

**SELECT BOARD MEETING MINUTES | May 4, 2020 | 6:00 P.M.**

TOWN HALL MEETING ROOM

**Present:**

Verne Leach, BOS Chairman / ACO  
Ed Munch, Selectman / Historical Commission  
Bruce Cullett, Selectman / Police Sergeant  
Caleb Mitchell, Town Administrator  
Caryn Wendling, Treasurer/Tax Collector  
Bonny DiTomasso, Wahconah School Committee Member  
Irene Morrison, Administrative Assistant

**Residents:**

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

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

Item 3: **State recording status:** Mr. Leach and Irene Morrison recording; Live stream on Town Clerk Facebook page

Item 4: **Review and approve BOS Meeting Minutes of 4/22/20 & 4/27/20:**

\*Mr. Leach motions to approve the 4/22/20 BOS Meeting Minutes. Mr. Munch seconds. All agree. **VOTE 3-0**  
The 4/27/20 BOS Meeting Minutes will be reviewed at the next meeting of 5/11/20

Item 5: **Update of Departments**

Mr. Cullett said he hasn't received anything from the Highway Dept.

**Police Dept. – Sergeant Cullett reporting**

Sergeant Cullett told TA Mitchell that we need to get the Police Officer position posted.

**BOS – Mr. Cullett reporting**

Mr. Cullett said he has a proposed solution to getting the painting project done that we put off on the east wall last year. He said he's going to volunteer to do it, assuming we can utilize what was budgeted for materials and rental of a boom lift and utilize the Highway Dept. pressure washer. He said if there are any bad spots on the north wall, in which he thinks there may be a couple, he can address those also. For now, he wants to make sure that the east wall gets some paint on it, in which he said he would use Sherwin Williams Duration latex paint. Depending what is recommended, he may use a masonry primer, although, the paint itself may also work as a primer. Mr. Munch told him that he'd be willing to help.

**Town Administrator – Caleb Mitchell reporting**

TA Mitchell said we got a letter from MIIA. Evidently, due to COVID-19 they said if we have invoices for payment that were less than \$5,000.00, we wouldn't receive an invoice for the remainder of the Fiscal Year. They haven't decided yet, but they have additional money where they're going to give credit or dividends to towns. Mr. Munch said that will go to Free Cash for FY2021. (*See letter from MIIA*)

TA Mitchell said we have a notice from MBI about the free circuit for the Internet Service Providers (ISP) to be utilized for a temporary hotspot. He asked the BOS if this is something they want to participate in. Mr. Cullett said when he talked with Josh Levin, Account Manager from Crocker the other day, they had talked about that. Mr. Levin told Mr. Cullett that didn't apply anymore because we now have Spectrum. He said that's mainly for towns that don't have access to high-speed broadband. Mr. Leach indicates he has talked with Rep. Paul Mark regarding that there's only one section in town

that does not get internet at the moment. Rep. Mark talked with Peter Larkin of MBI about it, so that may be an answer for down there. Mr. Cullett said they would set the hotspot up in the town building. He said if someone were in the vicinity of this building, they would be able to get it. It's being offered in all the town buildings across the state that have been connected with the middle mile that don't have hi-speed broadband yet. He said it's not something they would pursue. *(See notice from MBI)*

TA Mitchell updated the BOS on the contracts for some of the grants. He has to confirm with Caryn Wendling, Treasurer/Tax Collector who would receive the first half of the payment for the 250<sup>th</sup> Celebration. Mr. Cullett said that she confirmed that it came in. TA Mitchell said we also got the approval for the contract with the Mohawk Trail Woodland Partnership (MTWP). The e-mail he received seemed to imply they were going to send the full amount of the grant money, in which 6/30/20 is the end date to get the work done. Mr. Cullett said he hopes things will dry out. Mr. Munch said that Supt. Russell will have to get people lined up to haul the gravel. TA Mitchell said the only hitch in this whole thing is the way they set the budget up with \$18,000.00 or \$19,000.00 for gravel and the rest for signs. He said he explained that he had to write a proposal to them in how we're going to use the money and give a description of the project. He basically told them that Department of Conservation and Recreation (DCR) signed that they were going to provide the signs for free. He gave DCR a description of where the signs were going to be located. He said that essentially, we'll be spending the full \$20,000.00 on gravel. Mr. Cullett said Supt. Russell is looking to have it toward June when things dry out more so that he can get a loaded triaxle in there without sinking. Mr. Munch indicates there's a big rock down there, and wonders if the town would have to get a jackhammer. Mr. Cullett said they have attempted it with the backhoe. He doesn't know if they've tried it with the excavator to see if it would budge. He said we have to keep in mind that the \$20,000.00 in material isn't going to redo the entire road. Some areas of that road aren't bad, but some are horrible. There needs to be some drainage work on the one steep hill that washes out constantly. Mr. Munch said an area large enough where you can turn around and park.

