

TOWN HALL 3 EAST MAIN ROAD PERU, MA 01235

SELECT BOARD MEETING MINUTES: October 2, 2023, 6:00 P.M.

Town Hall Meeting Room

Verne Leach, Chair Selectman/ACO
Doug Haskins, Selectman/Finance Committee
Ed Munch, Selectman
Terry Walker, Town Administrator
Jesse Pelkey, Fire Chief
Justin Russell, Highway Superintendent
Bruce Cullett, Police Chief

Public Attendees: Don Perreault, Heather Brooks

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

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

Item 3: State Recording status: N/A

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

Item 5: Review and Approve BOS Meeting Minutes for 9/18/2023:

Selectman Leach motion to approve 9/18/2023 minutes pending changes, Selectman Munch second, 3-0

Item 6: Update of Departments: Highway Superintendent Russell gave a report on the following vehicles:

- F350 is at Marcotte Ford and there is a warrantee on the batteries.
- F550 no news on engine repair. The possibility of delay could be the auto worker's strike.
- 2008 International has problems with the exhaust and possibly the muffler.
- 2019 international problems with the 4-wheel drive.
- The Excavator needs pins, bushings, and a broken belt. The estimate for the repairs is \$3,500.00.

Selectman Haskins inquired about cleaning all the ditches with the mini excavator. Superintendent Russell mentioned that he will be cleaning all ditches as soon as possible, hopefully by next week.

Superintendent Russell mentioned that the Grants for the Transfer station increased and this year our grant is \$4,500.00.

- Fire Chief Pelkey reported on the following:
- Fire Chief Pelkey will be attending a 2-day training at Jiminy Peak. The cost is \$145.00 from Continuing Ed and he will earn credits toward fire prevention.
- The Thermal Imager was sent to New Hampshire and is unrepairable. Fire Chief Pelkey ordered a new one and the cost is \$1,300.00.
- The Defib that Chief Pelkey received had to be returned and he is still waiting on the training Defib which is on back order.
- Fire Chief Pelkey will be attending EVOC training in Bellingham, MA next week and will be using one of Bellingham's fire trucks for the training.
- Fire Chief Pelkey is in need of plumbing supplies for the portable pump. He stated he has money in his budget. Selectman Leach motion to approve Fire Chief Pelkey using the town credit card, Selectman Munch second, 3-0.

- Fire Chief Pelkey mentioned that his EMT, Heather Brooks, does not have a radio. Chief Pelkey ordered himself a new radio and has passed his old radio down to Heather Brooks.
- Fire Chief Pelkey questioned if the Tanker Tires warrant article was passed at ATM. TA Walker will provide Chief Pelkey with the account number and mentioned that the article passed at ATM.

Police Chief Cullett mentioned that he has MIIA in-service training in Pittsfield the week of October 18th. Police Chief Cullett also had a concern about the non-renewal of the CHUBB Insurance for nonpayment. He mentioned that in years past MIIA handled all insurances. At the present, all Peru Officers and the Chief of Police are not covered, and in the Chief's employment contract accidental insurance is covered. Selectman Haskins made a motion to pay CHUBB Insurance premium of \$7,180.00 with ARPA funds, Selectman Leach second, 3-0.

TA Walker presented Senator Paul Mark's office hours for the month of October to the Board of Selectman. TA Walker questioned if MMAAA dues \$110.00 are paid yearly for the Town or Peru. Selectman Leach mentioned that the dues are paid yearly. TA Walker asked permission to attend a 3 day fall conference in Devans, MA for Massachusetts Municipal Auditors & Accountants. The fall conference will be held from November 1 through November 3, 2023. The BOS agreed that TA Walker should attend the fall conference and use the town credit card to pay for the room. Vote 3-0.

Item 7: Discussion on Fire Rescue Vehicle: Heather Brooks gave a detailed report on the cost of a new fire truck from Marcotte Ford and enclosed body for the fire truck from J.C. Madigan, Inc. The cost of the completely enclosed body from J.C. Madigan is \$51,550.00. The cost of the fire truck and body is in the vicinity of \$107,135.00. The discussion was financing the fire truck with ARPA and going to Special Town Meeting to use Future Equipment funds. Heather Brooks mentioned that the association will pay for the lettering and radios. Heather also explained why an enclosed body is necessary to keep patients inside and out of the elements until an ambulance arrives. Selectman Leach mentioned that the board needs a definite number to go to STM. Selectman Haskins mentioned that the BOS needs to meet with the Finance Committee and know where the money to fund the fire truck is coming from.

