

SELECT BOARD Meeting Minutes

MONDAY, November 7, 2016

Goodnow Town Hall, 7:00 P.M.

In attendance: Select Board Chair Beth Bandy, Select Board members Sarah Reynolds and Toby Gould, Town Administrator Peg Dean.

The meeting was called to order at 7:02pm.

The Select Board had a 7pm scheduled appointment with the Animal Control Officer, Ed Grinnell. The Select Board reviewed the existing Town Bylaw and how it is enforced. Ed explained his process for abiding by MGL 140. For the first offense, Ed does not write a ticket, typically. Ed gives a verbal warning; he often puts up door hangs to notify a resident if they are not home which equals a verbal warning. Ed documents the door hanging has been placed by taking a picture. The second offense equals the first written ticket, and per MGL 140 is \$50. Ed is recommending it to be \$25. The Select Board asked what should be done in cases where people are apt to complain. The ACO will not write a ticket until he has seen proof of the complaint. Pictures with timestamps are considered proof.

The Select Board asked Ed if he could provide a schedule for fines/ fees. He said he can pull one together, and shared that the fines are not "shall fine" but rather "can" or "may" fine up to a certain amount.

The Select Board is comfortable with Ed enforcing the ticket issued that has not been paid. With regard to the ticket issued that was paid, Ed could not find the homeowner home, except once when he spoke to a woman, he heard the dogs barking several times, got 12-13 complaints, left a ticket and a door hang on the inside of the storm door, and photographed it with his phone.

The Select Board reviewed the old Bylaw and revisions to the Town Bylaw. The ACO mentioned that there were revisions to MGL 140 three years ago, and the Select Board asked if they need to update the Town Bylaw to reflect the revisions? Sarah read the Town Bylaw Section 4. Compliance with MGL 140 S 136A-175: *Notwithstanding anything contained herein dog owners are required to comply with all other Massachusetts General Laws regarding the keeping of dogs. In the event that any provisions or sections of the by-law are deemed invalid or unenforceable, all provisions shall remain in force and in effect.* No need to update the Bylaw.

For complaints call the ACO. The Select Board requested that the following be added to the website, "TO MAKE A COMPLAINT CALL (413) 834-2951 or DISPATCH 625-8200". **ACTION: Sarah makes a motion that the first ticket issued to a dog owner will be \$25, Beth 2ndd. Passed unanimously.** The appointment ended 7:16. The Select Board will put in the newsletter to contact the ACO for complaints.

The Select Board was scheduled to meet with Paul Fantucchio at 7:15pm to review the status of the Mandigo case. Paul was not present. Peg called Paul; the answering machine picked up. She did not leave a message. The ACO reported to the Select Board that Mandigo has been in South Deerfield. The Select Board explained that the reason Paul wanted to meet was because he's been upset about the dogs. Mandigo has no licensed dogs in Charlemont so at this point he can't have dogs in Charlemont. He can license three (3), but he hasn't done so, as was confirmed by Kathy. Paul's recollection was that Mandigo couldn't have any dogs. The Select Board then requested the paperwork from the Attorney and Court. Sarah stated that the judge went by our Bylaw which states 4 is a kennel license, or 3 is the amount you can license, however the court said he had to legally license and he hasn't done that. Per the ACO, if he did license them, he could have 3 dogs. The reason Paul wanted to meet with us was to make sure we were all on the same page about what the court order was. The ACO stated that if there was a loose dog in the park, and the ACO catches it, it goes to the kennel, and he doesn't get it back until everything is up to date. Do the residents in the trailer park know how to report a complaint? It sounds like the neighbors complain to Paul instead of reporting complaints to the ACO. If the neighbor can call the ACO when there is something to report, the ACO can respond within 12 minutes. The neighbors can hold the dog without getting in trouble if on their property and being a nuisance. The Select

Board asks that Paul be let known the conversation that was had. Peg will send an email to the Select Board for review. Once approved, she will send to Paul. Provide within the email contact information for ACO and dispatch. The ACO left at 7:25

Sue Annear was recognized. While here she wanted to let the Select Board know the Hawlemont school committee meetings on the calendar are wrong in the newsletter and on the website. The meetings are now the third Wednesday of the month at 4:40.

The purpose of her visit was to ask for Ambulance related information. She is looking for the last three fiscal years of 1) financial receipts and expenditures, and 2) a final figure for the Ambulance budget. The Select Board will ask the Accountant for it. Sue is asking for it by Nov 23. Peg to request from Justin, and have sent the Select Board and Ambulance work group members.

