

SELECT BOARD MEETING MINUTES: August 23, 2023 @ 6:00 P.M.

Town Hall Meeting Room

Vern Leach, Chairman Selectman/ACO
Doug Haskins, Selectman/Fin Com
Ed Munch, Selectman
Terry Walker, Town Administrator
Jesse Pelkey, Fire Chief
Bruce Cullett, Police Chief/EMD

Public Attendees: Don Perreault

Item 1: Call to order: 6:00 P.M.

Item 2: Roll Call: Chairman Leach present, Selectman Haskins present, Selectman Munch arrived at 6:38 p.m.

Item 3: State Recording status: None.

Item 4: Pledge of Allegiance to the Flag: Led by Selectman Leach

Item 5: Review and Approve BOS Meeting Minutes for 8/14/2023:

Selectman Leach motion to approve 8/14/2023 minutes pending changes, Selectman Haskins second, 2-0,

Item 6: Updates of Departments:

Police Chief Cullett mentioned that milling has been completed on 143 although the storm drains need to be modified. The paving on 143 should be completed by the middle of September 2023.

Town Administrator Walker mentioned that the invoice for Overhead Doors for \$212.00 had been paid out of ARPA on Warrant V02-2024. Therefore, this invoice will not require an encumbrance.

TA Walker received an email from Karen Robicheau, Permit coordinator for Devlin Energy. Ms. Robicheau has been waiting for Peter Yetman, Wiring Inspector, to return her calls and emails. Some of the inspectors signed off on her plans in November 2022. Selectman Haskins will hand deliver to Mr. Yetman's house tonight so he can sign off on the wiring inspection.

Peggy White and Daryl Darby submitted an appointment request for Berkshire Public Health Alliance to the Board of Selectmen. The BOS needs the proper paperwork from BRPC to appoint these two individuals.

Item 7: Discussion on Fire Rescue Vehicle: This was placed on hold- without numbers the board cannot discuss.

Item 8: Discussion and possible vote on Metal Dumpster Policy: An email was received from Jeff Blake from KP Law stating that because the Town does not make an explicit claim on the scrap metal in the Transfer Station, the property, in his opinion, is available for others to take at their desire. The email stated that the transfer station attendants can allow residents to take items out of the dumpster. Selectman Leach invoked the rule of necessity. Selectman Munch invoked the rule of necessity. Mr. Leach felt that if a resident needs something out of the dumpster it can be approved by the attendant as long as it is not a dangerous situation. Mr. Munch asked to place this item on hold until TA Walker modifies the policy with Town Counsel. Police Chief Cullett questioned the urgency for revising the Metal Dumpster

Policy. Mr. Leach and Mr. Munch agreed that TA Walker would modify the current policy and get a ruling from town counsel. The revised policy will hopefully be approved at the next BOS meeting.

Item 9: Discussion on complaint made by Harold Finn about Hickingbotham Road: Selectman Leach placed on hold because Highway Superintendent was not present. Mr. Finn asked why the drainage issue on Hickingbotham Road has not been resolved since he brought this to the Selectboard over a month ago. Selectman Haskins has driven by Mr. Finn's residence numerous times and does not see a problem. Selectman Munch has driven by at least 3 times during rainstorms and the water is not going down Mr. Finn's driveway. Mr. Finn stated that for 30 years the driveway was fine but when Highway Superintendent Russell changed the drainage from the North side to the South side of the road the water is going down his driveway. Mr. Finn stated that he will be contacting the DEP. Mr. Finn reiterated that the last time Highway Superintendent Russell graded the road he ruined his driveway. Selectman Haskins mentioned that Hickingbotham Road is higher than Mr. Finn's driveway and they cannot lower the road. Upon leaving, Mr. Finn stated that he would be at every Selectmen's meeting to harass them until this issue is fixed.

Item 10: Discussion and possible vote on the auction results for the Ford Expedition: The town received a bid of \$1,500 for the Ford Expedition and the Board decided to relist. This was placed on hold until they get more information from Chief Cullett.

