

TOWN HALL 3 EAST MAIN ROAD PERU, MA 01235

**SELECT BOARD MEETING MINUTES: December 7, 2022 @ 4:00 P.M.**

Peru Town Hall Meeting Room

Bruce Cullett, Selectman/Police Chief  
Doug Haskins, Selectman/Fin Com  
James Welch, Town Administrator  
Jesse Pelkey, Fire Chief

Public Attendees:  
Robin Wadsworth  
Kimberly Wetherell

**Item 1: Call to order:** 4:01 P.M. by Selectman Cullett

**Item 2: Roll Call:** Selectman Cullett present, Selectman Haskins present, Selectman Leach absent.

**Item 3: State Recording status:** James Welch for personal use, Kimberly Wetherell, Robin Wadsworth.

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

**Item 5: Discussion and Possible vote to appoint Shana LeCours as Assistant Town Assessor.**

Selectman Cullett began the discussion by explaining that the Agenda had a typographical error and should read "Discussion and Possible vote to appoint Shana LeCours as Town Assessor". Selectman Cullett explained that this appointment was of the essence as the Town was informed by the Department of Revenue that it must appoint a second Assessor to comply with Massachusetts General Laws in order to finalize the tax rate. Selectman Cullett stated that although the DOR opinion contradicts the opinion provided by KP Law, the town would comply with DOR's guidance. TA Welch explained that although the Town followed the steps and guidance by KP Law to move from a 3 member Board of Assessors to a One member Board, DOR informed the Town that they did not recognize the change because it was not voted on as a separate article during the Annual Town Meeting. TA Welch explained that he has had multiple conversations with representatives of DOR that are assigned to assist the Town about what the most expeditious way to comply with DOR's request. He explained that DOR had suggested multiple people who could possibly fill the role. As the conversations with DOR developed it became clear to both DOR representatives and TA Welch that inquiring with Shana LeCours who served in the role previously until July, 2022 would be the best option for multiple reasons. Both Amy Davidson and TA Welch both reached out to Shana LeCours who agreed to be appointed to step in and help the Town as a short-term appointment. Kimberly Wetherell interrupted the proceedings by asking if she could ask questions. TA Welch informed her that she could not at this time. Selectmen Cullett explained to Ms. Wetherell that Item 7 on the agenda is reserved for Public Input. Ms. Wetherell interrupted Selectmen Cullett stating that she had questions pertinent to the current agenda item. TA Welch explained to Ms. Wetherell that the BOS should be allowed to discuss the items on the agenda free from interruption by members in the audience. Selectman Cullett stated that he would allow questions after the agenda item is discussed amount the BOS, and before a motion to vote. Selectman Cullett made a motion to approve the appointment of Shana LeCours as Town Assessor. Selectman Cullett then asked the audience if there were any questions. Kimberly Wetherell asked why only One member was being appointed to the Board of Assessors at this time? Selectman Cullett explained that appointing a second Assessor would bring the Town into compliance by allowing for a quorum of 2 members of the 3 member board. Kimberly Wetherell, said "No, you need 3". Robin Wadsworth began speaking and stated that the Board of Assessors should be 1, 3 or 5 members. Selectman Cullett explained that DOR advised the Town that it must appoint 1 additional Assessor to be compliant for quorum. Robin Wadsworth stated "at the very least". Selectman Cullett explained that was what the BOS was doing. Kimberly Wetherell asked why the position was not posted. Selectman Cullett explained that Shana LeCours has already been in the position and the Selectboard is appointing her on a temporary basis to meet DOR requirements.