TA Mitchell said the contractor that's doing the Solar area wants to get something in writing that we're approving him to do an overhead wire where they connect it where it comes up the hill on the new roadway they have to the sight. Originally that was supposed to be underground, but there's bedrock there. The landowner and Conservation said it was fine. Mr. Cullett said the ZBA is the one that gave them the Special Permit to build the Solar Array. If it's outside the boundaries of the Special Permit, it's probably something the ZBA has to authorize or if the ZBA has given authority to the Building Inspector to allow him to accept small modifications. He suggested to TA Mitchell to ask Sam Haupt of the ZBA or to review the Special Permit that was granted to the Developer or see if there's anything in there that would require the ZBA to be involved or if the Building Commissioner can take of it. He said he doesn't think you would be able to see the additional utility poles from the road. Mr. Leach said if the Conservation Commission needs to sign off on the poles, have them sign. Mr. Cullett said it's within the work area so it's not outside the existing work area so Conservation should be fine.

TA Mitchell said we got the legal opinion from Town Counsel regarding the payment to Dufour. It appears to give us a case to not make the payment for April. There may even be a case for a portion of the time for the month of March. Mr. Cullett said it's a unit price-based contract per day of service. TA Mitchell said they billed us for April. March didn't come up because we had paid them at the beginning of that month before the COVID-19 hit. Mr. Munch said to send them a letter along with a copy of the Town Counsel opinion and ask for a refund. He said if they didn't want to give us a refund, he would be willing to accept credit per day that we didn't receive the service on next year. Mr. Cullett said he would be happy if we paid them through the end of March. They gave us service approximately half the month, however, not for April, May, and June in which no services were rendered.

TA Mitchell said we got a legal opinion from Town Counsel on the private roads. We would have to be petitioned by 200 or 20% of all the registered voters in town to put a question on the ballot at the Annual Town Election, and not the Annual Town Meeting. The voters would be voting to authorize the town to plow the private roads. Without that it's at the discretion of the BOS whether to plow private roads. Mr. Munch feels that we should go along the route we've been going. We would have to have the criteria from Supt. Russell of what he would expect from people on those roads to do to meet that criteria. Mr. Leach said we need to vote on the Policy itself. Mr. Cullett said we haven't done that yet. He doesn't think we need to vote on the Policy until we decide if we're going to plow the roads. Acceptance of the provisions of MGL Chapter 40, Sec.6C is required before Town Funds can be appropriated and used to plow private ways. Without that acceptance, we can't legally appropriate any money to plow the private ways until that is accepted. Mr. Leach said

that if we plow the private roads right now, we're using public monies to plow those private roads. Mr. Cullett said, "After we're told we're doing something wrong and we continue to do something wrong, after being told in black & white by our Town Counsel that we can't do it this way legally. TA Mitchell said we would need to release this information to the voters to let them know that we would not be able to plow the private roads unless they petitioned us and it passes at the Election with a "Yes" vote. Mr. Cullett doesn't know what the cutoff date is to get this on the ballot. He said if we could appropriate funds in advance of the Election results, and then only utilize those if it passes with a "Yes" vote. He said we would have to ask Supt. Russell to confirm if his current proposed budget allows for keeping those roads clear of snow & ice if there's no additional appropriation required.

**CBRSB – Bonny DiTomasso, School Committee Rep. reporting**

Bonny indicates that the request for her to come to this meeting was very timely because the Finance Sub-Committee of the School just had a meeting on 4/30/20 related to the issue at hand. She distributed a Power Point Presentation "**Financial Impacts due to COVID-19**" that was given by the Director of Finance & Operations of the School. She presented an overview of the Power Point Presentation to the BOS & TA which included the FY2020 Impacts; Level Funded State Aid; Decrease in State Aid; 1/12 Budget Due to Lack of Town Meetings. She said there is a savings on transportation cost, which was negotiated by the Director of Finance & Operations. The Operating & Maintenance budget has to pass through 5 of 7 towns. Mr. Munch, for his own understanding asked Bonny if anything is saved due to this school shutdown before 7/1/20 can that savings be rolled over and applied to next year's budget? She said, "Yes". Mr. Cullett said for the next Fiscal Year, the District will probably anticipate a sharp reduction in State Aid, so the Operating Budget assigned to each town will jump to make the difference up. He also asked if there have been layoffs of Custodial Staff, Paraprofessional's, Dietitian's, Cafeteria Staff, Administrative Personnel. Bonny said in order to support the community, there have been grab & go meals, meals to the community, so they have staff in the kitchen. Custodian's clean up the buildings. There is remote learning. There have been no layoffs at this point. Mr. Cullett asked if the decision of no lay-offs were made at the Superintendent Office level or if it were made by the School Committee that no lay-offs would take place. Bonny said that came from the District Office. Mr. Cullett stated, "I'm assuming that the District pays for Unemployment Insurance for all employees." Bonny said, "Yes". Mr. Leach requests she keep us updated through TA Mitchell. *(See CBRSD Power Point Presentation: Financial Impacts due to Covid-19 Finance Subcommittee Meeting of 4/30/20)*