Item 8: Discussion and possible vote to allow the Treasurer to sign the Central Berkshire Regional School District Bond: Selectman Leach motion to allow Treasurer Wendling permission to sign CBRSD bond for \$7,500,000, Selectman Munch second, 3-0.

Item 9: Discussion on meeting with Patrick Mahoney from Guardian Energy on 10-16-2023: Selectman Munch mentioned getting input from the Highway Superintendent, Police Chief and Fire Chief would be a great tool regarding areas to save energy with the Green Communities Grant. The BOS agreed that a meeting with Patrick Mahoney on 10/16/2023 was necessary. TA Walker is working with Green Communities on reimbursement for invoices that were not submitted for payment in 2022. The reimbursement to the town is in the vicinity of \$10,000 which will go to the general fund.

Item 10: Discussion and possible vote to appoint Peggy White to Berkshire Health Alliance Governing Board as the representative: Selectman Leach motion to appoint Peggy White as a representative to the Berkshire Health Alliance, Selectman Munch second, 3-0.

Item 11: Discussion and possible vote to appoint Daryl Darby to Berkshire Health Alliance Governing Board as the alternative representative: Selectman Leach motion to appoint Daryl Darby as an alternative representative to the Berkshire Health Alliance, Selectman Haskins second, 3-0

Item 12: Review the Attorney General's Open Meeting Law determinations for the 3 Open Meeting Law complaints filed by Kimberl Wetherell:

- Open Meeting Law Complaint, January 10, 2023, AG finding: The Board did not violate the Open Meeting Law.
- Open Meeting Law Complaint, February 6, 2023: AG finding: The Board did not violate the Open Meeting Law.
- Open Meeting Law Complaint, April 24, 2023: AG finding: The Board did not violate the Open Meeting Law.

Please see attached Attorney General responses.

Item 13: Discussion and possible vote on holding a Special Town Meeting:

- Fire Rescue Truck \$107,135.00
- Cintas Uniforms \$ 35.00
- Pete's Tire Barn \$ 355.00
- Assessors \$ 971.00 Level fund from FY23
- Treasurer \$ 370.80 \$12,360 x 3%
- Tax Collector \$ 370.80 \$12,360 x 3%

Selectman Leach mentioned that \$30,000 could be used from Future Equipment Account and the balance from ARPA to fund the Fire Rescue Truck. Selectman Munch mentioned that this should be on hold until this is discussed with the Finance Committee. There is a possibility of a joint Fin Com and BOS meeting on November 2, 2023.

Item 14: Review & approve Accounts Payable, Treasury Warrant & Payroll Warrant, V07-2024, 24-7P

Item 15: Public Input: Selectboard agreed that TA Walker should purchase a clock. Plus, Selectman Haskins motion that Sheds and Stuff will need to get paid once TA Walker has the invoices. One shed invoice from ATM warrant article which was a transfer from Free Cash and the other shed invoice from Compactor grant, Selectman Munch second, 3-0

Item 16: Adjourn: Selectman Leach made motion to adjourn the 10/2/2023 BOS Meeting, Selectman Haskins second, Vote 3-0. The 10/2/2023 BOS Meeting adjourned at 7:32 P.M.

Articles used:

Minutes 9/18/2023

Payroll 24-4P, V07-2024

Paul Mark office hours

BRPC Lydia Shulman email

Central Berkshire Regional School Bond

Kimberly Wetherell (3) Open Meeting violations

MMAAA Dues

MMAAA Fall Conference

Fire Department Ford F350 quote

Respectfully Submitted,

Terry Walker

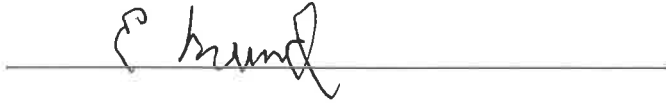
Town Administrator

Verne Leach, Chairman



Doug Haskins, Selectman

Ed Munch, Selectman



Date Approved: 10-16-23

Received 11/6/2023
Kim Leach, Town Clerk



DISTRICT OFFICE HOURS

Senator Paul Mark

Berkshire, Hampden, Franklin, & Hampshire District

District Contacts

Jon Gould, District Director

Jonathan.Gould@masenate.gov

Casey Pease, Constituent Service Director

Casey.Pease@masenate.gov

District Line: (413) 464-5635

District Office: 773 Tyler St. Pittsfield, MA

Berkshire County

Adams: Tuesday, Oct. 3, & Tuesday, Oct. 17, 9 a.m. to noon.