Item 11: Discussion on Green Communities grants possible projects: Some ideas for revising the Green Communities Grant.

- Electric hand dryers in bathrooms
- Finish town hall lighting
- On demand hot water in bathrooms
- Electric car and charging station
- Windows and insulation for town hall
- Solar Panels
- Mini splits for police dept/file server room/ Highway Department office.

Item 12: Review and approve Accounts Payable, Treasury Warrant and payroll Warrant: V04-2024, 24-4P.

Item 13: Public Input: Don Perreault asked Police Chief Cullett how many cars and motorcycles have been issued speeding tickets on East Windsor Road. Mr. Perreault mentioned that cars and motorcycles speed mainly at night and on weekends. Police Chief Cullett thanked Mr. Perreault for bringing this to his attention.

Item 14: Adjourn: Selectman Leach motion to adjourn the 8/23/2023 BOS Meeting, Selectman Haskins second, vote 3-0. The 8/23/2023 BOS Meeting adjourned at 7:39 P.M.

Articles used:

Minutes- 8/14/2023

Warrants: V04-2024, 24-4P

Board of Health letter for appointments

Attorney Blake, KP Law regarding Transfer Station

Email from Devlin Energy

Respectfully Submitted,

Terry Walker

Town Administrator

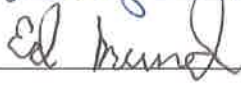
Verne Leach, Chairman



Doug Haskins, Selectman



Ed Munch, Selectman



Date Approved: 9-5-23

Received September 5, 2023
Kim Leach, Town Clerk



Peru Board of Health
3 E Main Rd
Peru, MA 01235

August 15, 2023

Dear Peru Select Board,

The Berkshire Public Health Alliance (BPHA) has a Governing Board that is comprised of towns that hold contractual agreements with the Alliance with a representative from each town that is generally a BOH member, as well as for larger towns public health officials and some towns have chosen the health inspector to be their representative. This board meets quarterly to keep the towns aware of and make decisions on activities and financial aspects of the BPHA.

I am requesting to have Peggy White be appointed as the representative and Darryl Darby to be appointed as the Alternate Representative to the Governing Board of the BPHA. The Peru BOH met yesterday and discussed this matter and all in agreement of these appointments.

Sincerely,

Peggy White, Chair of Peru BOH

[External Sender]Scrap at Transfer Station

Jeffrey T. Blake <JBlake@k-plaw.com>

Thu 8/17/2023 12:26 PM

To:Select Men <selectman@townofperuma.com>

Cc:Brian M. Maser <BMaser@k-plaw.com>;Jared M. Collins <JCollins@k-plaw.com>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Verne,

You have requested an opinion as to whether scrap left at the Town's Transfer Station is property of the Town such than any disposal would require going through the procurement process. In my opinion, based on the facts as I understand them, the scrap is not the property of the Town such that the procurement process must be followed and residents can pick through the pile and take what they want. I base this opinion on the following.

As a general matter, the Town of Peru requires that all residents using the Transfer Station facility have a current valid permit (at a cost of \$50) issued by the Town. The Town specifies that trash may only be brought to the Transfer Station during hours of operation under the supervision of a Transfer Attendant and that anyone using the Transfer Station without a valid Transfer Station Permit is considered dumping illegally and is subjected to a \$100.00 fine. Although the Town contracts with Casella Waste Systems to provide for the disposal of trash and recycling that is placed in the Casella-labeled dumpsters in the Transfer Station, there is nothing in the contract between the Town and Casella, nor the conditions of the Town Transfer Station permit issued to residents which claims the scrap metal or garbage outside of the dumpsters as the property of Casella or the Town of Peru. Furthermore, there is no bylaw or policy in the Town which prohibits scrapping at the Transfer station, nor are there any signs on the Transfer Station which indicate a scrapping ban.