Beth made a motion, listen to video.

ACTION: Beth made a motion, to approve payroll, the Broadband Committee letter to accompany town survey, and the Assistance to Firefighters Grant application (Chair to sign outside of regular meeting), approve and sign Select Board meeting minutes for 9-16, 9-22, 10-3, and 10-29, warrants, MassDOT crosswalk permit “completed” form, and condolences to Gloria Jean and Joey Purinton, and acknowledge Franklin Regional Council of Governments ServSafe Flyer and Innovations for Rural Living Flyer; Franklin County Regional Housing and Redevelopment Authority’s 2016 Annual Report; Franklin County Cooperative Inspection Program’s monthly reports; KP Law article “The New Public Records Law: Top Ten Practical and Policy Issues”; Massachusetts Department of Revenue Division of Local Services’ Notification of Certification of Assessors’ valuations. Toby 2ndd. Passed unanimously.

The Select Board discussed the Earth Removal Committee hearing. It has been continued again because the pit owner did not have all the required documents needed to be able proceed. Sarah requested that the continuance be added to website for Nov 29th 4pm at Hawlemont.

The Select Board discussed their agenda priorities.

With regard to bridges, the Select Board discussed the Legate Hill Bridge bids that came in November 2nd, and are good for 40 days. The Select Board discussed why there is such variation in costs. Sarah explained that much came from the traffic control. Beth will call to follow up with Erica Kreuter on Monday November 14 to confirm the Mass Works pre-grant form completed and emailed Friday November 4 was received. Sarah will get a price from Gordon on the cost for purchasing a steel plate to bring back to the November 21 meeting.

ACTION: Sarah makes a motion that upon receiving the Mass Works contract the Town of Charlemont intends to accept Virgilio as the lowest bid. Beth 2nds. Passed unanimously.

The Select Board discussed how to respond to the email from Mass DOT asking what the Town’s plans are for Tinney Road. Per Sarah the bridge needs railings, and has holes. Email the state letting them know “it was intended to be abandoned. Several years ago was closed by the SB and we will send the State an official abandonment once we have one.”

The Select Board discussed the National Bridge Inspection Standards Bridge Inspection Reports for C-05-053=F-05-010. The Select Board discussed the comments found in the inspection report. Sarah suggested they talk to Gordon. This bridge is part owned by FL, hence F-05-010. Are there any actions that can be taken?

Ambulance issues were discussed. Beth shared that the Ambulance work group met Sunday. Beth talked to Andrea Woods, Chief Procurement Officer at the FRCOG, asking for sample Request For Proposal (RFP). Andrea couldn’t help because she is typically working on bids that are explicitly spelled out. The work group

started putting together a draft RFP. The Town is exploring two options through the process for 24 hour and 12 hour services. They are contacting Ambulance people elsewhere who can act as consultants.

The Select Board discussed discontinuing roads. Sarah provided the names of the three discussed in the last Select Board meeting: Mill Hollow Road, belongs to Marjorie Papier Philo from Lake Placid, NY, Academy Lane, and Birch Lane which is Audrie Kee's driveway. **ACTION: Sarah makes a motion, so moved by Toby, that she contact the Mill Hollow Road residents to get a sense of their opinion on discontinuing the road, asking them to contact her to discuss, that someone else will call the Kee's, that the Select Board put Academy Lane on the next Town Meeting, and the Select Board will be bringing back the opinions for next steps. Beth 2nd's. Passed unanimously.**

The Select Board discussed tax collection and abandoned property. As the Select Board liaison to the Tax Collector, Sarah will work with Lynn to get an updated report showing names and pertinent information for the Select Board's review.

The Select Board discussed the Capital Improvement Committee. A quorum has been appointed. The Select Board discussed that a fifth member is needed. Tentative dates of 12/8, 12/12, 12/13, and 12/14 were discussed for a kick-off meeting with the consultant Community Compact Cabinet consultant Joe Markarian. Peg will contact Jim Sinclair, Erwin Reynolds, Ron Smith, and Tony Walker for which dates work best.

The Select Board discussed additional business on their agenda.

In regards to putting the Accountant's communication on the web, the Select Board reviewed Justin's sample reports. The Select Board liked the single spaced format, and ask that first column be deleted, and the layout to be portrait format.

The Select Board discussed the process for reviewing and releasing executive session minutes: Kathy will find the last date for Executive Session minutes and the Select Board will start a list of Executive Session minutes from there. This is on the agenda for November 21.