Town Hall, 8 Park St., Adams.

Dalton: Monday, Oct. 2, 1 p.m. to 3:30 p.m. *Dalton Senior Center, 40 Field St., Dalton.*

Great Barrington: Monday, Oct. 2, & Monday, Oct. 16, 9 a.m. to noon.

Town Hall, 334 Main St., Great Barrington.

North Adams: Tuesday, Oct. 3 & Tuesday, Oct. 17, 1 p.m. to 4 p.m.

228 E. Main St., North Adams.

Pittsfield: Wednesday, October 11, and Thursday, October 12, and Wednesday, October 25 and Thursday, October 26, 9 a.m. to noon.

District Office. 773 Tyler St., Pittsfield.

Hampden County

Southwick: Monday, Oct. 16 & Monday, Oct. 23, 11 a.m. to 2 p.m.

Town Hall, 454 College Highway, Southwick.

Franklin County

Buckland: Tuesday, Oct. 10 & Tuesday, Oct. 24, 10 a.m. to noon.

Town Hall, 17 State St. Shelburne Falls.

Hampshire County

Williamsburg: Tuesday, Oct. 10 & Tuesday, Oct. 24, 1 p.m. to 3 p.m.

Town Offices, 141 Main St. Haydenville.

Administrative Assistant

From: Lydia Shulman <LS hulman@berkshireplanning.org>
Sent: Wednesday, September 27, 2023 10:56 AM
To: Administrative Assistant
Subject: [External Sender]Re: [External Sender]Appointments et cetera

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

Hi Terry,

So here is the paragraph regarding appointments for the voting member and the alternate (sorry for the weird formatting):

1. Governing Board. There shall be a governing board (hereafter "the Board"), comprised of two representatives from each Municipality. Each Municipality shall have one vote on the Board. One representative shall be appointed by the Board of Health who shall be a full voting member of the Board and whose term shall be as determined by the Board of Health. The second representative shall be an associate member who shall be appointed by the Municipality's appointing authority and who shall sit on the Board as a full member and may vote only when the full member is not in attendance. The Board shall direct the establishment of policies, programs and procedures and approve an annual operating budget and fee schedule. The Board shall advise the Host Agency on the services and programs the Board has determined should be provided under this Agreement and shall support as necessary the implementation of such services and programs. The Board shall, by majority vote of its voting members, create and maintain rules and regulations that govern its operating practices.

So, as we discussed yesterday, the Board of Health appoints the voting member, and the alternate is appointed by Peru's appointing authority.

Let me know if this helps or clears up the confusion?

Thanks,

Lydia

From: Lydia Shulman <LS hulman@berkshireplanning.org>
Date: Tuesday, September 26, 2023 at 8:46 AM
To: Administrative Assistant <adminassist@townofperuma.com>
Subject: Re: [External Sender]Appointments et cetera

Definitely – I will call you around 12 if that works for you?

Lydia

From: Administrative Assistant <adminassist@townofperuma.com>
Date: Monday, September 25, 2023 at 8:04 PM

(Please Note: The following certificate is an essential part of the permanent record and creates ongoing obligations of the Member Town. Please read it carefully before signing. Advise Locke Lord LLP of any inaccuracy.)

TOWN OF PERU, MASSACHUSETTS
SIGNIFICANT EVENTS DISCLOSURE CERTIFICATE

This Significant Events Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by the Town of Peru, Massachusetts (the “Member Town”) in connection with the issuance of \$7,500,000 General Obligation School Bond Anticipation Notes dated September 29, 2023 (the “Notes”) by the Central Berkshire Regional School District (the “Issuer”), with respect to which the Member Town is an Obligated Person within the meaning of the Rule (each as hereinafter defined). The Member Town covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Member Town for the benefit of the Owners of the Notes and in order to assist the Participating Underwriter in complying with the Rule.

