

*Town of*  
**Peru, Massachusetts**



**OFFICIAL**

January 2, 2018

Community Center, 3 East Main Rd.

Minutes to Board of Selectmen's Meeting

**Present:**

Bruce Cullett, Chairman BOS/ Police Sergeant  
Ed Munch, Selectman / Historical Commission  
Caleb Mitchell, Town Administrator  
Irene Morrison, Selectmen's Secretary  
Justin Russell, Highway Superintendent  
Caryn Wendling, Tax Collector/Treasurer

**Residents:**

**Guest(s):**

**Item 1: Call to Order**

Meeting called to order at 6:00 P.M.

**Item 2: Roll Call**

Chairman Cullett present; Selectman Munch present, Selectman Leach absent

**Item 3: State Recording Status**

Secretary Morrison recording

**Item 4: Review and approve Meeting Minutes of 12/4/17 & 12/18/17**

- Chairman Cullett made a motion to approve the 12/4/17 Meeting Minutes pending changes. Selectman Munch seconded the motion. Chairman Cullett said “yes”; Selectman Munch said “yes”, Selectman Leach absent
- Approval of 12/4/17 BOS Meeting Minutes pending changes have been completed and signed by BOS on 1/2/18
- Meeting Minutes from 12/18/17 will be tabled until next meeting date of 1/16/18

**Item 5: Report from Departments**

**Highway Dept. – Highway Superintendent Russell Reporting**

- Mr. Russell said that on the Hall property, he was able to get rid of pretty much everything with 3 dumpsters, which are 10-11 ton per dumpster. He has a 4<sup>th</sup> dumpster that he has a little bit in. He said that there are boats in the back that he could crush. There is a lot of debris on the property that he will clean up in the spring. There is also a truck. Mr. Russell found a saw beneath an overhang as he was tearing down the house. State Police Detectives came to the site to inspect. Mr. Russell said he asked the Detectives about the truck, which belongs to Dan Casey. They told him to treat it as abandoned property. Mr. Cullett said that if we give or sell it to an individual, we should probably have a sealed bid, even if it's for \$1.00. Mr. Mitchell indicated that when you dispose of any property, if it's to an individual, you're supposed to go through a certain procedure. Mr. Cullett told Mr. Mitchell to follow the same procedure as when they got rid of the Impala. They did a simple sealed bid. They sold it for a couple hundred dollars. He said we would have to put conditions on it. The conditions would be that it has to be removed from the property by a certain date. Probably a week after the bid is due, no title, as is for scrap. Then we're covered legally. Mr. Cullett is not sure if we have to run an actual newspaper ad for that, or just post it around here. Maybe do a couple of free publications.
- Mr. Russell wanted to discuss Travis' status, who has been through with his probationary status as of 24<sup>th</sup>. He will now be eligible to get paid for the holidays. Upon his hire, he was to get his hoisting license. Mr. Russell asked if the BOS has to say he's through his probation period. Mr. Cullett said that after 90 days, his probationary period is done. He said that Mr. Russell's feedback has been very positive. Mr. Cullett suggested putting in the application for testing, and having him sign it. Mr. Russell said he mentioned that he had paid it before, but that he had excise tax due. He said that he couldn't get his license until his taxes were paid. Mr. Russell would like for him to at least get his 2A license. Mr. Cullett said he would be reimbursed if he took the test and passed. Mr. Munch said “we have a 2 week period between now and our next meeting. Let Travis know that in 2 weeks, we want some answers. It's not going to go on.” Mr. Cullett indicated that he has no issue with signing him up for the test, and sending the check. The condition is that he has to pass. Mr. Munch said “we can't do that, because we didn't do it for

Brad.” Mr. Russell said that he has given him all the things he needs to learn as far as the State Laws and the numbers of the law. Mr. Cullett said he has to do 2 classes; 2A, 4G. Mr. Munch wants an answer back within a week so that we can put it on the Agenda if we have to, and take official action.

