

BOARD OF SELECTMEN MEETING

Peru Town Hall Meeting Room

3 East Main Rd. Peru MA

Tuesday, January 3, 2023 @ 6:00 PM

1. Call to order
2. Roll Call
3. State recording status
4. Pledge Allegiance to the Flag
5. Review and approve minutes from 12/27/22.
6. Updates from Departments.
7. Discussion regarding Open Meeting Law Complaint by Kimberly Wetherell.
8. Public input
9. Adjourn

The list of matters are those reasonably anticipated by the Board which may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Official posting: Peru Town website: www.townofperuma.com

Posted December 28, 2022 @ 5:35pm ~ *Kim Leach, Town Clerk*

TOWN HALL 3 EAST MAIN ROAD PERU, MA 01235

SELECT BOARD MEETING MINUTES: January 3, 2023 @ 6:00 P.M.

Peru Town Hall Meeting Room

Verne Leach, Chair Selectman/ACO
Bruce Cullett, Selectman/Police Chief
Doug Haskins, Selectman / Fin Com
James Welch, Town Administrator
Terry Walker, Administrative Assistant
Jesse Pelkey, Fire Chief

Public Attendees: N/A

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

Item 2: Roll Call: Chairman Leach present, Selectman Cullett present, Selectman Haskins present

Item 3: State Recording status: Selectman Leach for personal use under Exemption E

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

Item 5: Review and Approve BOS Meeting Minutes for 12/27/2022:

Selectman Leach motion to approve 12/27/2022 minutes pending changes, Selectman Cullett second,3-0

Item 6: Updates of Departments:

- Fire Chief Pelkey updated the Board of Selectmen with the following:
- Chief Pelkey and Heather passed the EMT course and now the town has two more certified EMT's.
- Chief Pelkey noted that the fees for the courses were higher in North Adams because the course included the first practical exam.
- The Fire Department was awarded a \$10,500 grant for hoses.
- The Fire Department was awarded a Senior Safe Grant for \$1,777.00 and the funds will be sent electronically to the Town Treasurer. The grant will pay for house numbers, smoke detectors, carbon monoxide detectors and batteries. Residents 65 and over are considered Seniors. Chief Pelkey will request a list of Seniors from Town Clerk Leach mentioning that there are about 200 seniors. Selectman Leach mentioned that the Town Clerk will be able to print a legal list of all the Seniors in town.
- Chief Pelkey asked permission to attend a 2-day class in March, plus a 3-day training program for Fire Chiefs. The grant training will be for solar energy. Selectman Leach agreed that \$175.00 for grant training was a good investment. The Board of Selectmen agreed that Fire Chief Pelkey could travel to Worcester for the training.
- Fire Chief Pelkey received a phone call from Ostermann wondering why they were no longer a distributor for Peru. Fire Chief Pelkey was instructed to call Ostermann and check on their end because they are still delivering fuel to Peru.
- Chief Pelkey mentioned that the DCR Grant for \$2,500-\$3,000 was awarded and it is a matching grant.
- Chief Pelkey mentioned that the windshield has been installed in the fire engine. TA Welch will send invoice to MIIA (Town Insurance.)
- A \$50,000 FEMA grant for a fire truck has been rejected.
- Some discussion about repairing the engine in the rescue vehicle which was purchased 6 years ago for \$10,000. The possible repairs would be \$15,000 or purchasing a used 2015 rescue vehicle is around \$160,000. Chief Pelkey mentioned that now is the time with the budget season coming up to decide whether to purchase a used fire truck or attempt to fix the engine in the rescue vehicle. Selectman Leach made it known to Fire Chief Pelkey that until the engine is diagnosed, they will not buy a motor.

- Fire Chief Pelkey mentioned that Henshaw worked on the well last week. It is a 400 foot well and he replaced the worn wiring, replaced the pump and installed a new cap.
- Fire Chief Pelkey mentioned that Highway Superintendent Russell received his certification for hot works and the permit was signed for storage of 2,200 gallons of fuel stored on the property. These permits are good for 1 year.
- Chief Pelkey mentioned that Dalton now has certified Medics on call.
- Fire Chief Pelkey mentioned that will be attending the Chiefs monthly meeting continuing ED for Western Mass Fire Chiefs on January 19th and a 3- hour fire investigation course in Southwick, MA on January 24th. Plus a free class with updating codes in Great Barrington on January 25th.
- Senior Safe Grant for \$1,777.00 was signed by Fire Chief.

Police Chief mentioned that the traffic signs have been installed on East Windsor Road. The mounts were installed so the signs can be moved frequently every week or so. The mounts were installed on roadways that get the most speeding complaints. Chief Cullett mentioned that next Monday, Tuesday and Wednesday he will attend a free de-escalation class at UMASS.

EMD Cullett stated that the EMP grant has been approved and he located a trailer at an auction at the Village of Albion in New York State. The trailer is on Auctions International, and the town may have to set up a bid account and bid on it. The only bid at this time is a \$500.00 bid. All surplus items must go to auction and cannot be sold municipality to municipality according to the DPW Superintendent in Albion.