SECTION 2. Definitions. For purposes of this Disclosure Certificate the following capitalized terms shall have the following meanings:

“Listed Events” shall mean any of the events listed in Section 3(a) of this Disclosure Certificate.

“MSRB” shall mean the Municipal Securities Rulemaking Board as established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of the MSRB contemplated by this Disclosure Certificate. Filing information relating to the MSRB is set forth in Exhibit A attached hereto.

“Obligated Person” shall mean the Central Berkshire Regional School District, and the Towns of Becket, Dalton, Hinsdale, Peru and Washington, Massachusetts.

“Owners of the Notes” shall mean the registered owners, including beneficial owners, of the Notes.

“Participating Underwriter” shall mean any of the original underwriters of the Notes required to comply with the Rule in connection with offering of the Notes.

“Rule” shall mean Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

SECTION 3. Reporting of Significant Events.

(a) The Member Town shall give notice, in accordance with the provisions of this Section 3, of the occurrence of any of the following events with respect to the Notes:

1. Bankruptcy, insolvency, receivership or similar event of the Member Town.*
 2. The consummation of a merger, consolidation, or acquisition involving the Member Town or the sale of all or substantially all of the assets of the Member Town, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material.
 3. Incurrence of a financial obligation of the Member Town, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Member Town, any of which affect Owners of the Notes, if material.†
 4. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Member Town, any of which reflect financial difficulties.†
- (b) Upon the occurrence of a Listed Event, the Member Town shall, in a timely manner not in excess of ten (10) business days after the occurrence of the event, file a notice of such occurrence with MSRB with respect to the Notes, unless the Issuer files such a notice with respect to such occurrence.

SECTION 4. Transmission of Information and Notices. Unless otherwise required by law, all notices, documents and information provided to the MSRB shall be provided in electronic format as prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

SECTION 5. Termination of Reporting Obligation. The Member Town's obligations under this Disclosure Certificate shall terminate upon the legal defeasance or payment in full of all of the Notes.

SECTION 6. Default. In the event of a failure of the Member Town to comply with any provision of this Disclosure Certificate the sole remedy under this Disclosure Certificate shall be an action for specific performance of the Member Town's obligations hereunder and not for

* As noted in the Rule, this event is considered to occur when any of the following occur: (i) the appointment of a receiver, fiscal agent or similar officer for the Member Town in a proceeding under the U.S. Bankruptcy Code or in any proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Member Town, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or (ii) the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Member Town.

† For purposes of the Listed Events, the term "financial obligation" means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term "financial obligation" excludes municipal securities for which a final official statement has been provided to the MSRB consistent with the Rule.

money damages in any amount. Any failure by the Member Town to comply with any provision of this Disclosure Certificate shall not constitute a default with respect to the Notes.

SECTION 7. Amendment. Notwithstanding any other provision of this Disclosure Certificate, the Member Town may amend this Disclosure Certificate and any provision of this Disclosure Certificate may be waived if such amendment or waiver is permitted by the Rule, as evidenced by an opinion of counsel expert in federal securities law (which may also include bond counsel to the Issuer) to the effect that such amendment or waiver would not cause this Disclosure Certificate to violate the Rule.

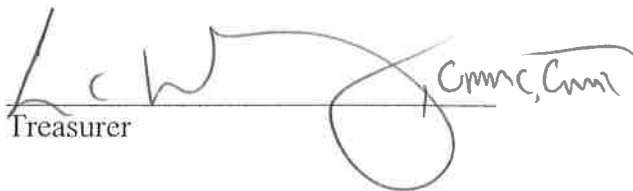
[Remainder of page intentionally left blank; signature page follows.]

SECTION 8. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Owners of the Notes from time to time, and shall create no rights in any other person or entity.

Date: September 29, 2023

TOWN OF PERU, MASSACHUSETTS

By:


Treasurer



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

September 21, 2023

OML 2023 – 144

VIA EMAIL

Verne Leach, Chair
Peru Select Board
selectman@townofperuma.com

RE: Open Meeting Law Complaint

Dear Chair Leach:

This office received a complaint from Kimberly Wetherell on January 10, 2023, alleging that the Peru Select Board (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Board on December 8, 2022, and the Board responded to the complaint by letter dated December 19, 2022. The complaint alleges that the Board failed to post meeting minutes to the municipal website and did not respond to requests for meeting minutes made on October 24 and December 5.