**Treasurer/Tax Collector – Caryn Wendling reporting**

Treasurer Wendling asked about the Police Payroll now that Chief Henault is gone. Sergeant Cullett said that he is the Officer in Charge (OIC). Mr. Leach said Sergeant Cullett will be putting in more hours to cover for the Chief and will continue at the Sergeant's rate of pay.

Treasurer Wendling said that Accountant Osborne and Assistant Accountant Gruele will be meeting here at 3:45 P.M. tomorrow. The variance is now around \$4,700.00.

Item 6: **Possible Executive Session in accordance with MGL Chap. 30A, Sec. 21 (A)(1) to discuss Complaint brought against Police Officer Kyle Nutting @ 6:30 P.M.**

\*Mr. Cullett motions to move the Executive Session to later in the meeting. Mr. Leach seconds. All agree. **VOTE 3-0**

Mr. Leach read **MGL 30A Sec. 21(a) (1) (I-IV)** for the purposes of meeting in Executive Session

Mr. Leach motions to move into Executive Session and re-open the Open Meeting after the Executive Session ends. Mr. Munch seconds. **VOTE 3-0** All agree that the Open Meeting will recess at 7:04 P.M.

**7:35 P.M. Open Session BOS Meeting resumes**

Roll Call: Chairman Leach present, Selectman Munch present, Selectman Cullett present

Item 7: **Discussion and Review of Draft Policy for Plowing Private Right of Ways**

This discussion is tabled until the next BOS Meeting of 5/11/20

Item 8: **Discussion of Police Chief's job description**

Mr. Cullett recuses from this conversation. TA Mitchell contacted the Town of Windsor to see what they had done when looking for a Police Chief. According to one of the members of the BOS, they posted the position, but she doesn't think they received any applicants for the position. They decided they would promote from within, so they promoted the Police Sergeant for the position of the Police Chief. Mr. Leach said he knows other towns have done that. Mr. Leach said we were going to use Jeff's description for the posting. He requests that TA Mitchell post the position on the Town Website, including the hours, duties, and responsibilities of the position. Mr. Munch would like to have a date where our decision to hire happens after 7/1/20 in order to allow our Sergeant time to get an Article on to the ATM to be a candidate for Chief and still be a Selectman.

Item 9: **Discussion and possible Vote to approve Animal Control Policy for temporary storage of Stray Animals**

Mr. Leach recuses himself, being that he is ACO. TA Mitchell asked to put this item on hold because he hasn't yet drafted a policy.

Item 10: **Discussion and Review Town Hall/Community Center Electronic Sign or alternative Projects for Town's 250<sup>th</sup> Anniversary Celebration and Grant Application cost reimbursement**

Mr. Munch said at the last BOS Meeting that he would try to get some numbers from different companies for the sign. He tried to pick out a few with Amazon being at the top of his list for a 3' x 7' Full HD w/3yr Guarantee @ \$12,600.00 and \$4.95 for shipping; LED Miami Signs for a 4'x 8' Full HD @ \$12,575.00; Petro LED for a 3' x 6' Full HD w/5yr Guarantee @ \$11,733.33; and TV Liquidator who offer 5yr Guarantees. All have Tech Support. The prices range from \$11,000.00-\$13000.00 with all equipment including software. Initially, we were looking in the area of \$15,000.00. Peter Yetman, Wiring Inspector, suggested to Mr. Munch to get 3 of the companies that looked the best with the specs, then they will sit down and determine which one of the 3 they would choose. Mr. Leach provided information from Signs by Tomorrow, a National Company who have an office in Newton, MA. Mr. Cullett said there were 3 RFP's sent to semi-local companies. One was Graphic Impact Signs out of Pittsfield, Callahan Sign, and Agnoli Sign out of Springfield. The only one who submitted a bid, but improperly, was Callahan Sign. He said other things to consider are the additional costs for the base and if we're going to have a cabinet surrounding it with an old-fashioned sign that says "Town Hall/Community Center." Mr. Munch will get the 3 best he can find; get the websites they're on; and send Mr. Leach, Mr. Cullett and TA Mitchell the list with prices so they can look at them before the next BOS Meeting. *(See list of HD Exterior Signs compiled by Mr. Munch)*