TA Welch mentioned that the tax bills will be mailed out on Saturday and due on February 6, 2023. TA Welch presented a letter from The Mensing Group, LLC they are introducing themselves to the Board of Selectmen. Attorney Mensing is cannabis attorney representing aspiring cannabis businesses in Massachusetts. The Board of Selectmen will place Attorney Mensing on next week's agenda.

A letter from Patrick Keenan from MVP Planning Grant was discussed. The Board agreed to commit to a workshop and participate in the grant program preparing for the impacts of Climate Change. Selectman Leach motion to sign letter of support to be part of the MVP process, Selectman Cullett second, 3-0.

Fire Chief Pelkey distributed his mileage log for the command vehicle to the Board of Selectmen. Chief Pelkey was asked to write down if the calls were emergency or non-emergency. Chief Pelkey agreed to document as needed. Chief Pelkey also mentioned that he responded to 85 calls this year and 180 hours of volunteer time. Chief Pelkey thanked TA Welch for allowing Logan to complete the certification on a house when he was out sick.

Item 7: Discussion regarding Open Meeting Law Complaint by Kimberly Wetherell:

Selectman Leach is requesting date of OML submission be place on the agenda. Selectman Leach then recused himself because he was not in attendance at the 12/07/2022 Board of Selectmen's meeting.

TA Welch drafted a letter to Kimberly Wetherell from the Board of Selectmen. The board agreed the Attorney General should be CC'd but not specify Maura Healey on the letter. Selectman Cullett did not compare recording to minutes, but feels the minutes are accurate. TA Welch did not use recording to transcribe minutes. Selectman Cullett stated that the minutes were not manipulated. Selectman Cullett stated that TA Welch quoted unprofessional remarks from the audience and summarized the minutes very accurately. Selectman Cullett believes after 5 OML complaints in one year the complainants are offered mediation at town expense. TA Welch and the Board of Selectmen disagree with the OML complaint and there is no need to specify remedial action. Selectmen Cullett mentioned that the board will continue to review and accept minutes in a timely manner and post to the website as soon as possible. Also, the complaint

regarding the weekly agenda, the Board of Selectmen in good faith will strive to fulfill OML to the best of their ability. Selectmen Cullett motion to approve letter to Kimberly Wetherell, Selectman Haskins second, 2-0 Selectman Leach recused himself he did not attend the 12/7/2022 meeting.

Kimberly Wetherell 1/2/2023 complaint will be put on next week's agenda.

Allegation: "The Selectboard's agenda and approved minutes for their 12/19/2022 meeting lacks sufficient specificity to reasonably advise the public of the issues to be discussed and were discussed at the meeting. The minutes state that approval of the minutes for 12/12/2022 are to be placed on hold without giving details on why they are being placed on hold." Selectboard had agreed that reviewing the 12/12/2022 minutes would be placed on hold.

Allegation: "At the 12/19/2022 Selectboard meeting the Treasurer made a request to borrow \$100K from a Stabilization Fund. The Approved minutes state that there was a vote authorizing the Transfer (3-0) without any additional details". The Selectboard agreed that the Treasurer has the authority, and her intent was to let the Selectmen know she needed to borrow from Stabilization Fund.

Allegation: "The posted agenda fails to list the request for the transfer of funds from the Stabilization Fund. The reason for the withdrawal and the vote to authorize." The Selectboard agreed that under Updates from Departments, issues that arise can be brought before the board without prior notice.

Allegation: "The approved minutes fail to reflect any details on the purpose for the request or the deliberation to approve transfer of 100K". The Selectboard agreed that it was common knowledge that the tax rate had not been set and the tax bills have not been mailed out. The transfer from the Stabilization as in past years was for cash flow purposes. The Selectman agreed that this should not be an issue nor an Open Meeting Law violation. Selectman Cullett stated that the Selectboard strives to work diligently and meet all the requirements of OML. Selectman Cullett also disagrees that the Selectboard is manipulating minutes and the Board is not practicing secrecy in their deliberations. The Selectboard will respond to Kimberly Wetherell's allegations and remind the Attorney General to review the town website. The Selectboard agreed that they are fulfilling the OML guidelines to the best of their ability.

Item 8: Public Input: N/A

Item 9: Adjourn: Selectman Leach made motion to adjourn the 01/03/2023 BOS Meeting, Selectman Cullett second, Vote 3-0. The 01/03/2023 BOS Meeting adjourned at 7:35 P.M.

Articles used:

- Minutes- 12/27/2022
- OML complaint by Kimberly Wetherell-1/2/2023
- Response to Kimberly Wetherell's prior complaint dated-12/21/2022
- Letter from The Mensing Group LLC
- MVP Planning Grant letter of support
- Fire Chief Mileage log
- Senior Grant Signatory page

Respectfully Submitted,

Terry Walker
Administrative Assistant

Verne Leach, Chairman

Doug Haskins, Selectman

Doug Haskins

Bruce Cullett, Selectman

Bruce Cullett

Date Approved: 1-9-2023

RECEIVED
JAN 11 2023
Kim Leach
TOWN CLERK
TOWN OF PERU