

SELECT BOARD MEETING MINUTES: June 1, 2021: 6:00 P.M.

COMMUNITY CENTER

Official

Ed Munch, BOS Chairman/Historical Commission
Bruce Cullett, Selectman/Chief of Police
Verne Leach, Selectman/ACO
Caleb Mitchell, Town Administrator
Justin Russell, Highway Superintendent
Kim Leach, Town Clerk
Brian Dewkett, Fire Chief
Samuel Haupt, Planning Board/Zoning Board
Ruth Calaycay, Library Director
Coralie Pelkey

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

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

Item 3: **State Recording status:** Caleb Mitchell recording; Live stream on Zoom Meeting.

Item 4: **Pledge of Allegiance to the Flag:** Lead by Selectman Munch

Item 5: **Possible executive session in accordance with M.G.L. c. 30a sec. 21(3) to conduct strategy with respect to Litigation:** Munch said as he informed everyone this item is possible executive session in accordance with MGL c.30a sec. 21(3). Munch asked if they wanted to go into Executive Session, Cullett made a motion to go into Executive Session at 6:03PM, Munch seconds. All agree. Vote 2-0. Munch stated the meeting will be temporarily put on hold to go upstairs to go into Executive Session.

Munch reopened the normal Selectman's meeting at 6:31 P.M. coming out of Executive Session.
Roll Call: Chairman Munch Present, Selectman Cullett Present, Selectman Leach Present

Item 6: **Discussion and vote to approve Town Election Warrant:** BOS reviewed Town Election Warrant. Munch made a motion to accept the Town Election Warrant. Leach seconds. All agree. **Vote 3-0.**

Item 7: **Discussion of maintenance work for Town Cemeteries:** Mitchell said that Jim Kenney sent him an email just before the meeting that he was not going to be available. Mitchell provided the BOS with the Maintenance Plan. Russell discussed the Maintenance Plan for each cemetery and his recommendations.

Item 8: **Discussion of Legal Opinion on question/concept raised by Fire Chief to continue to perform duties without pay:** Fire Chief Dewkett said he knows this was on a prior agenda, but he was at a fire on Haskell Road, so he was unable to attend. Chief Dewkett said basically the way that he thought that the payment worked at was that it was a stipend, and he did not know it was a salary, he said he thought it was just how it was worded in the warrant. Dewkett said he does not wish to be considered a Town employee or paid a wage, that he has been a volunteer for the department for over 16 years. Unfortunately, the way that small towns work, 3 times now the Town of Peru has held up his unemployment from his full-time career in construction in which lay off's are normal. Dewkett stated he does not think it is right that he should be waiting extra time to get his unemployment money, which he does eventually get, over a \$2,200.00 stipend. Dewkett said he has thought about this a lot lately and because the Town says the Fire Chief must accept the payment, as of June 30, 2021, he is stepping down. Sam Haupt stated that this has been an issue for Chief Dewkett for some time and the Fire Chief is not under the dominion control of the Board of Selectman in the normal

sense of employee/employer relationship, so he is not sure why it was being paid as a salary. Haupt said the cleanest thing to do regardless of what happens the Town will have a new Fire Chief and feels they will be faced with the same problem. Discussed the possibility of amending the articles on the ATM warrant to eliminate the salary until another way can be agreed upon. Munch said from what he understood from Town Counsel it must remain the way it is. Discussed what would happen if the town eliminated the funding, would it allow the board to say there is no funding for this job. Discussed the question that was sent to Town Counsel. Discussed criteria for workers compensation and definitions of worker and independent contractor. Discussed who would be doing the inspections, Dewkett said it would not be him. Discussed articles on the warrant for the Annual Town Meeting. BOS will bring it up at the ATM and see what they say.

Item 9: **Discussion of Memorandum of Understanding between the Town of Peru and the Board of Trustees of the Peru Library:** Ruth discussed the Memorandum for the Town Counsel to look at. Mitchell said this is something that should be forwarded to Town Counsel for review. Munch said that the BOS will need to send this to Town Counsel prior to making any comments.

Item 10: **Review and Approve BOS Meeting Minutes for 5-17-2021:** Cullett made a motion to approve the 5-17-21 minutes pending changes. Leach seconds. All agree 2-0.