Following our review, we find that the Board did not violate the Open Meeting Law as alleged. In reaching this determination, we reviewed the Open Meeting Law complaint, the Board’s response, and the request for further review of the complaint. In addition, we reviewed email correspondence related to the complainant’s October 24 request for meeting minutes.

Requests for meeting minutes may fall under the Public Records Law or the Open Meeting Law, depending on how the request is made, and the requirements for responding differ. A request for meeting minutes that is directed to a public body will fall under the Open Meeting Law and requires a response within 10 calendar days. See G.L. c. 30A, §§ 22(c), (g); OML 2019-163.² Furthermore, the Open Meeting Law provides that meeting minutes must be provided if they exist, even if in draft form. G.L. c. 30A, § 22(c) (“Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person

¹ Except where indicated, all dates in this letter refer to 2022.

² Open Meeting Law determinations may be found at the Attorney General’s website, <https://www.mass.gov/the-open-meeting-law>.

within 10 days.”). On the other hand, a request for minutes that is directed to a clerk or other municipal employee as Records Access Officer will likely fall under the Public Records Law and requires a response in 10 business days. See G.L. c. 66, § 10; OML 2019-126; OML 2019-68. Significantly, the Public Records Law contains numerous exemptions to disclosure, which do not exist in the Open Meeting Law. Compare G.L. c. 30A, § 22(c) with G.L. c. 4, § 7(26)(a)-(v).

On October 24, Ms. Wetherell sent an email to the Peru Town Clerk with the subject line “Public Records Request” stating “Please provide the following public records request within ten (10) days: Recording, Draft, or Approved Minutes for the Selectboard meeting of October 20, 2022.” The Town Clerk responded on October 28 that she would follow up with an official response. Ms. Wetherell again requested the minutes on December 5; as of December 8, when she filed the Open Meeting Law complaint, she had not received the minutes. The minutes were subsequently provided on December 13.

We find that where Ms. Wetherell’s October 24 request for meeting minutes was clearly presented as a public records request and was submitted to the Town Clerk rather than to the Board itself, the request was governed by the Public Records Law rather than the Open Meeting Law. Therefore, the Board did not violate the Open Meeting Law when it did not provide the minutes in either approved or draft form, or explain that the minutes did not yet exist, within 10 days of that request. We take no position as to whether the Town Clerk’s October 28 response to the request complied with the Public Records Law and recommend that the complainant contact the Public Records Division within the Secretary of the Commonwealth’s Office if she has questions regarding compliance with the Public Records Law. We did not receive or review correspondence related to the December 5 request but note that the minutes were provided on December 13, less than 10 days after that request was made.

Finally, we find that the Board did not violate the Open Meeting Law by failing to post meeting minutes to the municipal website. The Open Meeting Law does not require public bodies to post meeting minutes to a website. See OML 2017-160; OML 2017-41; OML 2017-30; OML 2016-94. Rather, “the minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.” G.L. c. 30A, § 22(c).

For the reasons stated above, we find that the Board did not violate the Open Meeting Law. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Board or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions.

Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

cc: Kimberly Wetherell (via e-mail: kjwetherell@verizon.net)
Terry Walker, Town Administrator (via e-mail: townadmin@townofperuma.com)
Peru Town Clerk (via email: townclerk@townofperuma.com)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



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September 21, 2023

OML 2023 – 143

VIA EMAIL

Verne Leach, Chair
Peru Select Board
selectman@townofperuma.com

RE: Open Meeting Law Complaint

Dear Chair Leach:

This office received a complaint from Kimberly Wetherell on February 6, 2023, alleging that the Peru Select Board (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Board on December 21, 2022, and the Board responded to the complaint by letter dated January 3, 2023. The complaint alleges that the Board approved insufficiently detailed and inaccurate minutes of its December 7 meeting.

Following our review, we find that the Board did not violate the Open Meeting Law as alleged. In reaching this determination, we reviewed the Open Meeting Law complaint, the Board’s response, and the request for further review of the complaint. In addition, we reviewed the minutes of the Board’s December 7 meeting and an audio recording of the Board’s December 7 meeting provided by the complainant.