Ms. Wetherell interrupted Selectman Cullett and stated that the agenda was not clear regarding the appointment. Kimberly Wetherell stated that it was illegal for the BOS to make the appointment because they were trying to appoint a family member of a town employee to the position. Selectman Cullett tried to explain that her statement was incorrect. Kimberly Wetherell continued to interrupt Selectmen Cullett by making several accusations. Selectman Haskins tried to explain to Ms. Wetherell that Ms. LeCours was in this position previously. Ms. Wetherell interrupted Selectman Haskins telling him he was wrong. Ms. Wetherell stated that Selectman Leach was not at the meeting because of nepotism. Selectman Cullett tried to explain why Selectman Leach was not in attendance at the meeting, stating that because of his relationship to the Ms. LeCours he could not participate in discussions or vote on the matter. Ms. Wetherell interrupted Selectman Cullett stating the Town was told it could not move to a One Member Board of Assessors at Annual Town Meeting by Robin Wadsworth. TA Welch explained to Ms. Wetherell that the information brought up at Town Meeting in June by Ms. Wadsworth was incorrect. He further explained that he researched the information provided by Ms. Wadsworth with the Secretary of State's Office and the reference law Ms. Wadsworth stated at Town Meeting was never adopted by the Town of Peru. TA Welch explained that the Secretary of State's office keeps the records of all laws every city and town adopt pertaining to state law. TA Welch stated that he requested a list of all laws adopted by the Town of Peru going back as far as their records would go. TA Welch was provided with a list of all laws adopted by Peru going back to the early 1900's, and that the referenced law that Ms. Wadsworth claimed was adopted by the Town of Peru, never was adopted. Ms. Wadsworth stated that when she served on the Board of Assessors in Peru, she believed the town voted on it. Ms. Wadsworth asked if she could put in a Public Records request for the communication. TA Welch stated he would provide the list of records provided by the Secretary of State's office. Ms. Wadsworth stated "my God this town has never adopted anything". Selectmen Cullett tried to explain that the Town has adopted several laws over the years and referenced the "Strong Chief" statute. Ms. Wadsworth interrupted and stated "I'm not talking about that". Ms. Wadsworth asked if she gave TA Welch a Public Records request could she obtain the information provided by the Secretary of State. TA Welch stated, yes, as long as the information in the request was accurate. Selectman Cullett explained to Ms. Wadsworth that during Town Meeting in June that she referenced a specific Mass General Law and that TA Welch researched the specific law she mentioned to see if the Town ever adopted it and that the Secretary of State's office had no record of the Town doing so. Ms. Wadsworth stated that she would like a copy of the request made by TA Welch to the Secretary of State so she knows exactly what was requested. TA Welch stated that he would provide that information as long as the information in the Public Records Request was accurate. TA Welch further stated that the Town has spent a considerable amount of time researching Public Records request that were not accurate and that he would request that going forward she provide accurate information in her Public Records Requests. Ms. Wadsworth asked TA Welch how he requested the information from the Secretary of State. TA Welch responded that the request was made by phone and email, with the response in email form. Ms. Wadsworth then asked again why the BOS was not appointing a third member to the Board of Assessors at this time. Selectman Cullett explained that the Town was following the guidance provided by the Massachusetts Department of Revenue. Ms. Wetherell interrupted Selectmen Cullett and said that according to DOR the Board of Assessors has 2 vacancies and that the Town was only appointing 1 member at this time. Ms. Wetherell then asked what would happen if the two members disagreed on something? Ms. Wetherell asked again why they weren't appointing a 3<sup>rd</sup> member. Selectman Cullett explained that the appointment was temporary and that the Town was following advice and guidance of the Massachusetts Department of Revenue. Ms. Wadsworth stated "I'll do it". Ms. Wetherell then interrupted Selectman Cullett and stated that the Town must appoint a 3<sup>rd</sup> member at this time. Ms. Wetherell stated that "you only want to appoint 2 members to a 3 member board for reasons that don't make any sense". Ms. Wetherell then began to question the guidance provided by the Department of Revenue. Selectman Cullett then tried to re-state the steps being taken by the Town to comply with DOR acting on their guidance. TA Welch tried to explain that by appointing a second member to the Board it would allow the BOA to meet the quorum rules of a 3 member board. Ms. Wetherell interrupted by stating that "you don't have 3 members". Ms. Wetherell continued to state that the Town does not have a 3 member board. TA Welch again tried to explain that appointing a second member would allow the BOA to meet quorum requirement under a 3 member structure. Ms. Wetherell continued to interrupt "But you don't have 3 members". TA Welch then stated "I'm sorry but I don't believe your argument is accurate". Selectman Cullett again tried to explain the steps the Town of Peru has taken to comply with Department of Revenue. Ms. Wetherell interrupted by stating "my question is, why are you not appointing a 3<sup>rd</sup> member." Selectman Cullett explained that the meeting was being held to appoint a 2<sup>nd</sup> member. Selectman Cullett tried to make a motion to



approve the appointment of Shana LeCours as Assessor. Robin Wadsworth interrupted the motion and asked "How's this working out for you guys" stating that nothing has been done thus far in regards to setting the tax rate. TA Welch explained that statement was not accurate. Ms. Wadsworth stated that she has access to the Town of Peru's information and she claimed nothing has been completed. TA Welch asked Ms. Wadsworth how she could have access to any information the Town has posted with DOR? Ms. Wadsworth did not answer. Selectman Cullett again made a motion to appoint Shana LeCours as Town Assessor. Seconded by Selectman Haskins. Both Selectmen voted affirmatively 2-0.