- Mr. Munch said that he and Mr. Russell did their ride around on Thursday, December 21 on all the different roads that there were issues. They looked at all the issues that Mr. Russell had. Mr. Munch said it basically was brush along the sides of the road, with high brush at different points. He has locations. He contacted Tony Frusciente. Mr. Munch said Tony told him that he had tried so hard to get these people to get involved in fixing Greylock Circle, Garnet Mtn. Lane, and Cornell Ln. Mr. Frusciente said the part time people were willing to put money into it, but the people who lived there weren't. Some of them were willing to go out and work. Mr. Munch told Tony that the BOS was going to be sending letters out next spring to the landowners on these roads. They would be notifying them that something needs to be done or there is a possibility that the town could discontinue plowing those roads. Mr. Munch indicated that he doesn't even think we have an obligation. That's something we need to look into, but at the same time they need to do something.
- Mr. Russell wanted to talk about the flag at the top of the hill. He said a few years ago, back when he worked for the Town of Dalton, they had a Selectman that if he saw something he didn't like, he'd tell us how to do our job, or to stop doing it. The Chairman of the Board told the Highway workers that no individual Selectman has the right to tell them how and what to do. Friday, it was probably -15° with the wind chill. Mr. Russell did not work on that day, but that same gentleman came down and was pretty adamant that the guys change the flag on the top of the hill because it was all ripped. Also, that it had to be at half-mast. Mr. Munch suggested that we have him here to have a conversation about it if there are any further incidents.
- Mr. Russell said that the paper compactor was struggling due to everything being frozen. It kept kicking back. It was suggested to get a magnetic heater, plug it in and stick it to the side of the oil tank. He said “that's just not going to work. Not when it's cold like that.” Mr. Munch suggested putting ATF fluid in the system.
- Mr. Russell asked if the fuel tank down at the Highway Dept. was owned by the town. Mr. Cullett said he believes it was purchased. “We don't pay a rental fee.” Mr. Russell indicated that he has been thinking about shopping around. He's having issues with the automatic delivery. Christmas Day, Mr. Russell checked the tank, and it was out of oil. They were putting 10 gallons at a time just to keep it going. Mr. Russell said that he called the company Tuesday morning. They said they have a truck broken down. Wednesday, nobody showed up. He called the company again. He has a contact number from Roberts Energy. They are doing a lot of businesses up here. Mr. Cullett said one thing we should consider next spring is adding a gasoline tank. He said a 500 gal. tank would work out well.

### **Town Administrator – TA Caleb Mitchell Reporting**

- TA Mitchell said we have received a memorandum from MIIA. We have to appoint someone to be a voting delegate. Mr. Cullett made a motion to have TA Mitchell as the voting delegate.
- TA Mitchell said “we’re going to have to update our Community Plan for Community Development. Lauren Garrity from BRPC wants to attend the next BOS meeting. She’s the one staff member there that’s assisting us with the Green Community designation. She wants to explain the different criteria that would have to go on the Annual Town Meeting, and have a discussion with us about that. We were able to get approval to have Guardian do our energy audit. We haven’t scheduled it yet, but we do have approval. We have all our energy data that has been analyzed. Now we want to do the audit. We have to consider some of the other criteria which have to do with our Zoning By-Laws. The most difficult one is a by right use for a Green Energy Facility like a solar array. According to Lauren the way that a lot of smaller towns are getting around that one is that they’re designating town property where you can locate a Solar Array that’s commercial by right. We don’t have much property. When you try to do a “by right use”, if you don’t designate a certain area, it’s almost like saying “anywhere in town.” Mr. Cullett said “so we need to have a By-Law that is open to solar. What if you don’t have anything that prevents solar already in place?” Mr. Mitchell said “we do everything by special permit. The Zoning requirements under Green Community designation is by right. In other words, you don’t have to go to the Board of Appeals and get a special permit. It would be a by right use.” Mr. Cullett said you’d have to have a By-Law with a cap on size. Mr. Mitchell said the only problem with by right is possibly people locating the places where abutters are not going to like that at all. Mr. Cullett said “things have been left to Special Permit for that very reason so that abutters always have a say. It never hurts to have guidelines that the town wants to adopt rather than leaving it wide open. If we had limitations that were spelled out a little bit better prior to the windmill proposal, that project wouldn’t have separated the town like it did.”
- Mr. Munch asked about Anna Lucey of Charter. They had said they needed this Agreement by the 2<sup>nd</sup> week in January. They haven’t even sent us the updated licensing agreement.