With this in mind, because the Town does not make an explicit claim on the scrap metal in the Transfer Station, the property, in my opinion, is available for others to take at their desire. It is my opinion that the Town may continue its longstanding practice of permitting residents to take scrap metal from the Transfer Station.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,

Jeffrey T. Blake, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 556 0007

F: (617) 654 1735

C: (617) 990 6341

jblake@k-plaw.com

www.k-plaw.com

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Town Administrator

From: Karen Robicheau <karen.robicheau@devlininc.com>
Sent: Wednesday, August 23, 2023 2:42 PM
To: pelkey jesse; Peru Wiring Inspector; Building Inspector
Cc: Town Administrator
Subject: [External Sender]4 Frary Road
Attachments: ScottTrumble-permitpack-06232023.pdf; Building Permit.pdf; Smoke Detector Permit.pdf; Building Permit Application.pdf; Electrical Permit Application.pdf; Fire Permit Application.pdf

Importance: High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

We have been contracted by the homeowner at 4 Frary Road to furnish and install an ESS battery backup system that ties into his existing solar system.

We started this process last November. Due to new rules and regulations constantly being implemented for these types of systems, this project has gone back and forth many times.

We have worked out all the bugs and have provided the fire department, building department and electrical department with the new plans. (attached here as well)

Jesse has been in constant communication in trying to get the project permitted so we can schedule the installation. He has told me that he has spoken with the building inspector and has even provided me their fees; fire fee=\$40 and building fee=\$75 however; he cannot seem to make contact with the electrical inspector and neither can I. This job needs a building permit, fire permit and electrical permit but I cannot (neither can Jesse) get in touch with your electrical inspector.

I am attaching the building permit and fire permits that were issued quite a while ago. Since the issuance of these permits, the planset (attached) has changed. My question is, can we still use these permits? I am attaching the original permit applications here as well.

Your assistance on how to move forward with this project would be greatly appreciated.

Jesse, thank you so much for all your help and putting me in touch today with Terry.

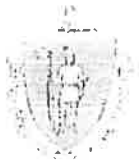
I will wait to hear how your meeting goes tonight. Let me know if you have any questions or need any further information.

If you would kindly let me know you received this email I would greatly appreciate it as we have been having IT problems lately.

Thank you.



Karen Robicheau
Permit Coordinator, Devlin Energy



FP-007C
(Rev. 1.2018)

The Commonwealth of Massachusetts
City/Town of PERU



Return completed application to:

3 EAST MAIN ROAD
SUITE 109
PERU, MA 01235

**APPLICATION FOR CERTIFICATE OF COMPLIANCE
FOR SMOKE DETECTORS AND CARBON MONOXIDE ALARMS
M.G.L. CHAPTER 148, SECTIONS 26F, 26F1/2**

City or Town PERU

Date: 11/28/2022

Application is hereby made for inspection of smoke detectors and carbon monoxide alarms as required by Massachusetts General Law, Chapter 148, Sections 26F, 26F1/2 and 527 CMR 1.00 Section 13.7.

NOTE: SUBMIT APPLICATION TO LOCAL FIRE DEPARTMENT HEADQUARTERS

Location of Property 4 Frary Road, Peru, MA 01235

Owner of Property Scott Trumble

Number of Dwelling Units 1

Signature of Applicant _____

Inspection/Testing completed on: _____

By: _____

Fee: (M.G.L. Chapter 148 Sec. 10A) RESIDENTIAL \$40

Fire Chief JESSE PELKEY (Inspector)

Note: Any certificate issued in accordance with provisions of M.G.L. Chapter 148, Sections 26F, 26F1/2 expires sixty (60) days after issuance by head of the Fire Department.

FIRE DEPARTMENT'S COPY

[Handwritten mark]



FP-007C
(Rev. 1.2018)

The Commonwealth of Massachusetts
City/Town of PERU



**CERTIFICATE OF COMPLIANCE
M.G.L. CHAPTER 148, SECTIONS 26F, 26F1/2**

City or Town: PERU

Date: _____

This certifies that the property located at 4 Frary Road, Peru, MA 01235

has been equipped with approved smoke detectors, and carbon monoxide alarms* and was found to be in compliance with Massachusetts General Law, Chapter 148 Sections 26F, 26F1/2 and 527 CMR 1.00 Section 13.7.