The Select Board discussed internet and email service in Town Hall and the municipal complex. The Hilltown Network pricing proposal for internet service through MB123. Select Board discussed that the option to go to new internet service will be an additional \$60 per month. **ACTION: Toby makes a motion that they switch the Berkshire County Network accounts to the townofcharlemont.org accounts by Jan 1. Beth 2nd'd. Passed unanimously.** Discussed how there is an overlap time Cheryl can set up for the accounts. Next steps: Talk to Cheryl, what is required on her end to set up. Bring back Nov 21. **ACTION: Toby makes a motion that The Town of Charlemont employ Hilltown Network to use MB123 for internet service. Beth 2nd'd. Passed unanimously.**

The Town discussed the ability of Town to sell 279 Avery Brook Road property. Beth contacted the Attorney who is requesting additional information to be able to advise the Town. The Select Board will bring this item back to the November 21 agenda. **ACTION: Beth makes a motion to sign the letter to Monte Chandler, Toby 2nd'd. Passed unanimously.**

The Select Board discussed the use of tree funds. Beth will research what was accounts were combined and whether there was an action relating to who is in charge.

With regard to grant opportunities, the Select Board discussed the MA Department of Housing & Community Development (DHCD)'s 2017 Massachusetts Downtown Initiative (MDI) technical assistance application. Sarah asked if traffic signs fit; if yes, pursue grant and present to the Select Board on November 21.

The Select Board discussed whether they could apply for the Massachusetts Historical Commission grant for Town Hall. **ACTION: Sarah makes a motion that the Town Administrator contact Massachusetts**

Historical Commission and if applicable draft a letter and have the Select Board Chair sign on an off meeting, or advise if the letter needs to come from our Historical Commission. Toby 2nd's. Passed unanimously.

The Select Board discussed the Walkability Micro-grant sent by the Mass in Motion Coordinator, offered by America Walks and the Every Body Walk! Collaborative, and felt this grant might be geared towards larger towns than Charlemont.

The Select Board discussed the TIGER grant application. They will consider applying for funds to repair or replace the long bridge.

The Town Administrator brought up that a resident reported the Long Bridge lights have been staying on throughout the day. Sarah brought that there is an issue with a light Bissell Bridge as well. Sarah will ask Gordon if he knows how to go about repairing both the Bissell Bridge and the Long Bridge lights.

ACTION: Beth makes a motion that they accept with regrets Bambi Miller's resignation from the Historical Commission, Sarah 2nd'd. Passed unanimously. Passed unanimously. Other committee members are Mary Boehmer and Marguerite Noga.

The Select Board discussed the use of inside bulletin boards; consider rearranging. The Select Board will glance the inside bulletin boards on their way out to consider options. It was decided that a Select Board member would come in once a month to clean up outdated materials.

In regards to Animal Inspector for large animals updates, Beth will try again to reach out to suggested choices.

The Select Board discussed whether they want to plan another Small Town Summit. The Select Board is interested in having another here the last week of December 1st 7pm. Reserve Hawlemont. Send a save the date with agenda items, 1) a discussion of legislative priorities and 2) a chance to re-evaluate the Small Town Summit's priorities.

ACTION: Beth makes a motion to put the electronic tolls onto the website. Toby 2nd'd. Passed unanimously.

The Select Board discussed speed limits in town. Toby shared that he spoke with Jared before the Auction on October 29. Jared will work with Gordon to find out what streets need speed signs. **ACTION: Toby make a motion that Jared and Gordon bring their recommendations to the Select Board November 21. Beth 2nd'd. Passed unanimously.**

The Select Board discussed the Right to Farm bylaw and how to comply. Can the Town send it out with the tax bills? Sarah will talk to Lynn. Can Peg talk to Carlene about sending out the Right to Farm Bylaw with the new sale survey with an explanation of what the Right to Farm bylaw is?

Adjourned 9:02pm

Documents viewed during the Select Board meeting:

- Massachusetts General Law Chapter 140, Section 173A: Violation of dog control laws; non-criminal disposition
- Town of Charlemont Dog Bylaws
- Recommendations from the Town Administrator regarding the Massachusetts Historical Commission planning grant application

- Payroll # 19
- Select Board meeting minutes for 9-16, 9-22, 10-3, and 10-29
- Warrants
- MassDOT crosswalk permit “completed” form
- Condolences to Gloria Jean and Joey Purinton

Respectfully submitted by Peg Dean 11-8-16

Draft minutes until approved by Select Board