### **Item 6: Discussion of changing the date of the Annual Town Meeting**

- Mr. Cullett indicated that there is no By-Law against changing the date of the Annual Town Meeting. “It doesn’t have to be on a specific date in June.” Mr. Munch has the 220<sup>th</sup> and 221<sup>st</sup> Annual Reports. The 221<sup>st</sup> is for FY1991, and the 220<sup>th</sup> is for FY1990. In 1990, the Town Meeting was the last meeting that it was on the 1<sup>st</sup> Saturday of May. The 221<sup>st</sup> of FY1991 Report states it’s the 1<sup>st</sup> meeting that they had on the 1<sup>st</sup> Saturday of June. Mr. Munch proposes that we bring the Annual Town Meeting back to the 1<sup>st</sup> Saturday in May.

Mr. Mitchell said that the BOS had asked for him to include Finance Chairman Gruele and Town Clerk Leach to the meeting. He did call them, and neither could be present tonight. Mr. Gruele told Mr. Mitchell that he didn’t want to change the date. His reasoning is that we may not have all the cost related to Schools, and Transportation for the Vocational Schools. He thinks it’s better to

keep it the same. Mr. Cullett said he would agree with him, but through Bonny DiTomasso, School Committee Member, the School Board has already told us that we would have those numbers in plenty of time. "It's up to us when we get the Vocational Transportation. We can put that out to bid much earlier."

This item will be on the next BOS Meeting Agenda of 1/16/18 for discussion/vote. Mr. Cullett has asked Mr. Mitchell to contact Legal Service Rep., Joel Bard to confirm that he would have someone to attend the Annual Town Meeting May 5, 2018, the 1<sup>st</sup> Saturday in May, 2018.

**Item 7: Discussion/Update of the Policy for Appointed/Salaried Employees for Work Hours, Sick Time/Medical Leave and Vacation**

- At this time, this discussion has been tabled.

**Item 8: Discussion and Review of Town of Peru Policy for Plowing/Sanding Private Roads**

- Mr. Cullett said "we do not have a written Policy for Plowing/Sanding Private Roads, but we do have an unwritten Policy that has been followed for the previous 20 years. The Policy has been that we will plow the roads if they are maintained by the Association or the individuals who are responsible for it. In the area of Lee Rd./Hill Rd. there are junk vehicles building up. When the weather gets warmer, Mr. Munch plans on talking with the people in that area, possibly before we send letters out. He said "that might be something that we want to address at some point." Mr. Mitchell said "we do have By-Laws." Mr. Cullett said "we need to be prepared to follow through across the board, and not single out." He said that this will be revisited in the Spring.

Mr. Munch said in talking with Mr. Frusiente, who went through the whole history on the Association, he doesn't think there is an Association.

**Item 9: Review and approve accounts payable, treasury warrants, payroll warrant**

**Item 10: Adjourn**

**Other matters/items not listed, but brought up for discussion to the extent permitted by law during January 2, 2018 BOS Meeting**

- Mr. Cullett said that at the last meeting, the BOS approved the Appointment of TA Mitchell as Alternate Delegate to the Berkshire Public Health Alliance. At that time, the Appointment Form was not available. It has already been voted on and approved, so Mr. Cullett will sign it.

- Four Seasons will be coming on January 11, 2018. Mr. Cullett said he doesn't think we have a Maintenance Agreement with them for the boiler in the Highway Garage, and that we need to consider some heating system upgrades for that building next Spring.
- Mr. Cullett asked Mr. Mitchell to get together with Chief Heneault. He's been having difficulty getting Four Seasons scheduled for the furnace in the garage. They already diagnosed the problem at the end of last winter. They gave us an estimate to fix the problem, with the parts that were needed. When they come here, they should come with those parts and fix that particular furnace.
- Mr. Cullett said that before the next budget season, we should get someone who knows HVAC Systems Design and more than a Technician.
- Chairman Cullett made a motion to adjourn the meeting. Selectman Leach seconded the motion. Chairman Cullett said "yes"; Selectman Leach said "yes"; Selectman Munch said "yes"

**Meeting adjourned at: 7:52 P.M.**

**Articles used in meeting**

12/4/17 Meeting Minutes

1/2/18 Meeting Agenda

220<sup>th</sup> and 221<sup>st</sup> Annual Town Reports

Appointment paper for Mr. Mitchell as

Alternate Delegate to the Berkshire Public Health Alliance

Respectfully submitted,

*Irene J. Morrison*

Irene J. Morrison

Selectmen Secretary

Chairman, Bruce Cullett

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Selectman Verne Leach

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Selectman Ed Munch

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