the future equipment fund that has already been appropriated." Mr. Leach asked if we could transfer later, the money from Future Equipment to the Stabilization Fund. Mr. Cullett said, "yes, and it wouldn't require a 2/3 vote." Mr. Cullett suggested taking some money out of future equipment, and some out of Stabilization, or we could finance. Mr. Leach and Mr. Munch both said they don't want to take a loan out. They would rather see it come out of Stabilization. Mr. Cullett said his issue is that we're choosing not to use money that's already been raised and appropriated in the equipment fund. Jesse Pelkey said "as a Taxpayer, I would rather see – it's easier to ask for a 2/3 vote with the \$50,000.00 coming out of Stabilization as opposed to \$100,000.00. He would rather see \$50,000.00 taken out of the fund that we've already put in for equipment, because it's there for that. Colleen LaRochelle agrees, because taking all that money out of Stabilization can be risky if something happens in the meantime and we need that money. Mr. Leach said if there's enough in the new Equipment Account, he doesn't see any reason not to just take it out of there, because that's what it's for. Mr. Cullett said, "we could replenish it with Free Cash." Mr. Munch wanted to know exactly what the figures are in the new equipment account.

Mr. Munch motions that we approve the Warrant for the Special Town Meeting pending corrections for 12/20/18. Mr. Cullett seconds. All in agreement. **VOTE 3-0**

The BOS signed the Warrant for the Special Town Meeting on 12/20/18 at the Town Hall Community Center at 7:00 P.M.

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.

TA Mitchell said that he hasn't been able to get a legal opinion regarding the Statute. He has talked with Legal Council Joel Bard of KP Law. The Statute says \$.75. The question is do we have the authority to raise it to \$1.00? Mr. Munch said another question is how this will affect the Library. Town Clerk Leach said there were 208 dog licenses last year, 157 the year before, and 140 the year before that, so there's definitely \$1,500.00 each year that is set aside for the Library. Mr. Leach recused himself from this discussion. Town Clerk Leach said she found old records from Roberta Oakes, who was the Town Clerk, and she had put down \$1.00. She doesn't have anything else to back that up. Mr. Cullett asked Town Clerk Leach if the fees she gets to keep from the Birth and Death Certificates is 100% of those fees. Town Clerk Leach said it depends. The Death Certificates are \$10.00,

that she retains, the Birth Certificates are part of the Marriage License. She said there are 3 parts to a Marriage Certificate in which she gets \$10.00. The monies go to the Treasurer, then it goes into her check. Late fees for dog licenses is \$10.00, in which she gets to keep 100%. Mr. Cullett said we need to get confirmation from Town Council, Joel Bard. He said we have a handful of other issues that we need advice from Joel on. He told Mr. Munch, as Chairman of the BOS, it might be a good idea for him to call Joel Bard to go over the list of things we need an opinion on. Speaking as a Resident, Mr. Leach said the way he reads the Statute, is that Town Clerk is eligible for \$.75.

Mr. Munch motions that the Town Clerk will be allowed to retain \$.75 for each dog license issued from this day forward. Mr. Cullett seconds. Both Mr. Munch and Mr. Cullett are in agreement. Mr. Leach has recused himself. **VOTE 2-0**

Item 8: Update/Discussion Charter/Spectrum

TA Mitchell indicated that he sent a communication to Charter as directed by the BOS asking for a cost estimate on the remaining houses other than the cabin on Mongue Rd. He hasn't yet received a response.

Item 9: Update/Discussion and Review of Town Audit

TA Mitchell said there is not much new to report on that. At the last meeting, he gave the BOS the Re-write/Final Report from the Auditor. He said he will have to bring it up at the monthly Management Meeting on Friday, because the Town Accountant, Treasurer, Assessor and himself have to review it, discuss it, then sign it. Mr. Munch said, "we've tried to go along with the Auditor's recommendations and have taken their advice as much as we could." TA Mitchell said some of the things that were said in the report are already correcting themselves.

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

The Town has received a quote for a new Preventive Maintenance Contract from Four Seasons. Mr. Cullett said he is opposed to using Four Seasons, because we've had some very negative experiences we've had with them at the highway garage over the last year. "They were sending different people every time we had an issue, and it was like a re-creation." Mr. Leach recuses in the discussion or signing of the Four Seasons invoice due to his Grandson working for them. Mr. Cullett said we've had other Contractors that have done work up here previously that we're happy with that we could get numbers from.

Item 14: Adjourn

Mr. Munch motions to adjourn the 11/19/2018 BOS Meeting. Mr. Leach seconds. All in agreement. **VOTE 3-0**

The BOS Meeting adjourned at 8:19 P.M.

Articles used:

12/3/18 Agenda
11/19/18 Meeting Minutes
Sign in sheet
ACO Certificate
Warrant for Special Town Meeting
Four Seasons Preventive Maintenance Proposal
Massachusetts Chapter 147 Statute
Chapter 90 Reimbursement
Animal Inspector Certificate

Respectfully submitted,

Irene J. Morrison

Administrative Assistant

Ed Munch, Chairman

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

Verne Leach, Selectman

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

Bruce Cullett, Selectman

A handwritten signature in black ink, appearing to read "Bruce Cullett", written over a horizontal line.

Approved: 12-17-18