Item 11: **Discussion of Fiscal Year 2021 Budget**

Mr. Cullett provided an update after talking with Josh Levin from Crocker via an e-mail he sent showing what we currently have for a plan for speed at Town Hall is the 10MG connection to the MBI Fiber. He said we pay \$199.95 per month for that. Mr. Cullett said we need faster speed for our connection. One of the main reasons is, anybody who's tried to download things such as software onto the system, complains about the slow speed. When you have people working here at here at the same time within the Town Hall, it comes to a screeching halt. He said it's expensive to increase the speed through MBI Broadband to go to 100 which is the speed most of our homes are now connected at with Spectrum, the price goes to \$820.00 per month. He mentions that Spectrum pricing is higher than MBI for all the speeds with Fiber Delivery. That's where it stands with Crocker. We have a Crocker phone system. He's not sure it's compatible with anybody else if you remove Crocker from the equation, he doesn't think it is. Maybe the hardware is, but all of the extensions & things and the automated attendant are managed through Crocker. Mr. Leach is waiting to hear back from Business Spectrum on 2 estimates. One is the internet, and the other is the phone to see what they can do. Mr. Cullett

asked if they told him if it was available. Mr. Leach said “yes”. Mr. Cullett said he believes we would benefit by doubling the connection speed if not tripling.

Mr. Leach said we have an estimate from Mitch Lacker of Renuus Solutions of Pittsfield. Mr. Lacker said if we were to hire him, the first thing he wants to do is clean up the wiring that’s in the computer room. He said the wires in that room aren’t marked what they are, where they came from, or where they’re going to. Mr. Cullett said if that is what we’re going to do, we should install a mini-split to control the temperature in that room. Mr. Leach said his bid is less than our current bid other than the other things he said we should do. He said that it is clearly stated what is not included. Both Mr. Leach and TA Mitchell who met with Mr. Lacker said they were impressed with his knowledge and with the most thorough summary of the whole computer and internet system they’ve heard from anybody. TA Mitchell said Mr. Lacker is doing the IT Service for the Town of Dalton and Berkshire Health Systems (BHS). He has 5 professional staff, which includes an Office Manager and 4 IT Techs working under him. Mr. Cullett said the hourly rate is more than what we currently pay. The response Mr. Lacker has for Service Requests are outlined based on priority and service availability. He said with our current IT Service, that is one of the things we’ve been able to do is to send a text message directly to the individual and get a timely response. With this, he doesn’t think that’s going to be possible. Mr. Cullett said we have a person who has helped us out a little here and there and does some work at the Fire Dept. inexpensively. We need someone to do some of the simpler things for us. We have had one other RFP out, but haven’t received anything back. *(See bid from Renuus Solutions for further information)*

TA Mitchell said he contacted the Hinsdale TA today to ask about the Ambulance. He doesn’t anticipate there will be an increase. He gave TA Mitchell an e-mail of someone in town who helps the Ambulance Service and will get back to TA Mitchell as to whether there will be an increase at all.

TA Mitchell said we need to find out from CBRSD if there are going to be 9 students for vocational education. Mr. Cullett said we’ll budget for 10.

TA Mitchell said he’s still waiting to hear from Linda Cernik of NBSWD. He did say that the Administrative cost will remain about the same.

Item 12: **Update on Library Status**

Mr. Leach is waiting for Town Counsel to get back to us with a reply from the Library. This item will be tabled until the next BOS Meeting of 5/11/20.

Item 13: **Discussion and possible Vote to extend the closing of Town Hall until 5/18/20**

Mr. Leach motions to extend the closing of Town Hall until 5/18/20 per Gov. Bakers extension. Mr. Munch seconds. VOTE 3-0

Item 14: **Review and approve Accounts Payable, Treasury Warrants, Payroll Warrants**

Item 15: **Adjourn**

\*Mr. Leach motions to adjourn the 5/4/20 BOS Meeting. Mr. Cullett seconds. All agree. **VOTE 3-0**

**The BOS Meeting adjourned at 9:08 P.M.**

**Articles used:**

4/22/20 BOS Meeting Minutes

5/04/20 BOS Meeting Agenda

Notice from MBI

Letter from MIIA

CBRSD Power Point Presentation: Financial Impacts due to Covid-19 Finance Subcommittee Meeting of 4/30/20

List of HD Exterior Signs compiled by Mr. Munch

Bid from Renatus Solutions for further information

Respectfully submitted

*Irene J. Morrison*

Administrative Assistant

Verne Leach, Chairman \_\_\_\_\_

Ed Munch, Selectman \_\_\_\_\_

Bruce Cullett, Selectman \_\_\_\_\_

**Approved:** \_\_\_\_\_  
Date