Inspection/Testing completed on: _____

By: _____

Fee Paid: RESIDENTIAL \$40

Head of Fire Department. _____

JESSE PELKEY

(Inspector)

Note: This certificate expires sixty (60) days after date of issue.

SELLER'S COPY

Building Permit

Town of Peru

Berkshire County

Date of Issue: 11/14/22

Map: 37 Lot: 11 PERMIT NO.: 22-46
Use Group: OTFD Construction Type: 5B Fee: \$155
Owner: Scott Trumble Permit F-Solar Batteries
Address: 4 Frary Rd Building Site: Same
Contractor: Deborah Gregor Square Footage: N/A
Address: 2 Keith Way Hingham MA Est Job Cost: \$31,308.00
CSL 115383 Exp. 5.10.24 HIC 182869 8.3.23

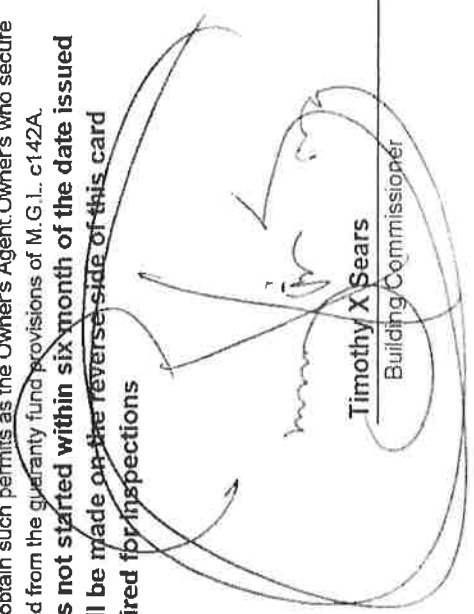
780 CMR 105.0 Permits: This permit is granted, provided that the person accepting this permit shall in every respect conform to the application filed with the Building Official, and to the provisions of the Town By-Laws, Regulations, Special Permits, or other restrictions. The Permit holder shall also conform to the Massachusetts State Building Code 8th Edition and all other applicable State, Local and Federal Laws and Regulations.

780 CMR 110.3 Certificate of Occupancy: Where a Certificate of Occupancy is required, such buildings **SHALL NOT BE OCCUPIED** until a final inspection has been made and a **CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED**. Where applicable separate permits are required for Electrical, Plumbing and Mechanical Installations.

780 CMR 110.0 R6: It shall be the obligation of the Home Improvement Contractor to obtain such permits as the Owner's Agent, Owner's who secure their own construction-related permits or deal with unregistered contractors will be excluded from the guaranty fund provisions of M.G.L. c142A.

This permit shall become null and void if work is not started within six months of the date issued
Signatures for required inspections shall be made on the reverse side of this card
48 Hrs. Notice required for inspections

COMMENTS: Inspections: Final


Timothy X. Sears
Building Commissioner



Commonwealth of Massachusetts

Department of Fire Services

BOARD OF FIRE PREVENTION REGULATIONS

Official Use Only

Permit No. _____

Occupancy and Fee Checked _____

[Rev. 1/07] (leave blank)

APPLICATION FOR PERMIT TO PERFORM ELECTRICAL WORK

All work to be performed in accordance with the Massachusetts Electrical Code (MEC), 527 CMR 12.00

(PLEASE PRINT IN INK OR TYPE ALL INFORMATION)

Date: 11/9/2022

City or Town of: Peru, MA 01235

To the Inspector of Wires:

By this application the undersigned gives notice of his or her intention to perform the electrical work described below.