The Open Meeting Law requires that a public body “create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a). When reviewing minutes for compliance with the Open Meeting Law, we look for substantial compliance with the accuracy requirement. See OML 2013-64.² By substantial compliance, we mean that the minutes should contain enough detail and accuracy so that a member of the public who did not attend the

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² Open Meeting Law determinations may be found on the Attorney General’s website at <https://www.mass.gov/the-open-meeting-law>.

meeting could read the minutes and have a clear understanding of what occurred. See OML 2012-106. A transcript is not required, and the minutes do not need to include every remark or opinion presented. See OML 2017-104; OML 2016-40.

The Board discussed two topics during its December 7 meeting: the appointment of one individual to the Board of Assessors and the approval of a contract with another individual to provide accounting services. The complainant as well as another member of the public asked many questions and provided comments on both topics and engaged in extended back-and-forth with Board members regarding both topics. The meeting lasted less than 50 minutes in total, and the minutes consist of nearly four single-spaced pages of summary of the discussion on the two topics. The complaint asserts that the minutes “do not reflect or describe what actually was said by all parties” and asserts that the minutes are “sugar coated” in favor of the Board members and to make members of the public who spoke “appear problematic.”

After reviewing the complete audio recording of the December 7 meeting and comparing it to the approved meeting minutes, we find that the minutes of the Board December 7 meeting substantially comply with the Open Meeting Law’s accuracy requirement. The Open Meeting Law does not require that meeting minutes be a transcript of the discussions held—although we note that in many instances the minutes do capture comments from Board members and members of the public nearly verbatim—nor does the Law require that minutes include every remark or opinion presented. In prior determinations, we have not required the level of detail and precision that the complainant seeks. See, e.g., OML 2019-136 (finding that minutes substantially complied with the Law’s accuracy requirement when member of the public spoke during a public comment period and the minutes captured some of the complainant’s comments but, according to the complainant, failed to capture at least ten points the complainant included in her remarks); OML 2016-40. Although the minutes do not include every remark made by members of the public as well as Board members, they contain an adequate summary of the comments. See OML 2016-40.

We understand the complainant is concerned, in part, with the tone of the minutes in addition to their content. We note isolated instances where the minutes appear to editorialize the tone of the meeting without summarizing specific discussions, such as “Kimberly Wetherell continued to interrupt Selectmen Cullett by making several accusations.” In the future we ~~recommend that the Board endeavor to limit the content of its meeting minutes to statements~~ summarizing discussions that took place. Nonetheless, overall we find the minutes of the Board’s December 7 minutes to be accurate and quite detailed, and we find that the Board did not violate the Open Meeting Law. See OML 2015-199 (“The Open Meeting Law does not mandate that public bodies adopt a particular tone when conducting business.”).

For the reasons stated above, we find that the Board did not violate the Open Meeting Law. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Board or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions.

Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

cc: Kimberly Wetherell (via e-mail: kjwetherell@verizon.net)
Terry Walker, Town Administrator (via e-mail: townadmin@townofperuma.com)
Town Clerk (via email: townclerk@townofperuma.com)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



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September 21, 2023

OML 2023 – 142

VIA EMAIL

Verne Leach, Chair
Peru Select Board
selectman@townofperuma.com

RE: Open Meeting Law Complaint

Dear Chair Leach:

This office received a complaint from Kimberly Wetherell on April 24, 2023, alleging that the Peru Select Board (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Board on March 10, and the Board responded to the complaint by letter dated March 20. The complaint alleges that the Board deliberated during two meetings of the Finance Committee held on February 9 and March 1 without posting notice for a meeting of the Board.

Following our review, we find that the Board did not violate the Open Meeting Law as alleged. In reaching this determination, we reviewed the Open Meeting Law complaint, the Board’s response, and the request for further review of the complaint. In addition, we listened to audio recordings of the February 9 and March 1 Finance Committee meetings.

The Board is a three-member public body; therefore, two members constitute a quorum. Board member Doug Haskins is also an elected member of the Finance Committee. Board member Bruce Cullett also serves as the Peru Police Department’s Chief of Police and Emergency Management Director. Board Member Verne Leach also serves as Peru’s Animal Control Officer. The Finance Committee posted notice for and held meetings on February 9 and March 1. The sole substantive topic for discussion at both Finance Committee meetings was the 2023-2024 budget. During the two meetings the Finance Committee heard from and discussed budget requests from various department heads.