Item 11: **Update of Departments:**

Fire Dept.: Chief Dewkett discussed receiving the AFG Grant Equipment and turned in the bill to be reviewed tonight. The Department bought 10 new carbon fiber bottles discussed in a previous meeting. Dewkett discussed speaking with Rick from Camp Danbee and will be meeting with him possibly next Monday night to do his inspection so when his permit comes up the Chief will have been there. Chief Dewkett said he would like to thank Jesse Pelkey for taking the Tanker up to the junk yard fire last week and was there from 10am to 10pm. The Tanker ended up replacing an engine there as the main pumper, so they went through a little over a tank and a half of fuel. Discussed the brush fire on Haskell Road and that he got ahold of DCR & DEP. The cause of that fire was an illegal burn, but he does not know how DEP will handle it. Discussed a few repairs needed on the white Chevy and on the Deuce and a half. **Planning Board/Zoning Board:** Chairman Haupt discussed the need for real internet and discussed the Town of Peru to assist in chasing down the 300K earmark by the Governor's office and get it released or figure out how to use the American Rescue Plan money. Discussed that the BOS expects him to have meetings on the internet. Haupt stated he cannot send documents/surveys from his house because the internet is bad. Cullett discussed if Haupt has good cell service at his house so they could possibly get him a hot spot temporarily. Discussed options for getting faster internet to that section of Town. **Board of Health:** Nanette discussed that Peggy White does not think the Town should roll back wearing masks for people that come into Town Hall to deal with employees until the BOH can have a meeting on Monday, June 14th. Nanette will be looking into what the other Town Halls are doing. Nanette said Peggy would like to remind the Town that the BOH has the authority to change the mask guidance the state has given. Leach said the BOH should post an order. Nanette said Peggy wants to discuss at their next meeting. Munch discussed his understanding was that it was up to the BOS and not the BOH. Cullett recommended is that this is a single BOH member that is relaying the message and there is 2 other members and there is no order in place currently from the BOH other than following state guidelines which is what the Town continues to do. Cullett said if the BOH decides to rescind the state guideline then they can let the BOS know. **Highway Dept.:** Russell discussed message board has been put up, but he is not going to install the side of it until the electrician to run conduit and figure out what needs to be done. Munch said prior to the Annual Town Meeting everything that is on top of the sign and put it into the Town Administrators office. Russell will get everything into a box and put in Mitchell's office. Discussed getting 3 quotes for electricians. Discussed Invoice for Prescott for the purchase of 600 ft. of Culvert. Russell said they will be starting to work on Culverts on E. Windsor Road. Discussed starting to blacktop this week. Discussed that the Fuel Tank has been wired up and was charged to the fuel account. **Transfer Station:** Nothing new to report. **Police Dept.:** Chief Cullett discussed that he asked for his employment contract to be added to the agenda, but it did not make it on this weeks. Chief stated he wanted to discuss some items such as the comp time issue and the paid time off issue. **Town Administrator:** Mitchell discussed that the Annual Town Report is done. Mitchell discussed that the Mass Works Grant is due this Friday, June 4, 2021, and the Town got no prior notification about it. Mitchell has everything to review and see if anything needs to be changed or included. Mitchell will get it submitted this week.

BOS: Munch discussed presenting a 250th Medallion to Joel Bard at the Annual Town Meeting because he has represented our town for so many years and the BOS thought it would be a nice idea.

Item 12: **Discussion and Vote to make the following appointments: Kim Leach, Animal Advisory Commission (5-year appointment); Caleb Mitchell, Town Administrator (1-year appointment); Tim Sears, Building Inspector (1-year appointment)**: Leach read appointments out loud except for Kim Leach, Animal Advisory Commission. Cullett made a motion to appoint Kim Leach to Animal Advisory Commission, Caleb Mitchell to Town Administrator and Tim Sears to Building Inspector. Munch seconds. All agree, Leach recused from Kim Leach appointment.

Item 13: **Discussion and possible vote to approve agreement between the Town of Peru and Berkshire Regional Planning Commission (Berkshire Alliance) for Public Health Nurse**: Mitchell discussed that it is the typical agreement, and he did not see any difference. The agreement has the same nursing service. Munch made a motion to approve the agreement between the Town of Peru and Berkshire Regional Planning Commission. Cullett seconds. All agree. **Vote 3-0.**

Item 14: **Discussion of Mohawk Trail Woodlands Partnership Grant**: Mitchell said the Grant was submitted on time. Mitchell said he does not think it is a guarantee like it was last year. Discussed the time frame of Grant and when the funds must be spent.

Item 15: **COVID-19 Updates**: Leach discussed the deadline COVID relief fund for municipal programs has been changed to Friday, October 29, 2021.

Item 16: **Public Input**: No public logged in to Zoom meeting. Coralie Pelkey discussed contacting the Town Clerk to apply for the Church using the Community Center. Coralie said that the Town Clerk said that she did not know if it was going to be open for activities. Cullett said they are open to the public. Coralie said the Town Clerk also said she was not sure if there was going to be certain regulations. Munch discussed that by the time the Church gets ready to use it the regulations will be the way they were. Discussed that the building is open, and the Church can apply to use the space. Discussed the possible charge to use the space. Leach said the charge has been in place for about a year. Coralie discussed her concern about the charge. Discussed the classification of the Church as a Private Entity and the policy awareness. Item will be put on future meeting agenda for further discussion. Kim Leach discussed the Flagpole that needs to go to South Cemetery.

Item 17: **Review and Approve accounts payable, Treasury Warrants, and Payroll Warrants**: A/P, Treasury Warrants and Payroll Warrants reviewed and approved.

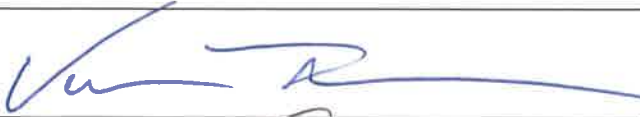
Item 18: **Adjourn**: Munch made motion to adjourn the 6/1/2021 BOS Meeting. Leach seconds. All agree **Vote 3-0. The 6/1/2021 BOS Meeting adjourned at 8:43 P.M.**

Articles used:

6/1/2021 BOS Meeting Agenda
5/17/2021 BOS Meeting Minutes
Chief of Police Employment Contract
A/P, Treasury Warrants, Payroll Warrants
Berkshire Regional Planning Commission Agreement
Cemetery Maintenance Plan
Kim Leach Appointment Paper
Caleb Mitchell Appointment Paper
Tim Sears Appointment Paper
Town Election Warrant

Respectfully Submitted
Tonya Santaniello, Administrative Assistant

Ed Munch, Chairman



Verne Leach, Selectman



Bruce Cullett, Selectman

Date Approved: 7-19-21

RECEIVED
JUL 25 2021
Kim Leach
TOWN CLERK
TOWN OF PERU