Location (Street & Number) 4 Frary Road, Peru, MA 01235

Owner or Tenant Scott Trumble

Telephone No. [REDACTED]

Owner's Address 4 Frary Road, Peru, MA 01235

Is this permit in conjunction with a building permit? Yes ☒ No ☐ (Check Appropriate Box)

Purpose of Building Residential

Utility Authorization No. _____

Existing Service 200 Amps 120 / 240 Volts Overhead ☒ Undgrd ☐ No. of Meters 1

New Service _____ Amps _____ Volts Overhead ☐ Undgrd ☐ No. of Meters _____

Number of Feeders and Ampacity _____

Location and Nature of Proposed Electrical Work:

Add (2) TESLA PowerWall2 ESS Battery installations to existing solar system

Completion of the following table may be waived by the Inspector of Wires.

No. of Recessed Luminaires	No. of Ceil.-Susp. (Paddle) Fans	No. of Transformers	Total KVA
No. of Luminaire Outlets	No. of Hot Tubs	Generators	KVA
No. of Luminaires	Swimming Pool Above grnd. <input type="checkbox"/> In-grnd. <input type="checkbox"/>	No. of Emergency Lighting Battery Units	
No. of Receptacle Outlets	No. of Oil Burners	FIRE ALARMS	No. of Zones
No. of Switches	No. of Gas Burners	No. of Detection and Initiating Devices	
No. of Ranges	No. of Air Cond. Total Tons	No. of Alerting Devices	
No. of Waste Disposers	Heat Pump Totals: Number Tons KW	No. of Self-Contained Detection/Alerting Devices	
No. of Dishwashers	Space/Area Heating KW	Local <input type="checkbox"/> Municipal Connection <input type="checkbox"/> Other	
No. of Dryers	Heating Appliances KW	Security Systems:*	No. of Devices or Equivalent
No. of Water Heaters KW	No. of Signs	No. of Ballasts	Data Wiring: No. of Devices or Equivalent
No. Hydromassage Bathtubs	No. of Motors	Total HP	Telecommunications Wiring: No. of Devices or Equivalent

OTHER: 2 Tesla PowerWall2

Estimated Value of Electrical Work: \$13645.10 (When required by municipal policy.)

Work to Start: _____ Inspections to be requested in accordance with MEC Rule 10, and upon completion.

INSURANCE COVERAGE: Unless waived by the owner, no permit for the performance of electrical work may issue unless the licensee provides proof of liability insurance including "completed operation" coverage or its substantial equivalent. The undersigned certifies that such coverage is in force, and has exhibited proof of same to the permit issuing office.

CHECK ONE: INSURANCE ☒ BOND ☐ OTHER ☐ (Specify:)

I certify, under the pains and penalties of perjury, that the information on this application is true and complete.

FIRM NAME: Matthew Devlin

LIC. NO.: 21151A

Licensee: Matthew Devlin

Signature _____

LIC. NO.: 12038B

(If applicable, enter "exempt" in the license number line.)

Bus. Tel. No.: 781-812-0240

Address: 2 Keith Way Suite 1 Hingham Ma, 02043

Alt. Tel. No.: 617-955-7774

*Per M.G.L. c. 147, s. 57-61, security work requires Department of Public Safety "S" License: Lic. No. A1: 8258-A1

OWNER'S INSURANCE WAIVER: I am aware that the Licensee does not have the liability insurance coverage normally required by law. By my signature below, I hereby waive this requirement. I am the (check one) ☐ owner ☐ owner's agent.

Owner/Agent

Signature _____

Telephone No. _____

PERMIT FEE: \$



Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers
Applicant Information **Please Print Legibly**

Name (Business/Organization/Individual):
Address:
City/State/Zip: Phone #:

Are you an employer? Check the appropriate box:

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. <input checked="" type="checkbox"/> I am an employer with <u>15</u> employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. ‡ These sub-contractors have workers' comp. insurance.</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Type of project (required):

6. ☐ New construction
7. ☐ Remodeling
8. ☐ Demolition
9. ☐ Building addition
10. ☐ Electrical repairs or additions
11. ☐ Plumbing repairs or additions
12. ☐ Roof repairs
13. ☒ Other Solar Install

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and their workers' comp. policy information.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

Insurance Company Name:
Policy # or Self-ins. Lic. #: Expiration Date:
Job Site Address: City/State/Zip:

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature: Date:
Phone #:

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector
6. Other _____