¹ Except where indicated, all dates in this letter refer to 2023.

Mr. Haskins attended both meetings as a member of the Finance Committee. Mr. Cullett attended both meetings in his capacity as Chief of Police and Emergency Management Director. During the February 9 meeting Mr. Cullett discussed a request for a new police cruiser, and during the March 1 meeting he again discussed the request for a new police cruiser as well as other police department budget requests, including an hour and salary increase, firearm replacement, and repairs to the police garage. Also during the March 1 meeting, the Finance Committee discussed the Fire Department's budget request including a lengthy discussion regarding an increase to the Fire Chief's annual salary and considerations regarding payment to the Chief of an otherwise-volunteer department. Mr. Cullett asked some questions of the Fire Chief and at one point stated that he had thoughts on the matter but because the meeting was not posted as a meeting of the Board, he would refrain from commenting until the Board could discuss the issue at an upcoming posted meeting. Mr. Leach attended both meetings but only actively participated during the March 1 meeting when the Finance Committee discussed the Animal Control Officer's budget requests. The discussion during both meetings was informal, with Finance Committee members, presenters, and members of the public often speaking or asking questions in a conversational style without waiting to be recognized or identified.

The Open Meeting Law defines "meeting" as "a deliberation by a public body with respect to any matter within the body's jurisdiction." G.L. c. 30A, § 18. The law defines "deliberation" as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction." *Id.* For the purposes of the Open Meeting Law, a "quorum" is a simple majority of the members of a public body. *Id.* However, a quorum of one public body may be in the same place at the same time, including attending the meeting of another public body, without triggering the requirements of the Open Meeting Law, provided they do not deliberate. *See* OML 2020-40; OML 2015-38; OML 2012-6. We have explained that the Open Meeting Law does not prohibit a member of a public body—or even a quorum of members of a public body—from serving on another public body, provided that their discussions during a posted meeting of the other public body are restricted to matters within that public body's jurisdiction. *See* OML 2018-112; OML 2016-119; OML 2013-155.

Here, after reviewing the audio recordings of both Finance Committee meetings, we are satisfied that at all times Mr. Haskins participated and spoke in his capacity as a member of the Finance Committee, and not as a member of the Board, on matters within the Finance Committee's jurisdiction. In addition, Mr. Leach attended and spoke solely in his capacity as Animal Control Officer on matters related to the Animal Control Officer's annual budget requests; such discussions were within the Finance Committee's jurisdiction. Finally, Mr. Cullett attended and spoke in his capacity as Chief of Police regarding the Police Department's budget requests. Although Mr. Cullett also asked limited questions of the Fire Chief during the discussion regarding the Fire Chief's salary, and at other points answered questions that were posed to him regarding historical matters unrelated to the Police Department where he was clearly recognized as a source of knowledge on town matters, such as the status of library building improvements, we did not identify any instances that constituted discussion among a quorum of Board members on Board business. *See* OML 2018-112; OML 2013-155. Therefore, we find that the Board did not deliberate during the February 9 and March 1 Finance Committee meetings and was not required to post its own meeting notices.

For the reasons stated above, we find that the Board did not violate the Open Meeting Law. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Board or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions.

Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

cc: Kimberly Wetherell (via e-mail: kjwetherell@verizon.net)
Terry Walker, Town Administrator (via e-mail: townadmin@townofperuma.com)
Peru Town Clerk (via email: townclerk@townofperuma.com)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

Town Administrator

From: MMAAA <Mmaa@wildapricot.org>
Sent: Wednesday, September 27, 2023 2:33 PM
To: Town Administrator
Subject: [External Sender]MMAAA Invoice 05188

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



DUES INVOICE
[View invoice online](#)

MMAAA
Event registration
Invoice number: 05188
Issued: 27 Sep 2023

Bill to:
~~James Welch~~ *Terry Walker*
townadmin@townofperuma.com
Town of Peru

Item	Amount
Registration for "Fall Conference 2023" (2 Nov 2023, Devens), 3. Day of Conference Registration Fee	\$110.00

Total: \$110.00
Balance Due: \$110.00

Remit Payment to: **PLEASE NOTE NEW ADDRESS!!!!!!**

MMAAA
Donna Matarazzo
PO Box 482
North Andover MA 01845-9998

[View invoice online](#)



Massachusetts Municipal Auditors' & Accountants' Association, Inc.