**Item 6: Discussion and Possible Vote to Approve Contract with Eric Kinsherf, CPA for Accounting Services**

TA Welch provided an update regarding the proposed contract and that the version of the contract in the Selectman folders reflected the changes suggested by KP-Law. TA Welch stated that Eric Kinsherf and his team have already begun the transition and have been working with Anna Osborn to complete all outstanding issues, including preparing for setting the Tax Rate. TA Welch explained that the changes suggested by KP-Law were minor in nature and that Eric Kinsherf agreed to all suggested changes. Selectman Cullett made a motion to instruct TA Welch to sign the contract on behalf of the Town with Eric Kinsherf, CPA. Seconded by Selectman Cullett. Vote approved 2-0. Kimberly Wetherell asked what the financial terms of the contract were. Selectman Cullett stated that the contract was from December 1, 2022 November 30, 2023 and would be paid by ARPA Funds. Kimberly Wetherell asked if Anna Osborn was still employed? Selectmen Cullett explained her employment ended on December 1, 2022. Ms. Wetherell asked "where did she leave off"? Selectman Cullett explained that Anna Osborn and Eric Kinsherf have been working closely over the past few weeks to ensure a smooth transition and that Eric Kinsherf, CPA has now taken over Accounting services for the Town. Ms. Wetherell asked if Anna Osborn completed all her work through November 30, 2022. TA Welch explained that Ms. Osborn did complete everything she could do from the accounting standpoint. TA Welch stated that the Town is very satisfied with Ms. Osborn. Ms. Wadsworth asked "So the books are closed". TA Welch explained that Ms. Osborn completed everything should could complete, and anything outstanding would be the result of her not being able to complete the accounting postings until other departments completed their postings. Ms. Wetherell asked what date the books are not closed by. Selectman Cullett stated "as of today". Ms. Wetherell asked about details regarding the closing of the books for FY22. Selectman Cullett stated that there was still work to be done to close out the books and that all departments involved are working to complete the close out. Ms. Wetherell asked how much Anna Osborn was paid and how many hours she worked during the workweek. Selectman Cullett explained that the Accountant was as salaried part-time position and did not have set hours. Ms. Wetherell asked "so she didn't work any hours"? TA Welch explained that Ms. Osborn worked plenty of hours, but because she was a salaried employee, she did not have specific stated hours. Selectman Cullett stated that the Town Accountant position was originally estimated to be about 10 hours a week, but there were not stated hours. Ms. Wetherell asked if the Town would pay the new Accountant from what is leftover from the original amount approved for Ms. Osborn's salary. Selectman Cullett confirmed that was correct. Ms. Wetherell asked if there has been a vote to approve ARPA funds to pay the remainder of the new Accountant's contract. Selectman Cullett stated that no official vote had been taken as of yet, but there will be a vote prior to taking that action. Ms. Wetherell stated "I'm requesting a copy of this contract". TA Welch said the Town would comply with that request. Ms. Wetherell asked if the financial terms of the contract were in the contract. Both Selectman Cullett and TA Welch stated that the financial terms were in the contract. Ms. Wetherell asked if the Finance Committee was consulted on the decision to use ARPA funds. Selectman Cullett stated that has not happened as of yet. Ms. Wetherell asked "Why not"? TA Welch explained that it was not necessary at this time because no formal motion is ready to be made. TA Welch explained to Ms. Wetherell that the Board of Selectmen and Finance Committee are two separate elected entities and that the Finance Committee determines when they meet and what recommendations to make. Ms. Wetherell stated "So the Finance Committee doesn't care"? Selectman Haskins responded that the Finance Committee will take appropriate action when necessary, but there in no formal request as of yet. TA Welch tried to explain that the Finance Committee and the Board of Selectmen are 2 separate elected bodies and the Finance Committee will decide on their own what is the best decision to recommend regarding use of ARPA funds. Ms. Wetherell asked if the Finance Committee could advise the Board of Selectmen. TA Welch confirmed that they could advise the BOS. Ms. Wetherell stated that "Apparently they have no use in town." Both Ms. Wetherell and Ms. Wadsworth made statements about contracts and how they should be paid. Selectman Cullett explained further how the process would work regarding