Member Login



← Back

Add to my calendar

Fall Conference 2023

FALL CONFERENCE NOVEMBER 2, 2023

When 2 Nov 2023
Location Devens
Registered 59 registrants

Registration is now open for the Fall Conference.

Please review the registration types and agenda before selecting your option.

The registration deadline is October 24th

MMAAA 2023 Fall Conference Agenda.pdf

REGISTRATION

- 1. Pre-Registration Fee – \$90.00
- 2. Pre Registration Fee / Tax Recap Session – \$90.00
- 3. Day of Conference Registration Fee – \$110.00
- 4. Non Member Registration Fee – \$110.00

There is an option to attend a concurrent morning session "Tax Rate Recap Training & Discussion" that will be presented by the DOR staff. There is limited space for this session and it is intended for newer accountants and those responsible for filing out/filing the recap. You may select this option for the morning and attend the scheduled afternoon sessions.

Hotel Information –

Here is your reservation link your guests can use to make reservations:

Book your group rate for MMAAA

You will find the information for your online reservation link below. If you have questions or need help with the link, please do not hesitate to ask. We appreciate your business and look forward to a successful event.

Event Summary:

MMAAA

Start Date: Wednesday, November 1, 2023

End Date: Friday, November 3, 2023

Last Day to Book: Monday, October 1, 2023

Hotel(s) offering your special group rate:

SpringHill Suites Devens Common Center for 149 USD per night

Please Email Hetal Patel at hpatel@easthamptonma.gov with any questions.

Home > Fall Conference 2023



EQUIPMENT PROVIDED BY J.C. MADIGAN INC

QUOTE

TOWN OF PERU 2023 FIRE DEPT

FORD F350 QUAD CAB DRW

KNAPHEIDE KUVcc Body

ITEM #	DESCRIPTION	Truck cost
3029	AUXILLARY 110 VAC OUTLETS FOR INVERTER	\$ 400.00
3029	AUXILLARY 110 VAC OUTLETS FOR INVERTER	\$ 400.00
3030	AUXILIARY BATTERY FOR INVERTER	\$ 950.00
3196	KNAPHEIDE KUVcc Body MODEL KC108M2094	\$ 16,500.00
3204	MANUAL BAR -MASTER LOCKING SYSTEM	\$ 950.00
3213	FRAME MOUNTED RECIEVER & LIGHT PLUG	\$ 750.00
3218	LED INTERIOR COMPARTMENT LIGHTING X 6	\$ 750.00
3235	60" HIGH RAISED ROOF FOR 9' LONG ENCLOSURE	\$ 10,000.00
3240	INTERIOR HEAT-BASIC	\$ 750.00
3242	LED INTERIOR CANOPY LIGHTING PER	\$ 250.00
3242	LED INTERIOR CANOPY LIGHTING PER	\$ 250.00
3418	2000 WATT XANTREX PURE SINE WAVE INVERTER	\$ 2,500.00
	WHELEN LIGHTING SYSTEM	
	CORE SIREN	\$ 1,342.00
	ROTARY KNOB HEAD	\$ 449.00
	OBD-II INSTALL KIT	\$ 167.00
	PHOTO CELL	\$ 80.00
	SPEAKER	\$ 391.00
	SPEAKER MOUNTING BRACKET	\$ 49.00
	LIGHTBAR RED/WHITE-FRONT	\$ 1,719.00
	LIGHTBAR RED/WHITE-REAR	\$ 1,719.00
	SCENCE LIGHTS	\$ 3,688.00
	M7-RED GRILL	\$ 1,092.00
	M7-RED FRT WHEEL	\$ 546.00
	M7-RED REAR WHEEL	\$ 546.00
	M6 RED-REAR LOWER TAIL	\$ 546.00
	M6 RED-FRT UPPER BODY	\$ 546.00
	M6 RED-REAR UPPER BODY	\$ 546.00
	M6 RED-FOUR CORNERS	\$ 1,092.00
	CHROME HGS	\$ 776.00
	CHROME M7 FLANGES	\$ 176.00
	CHROME M6 FLANGES	\$ 220.00
	LABOR	\$ 1,410.00
*****	TOTAL	\$ 51,550.00