collaboration with the Finance Committee. Selectman Cullett explained that multiple members of the Finance Committee have indicated separately and informally that they thought ARPA funds was a good use for this expense. He further explained that this use fits well with the requirement regarding use of ARPA funds. Ms. Wetherell accused members of the Finance Committee of meeting without posting a meeting. Selectman Haskins corrected Ms. Wetherell that her statement was incorrect. TA Welch tried to explain why her accusation was incorrect, Ms. Wetherell interrupted and asked a different question regarding the RFQ's for the Accounting contract. TA Welch explained that the Town followed the Chapter 30B Law by soliciting a minimum of 3 bids for Accounting Services and that 2 bids were submitted. 1 bid by Eric Kinsherf, CPA and another by Melanson Accounting Services. Ms. Wadsworth asked "why is this a good use of ARPA funds?" Selectman Cullett explained the criteria put forth by the Federal and State Government and that using ARPA funds for this expense meets the criteria. TA Welch began to explain again the difference between the Finance Committee and the Board of Selectmen and how both entities work collaboratively but independently. Ms. Wetherell interrupted and stated "I am completely aware of that". Ms. Wetherell stated that she was concerned that deliberations were being held between the two Boards. TA Welch stated that was not accurate. Robin Wadsworth asked if Eric Kinsherf, CPA is doing the work they need to complete. TA Welch confirmed that they were working with Eric Kinsherf and the DOR to ensure that all necessary steps were being completed. Ms. Wadsworth stated that she spent 2 weeks in Italy and Greece and she still was able to send out tax bills in the Community she works as Assessor. TA Welch stated that it is difficult to compare communities as each community is different. Ms. Wadsworth stated that the BOS was not qualified to supervise the Assessor's office. Selectman Haskins stated that the Town of Peru has taken steps to professionalize certain departments to improve the process. Ms. Wadsworth stated that she pays over \$13,000 in taxes a year and stated that all 3 members of the BOS do not pay that collectively. Ms. Wadsworth stated that she has offered to be appointed to the Board of Assessors. She stated that she has done this type of work and "If you guys don't like my attitude about how you guys are doing this job, I am a taxpayer here and like I said I pay over \$13,000 a year from my household of 2 people". Ms. Wadsworth stated that the BOS should have known that RRG was not capable of doing the Assessor work in Town. Selectman Cullett explained that is why the Town has now hired Patriot Properties to provide Assessing Services to the Town. Ms. Wadsworth stated that she was the Assessor 15 years ago and made \$5000/yr. She stated that the Town would not find a qualified candidate to perform Assessor services at the proposed rate. Ms. Wadsworth stated that she spoke with Ross Vivori, who the BOS interviewed for the position and that Mr. Vivori told her "he was certainly not going to do an Assistant Assessor job for \$3,400/year". Selectman Cullett tried to explain that Ms. Wadsworth's statement about the financial terms were incorrect. TA Welch explained that at the time the BOS interviewed Mr. Vivori, the Town was operating under the belief it was moving to a 1 member Board of Assessors. Ms. Wetherell interrupted by stating that the BOS was intentionally not appointing a 3<sup>rd</sup> member to the Board of Assessors. At this time Ms. Wetherell made several accusations that were not pertinent to the discussion and Selectman Cullett tried to answer but Ms. Wetherell continued to interrupt and further stated that the Town should be posting agendas on the Town's website. Selectman Cullett tried to explain all the different ways the Town provides information about agendas and information to townspeople. Ms. Wetherell continued to interrupt and mock Selectman Cullett. Selectman Cullett moved to adjourn the meeting. Seconded by Selectman Haskins. Unanimous vote 2-0.

**Item 7: Public Input:** Please see items 5 and 6 for public input.

**Item 8: Adjourn**

Motion made by Selectman Cullett at 4:51 pm Seconded by Selectman Haskins.

Vote 2-0 in favor of Adjournment.

Items Used:

Accounting Services Contract

Appointment Papers, Shana LeCours

Respectfully Submitted,

*James Welch*  
*Town Administrator*

Verne Leach, Chairman

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Doug Haskins, Selectman

*Doug Haskins*  

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Bruce Cullett, Selectman

*Bruce Cullett*  

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Date Approved: 12-19-22