

## TOWN OF LANESBOROUGH SELECTMEN'S MEETING

Submitted by Diane Stevens, Town Secretary

June 29, 2015

Present: Mr. John Goerlach, Chairman  
Mr. Robert Ericson  
Mr. Henry Sayers  
Mr. Paul Sieloff, Town Administrator

Warrants: Warrant Signed

The meeting was opened by John Goerlach at 6:00 p.m.

### Public Comment

Virginia Mach of 401 N. Main St. presented the Board with a new state flag which she received with the help of State Senator Ben Downing and State Representative Gailanne Cariddi to help celebrate the Town's 250<sup>th</sup> Anniversary. The Board thanked her for obtaining the flag and will look to hanging it to commemorate the Town's anniversary. Ron Tinkham came before the Board regarding Sunrise Street. Mr. Tinkham stated that the work that was done was minimal. He stated that the Highway Department had seeded but the rain had washed most away. Mr. Sieloff stated that he will check the status with the DPW Director. Mr. Goerlach asked if the sand was moved from the beach area. Mr. Tinkham stated that it had not been moved. Lee Hauge asked Mr. Tinkham if the Conservation Commission had approved the sand at the beach. Mr. Tinkham stated that they approve it every year. Mr. Goerlach asked Mr. Sieloff to check on this.

Lee Hauge came before the Board regarding the Dock Bylaw. Mr. Hauge presented the Board with alternatives to the Bylaw that was proposed and rejected at Town Meeting. Mr. Hauge stated that they would like to address only docks on rights of way and stay away from private residences and would like this done at a special Town meeting. Attorney Richard O'Brien represents several Narragansett Avenue residents. Attorney O'Brien stated that a dock bylaw had been passed by the Town on July 31, 2012. Attorney O'Brien stated that the new proposal will impinge on residents who own property in the right of way and it does not comport with Massachusetts General Laws. Attorney O'Brien read two letters from Town's Counsel to the Town opposing the implementation of this bylaw. Attorney O'Brien stated that the Department of Environmental Protection (DEP) has an application which can easily be obtained on-line for dock permits and asked why the Town is getting involved as it will only spur litigation which will cost the Town money. He thanked the Board for allowing him to speak on behalf of his clients. John Hickey came in front of the Board on behalf of the Dock Bylaw Committee. Mr. Hickey stated that the residents are not interested in this Bylaw as was shown at the Annual Town Meeting. Mr. Hickey believes that the proposed changes to the Bylaw are cosmetic and the Board should not allow it. Mr. Tinkham agreed with Mr. Hickey. Mr. Tinkham stated that the Assessors maps are inaccurate. Mr. Tinkham stated that he realizes that deeds override the maps but the Town relies heavily on them. Mr. Mierzejewski agreed with Mr. Tinkham that maps should not have been changed. Bill Kristensen from Narragansett Avenue stated that an illegal dock was put in and was to be removed. He stated that the DEP advised the installer of the dock that they will be fined on a daily basis and it has still not been removed. He stated that someone needs to contact the DEP regarding this but believes the Town should not be involved because it is a private right of way. Mr. Goerlach thanked everyone for coming in.

### Permit(s) / Contract(s) / Use of Town Property or Notification to Town of Community Event / Appointment(s)

#### **Permit to Construct a Driveway – Floyd Passardi**

Mr. Sieloff presented a Permit to Modify, Relocate or Construct a Driveway for property of Floyd Passardi on Bull Hill Road to the Board for their review and approval. DPW Director William Decelles and Tree Warden William Girard signed off on the application. Mike Passardi and Mark Scoco from SK Design Group presented the Board with a revision to the original plan. Mr. Goerlach gave Mr. Scoco a copy of a memorandum from the DPW Director with his specifications for approval. Mr. Sayers would like the DPW Director to review the new design before making a decision. Mr. Sieloff stated that he will get the new plan to the DPW Director and the Tree Warden and present the revised application at the next meeting. [#1]

### **Appointment of Timothy Sorrell - Police Chief**

Mr. Sieloff stated that the Town and Chief Sorrell have executed a contract. Motion 15-84. Motion made by Robert Ericson to appoint Timothy Sorrell as Chief of Police, seconded by Henry Sayers. Unanimously voted.

### **Appointment of Jason Costa – Animal Control Officer**

Mr. Sieloff stated that Mike McClay is retiring at the end of June. Mr. Sieloff has been speaking with Chief Sorrell and they would like to bring the Animal Control Officer (ACO) position under the control of the Police Department. Officer Jason Costa is interested in the position. Mr. Sieloff asked the Board to appoint Officer Costa for one year and fund the position as over-time hours for Officer Costa for the \$8,000 that was budgeted. Mr. Sieloff stated that the Town is saving money as they no longer have to pay for the partial health insurance for the current ACO. Chief Sorrell stated that police usually get most of the calls and it would help in cases where there are other issues than just animal control on these calls. Officer Costa works second shift which will enable him to perform these duties. The current ACO often had problems due to his commitments with other towns and this would be beneficial as the officer would be in town. Chief Sorrell stated that the Commonwealth mandates 48 hours of training and Officer Costa could do this as part of his regular duties. Mr. Ericson asked if the State would require Officer Costa to get rabies shots. Mr. Sayers asked about the ACO vehicle and equipment. Mr. Sieloff stated that there is money in the budget for this. Motion 15-85. Motion made by Robert Ericson to appoint Jason Costa as Animal Control Officer, for one year seconded by Henry Sayers. Unanimously voted. Motion 15-86. Motion made by Robert Ericson to appoint Jason Costa as Inspector of Animals, seconded by Henry Sayers. Unanimously voted.

### **Annual Appointments of Committee Members and Staff**

Mr. Goerlach asked if anyone on the Board would like to be Chair. Mr. Ericson stated that he is too busy with the Energy Committee and Mr. Sayers stated that he thought Mr. Goerlach was doing a good job. Motion 15-91. Motion made by Robert Ericson to have John Goerlach continue as Chair of the Board of Selectmen, seconded by Henry Sayers. John Goerlach abstained from vote. Motion carried 2-0. Motion 15-92. Motion made by John Goerlach to appoint Henry Sayers as Secretary of the Board of Selectmen, seconded by Robert Ericson. Henry Sayers abstained from vote. Motion carried 2-0. Motion 15-93. Motion made by Henry Sayers to appoint John Goerlach to the Baker Hill Road Committee, seconded by Robert Ericson. John Goerlach abstained from vote. Motion carried 2-0. Motion 15-94. Motion made by Robert Ericson to appoint William Decelles to the Baker Hill Road Committee, seconded by John Goerlach. Henry Sayers abstained from vote. Motion carried 2-0. Mr. Sieloff presented the Board with a list of Regional Committee Appointments for their approval. Motion 15-95. Motion made by Robert Ericson to approve the list of Regional Committee Appointments as presented, seconded by Henry Sayers. Unanimously voted. Mr. Sieloff presented the Board with a list of Appointed Staff for their approval. Motion 15-96. Motion made by Robert Ericson to approve the list of Appointed Staff, seconded by Henry Sayers. Unanimously voted. Mr. Sieloff presented the Board with a list of Town Committee Appointments for their approval. Mr. Sayers stated that the Fire Department Board of Engineers list is incorrect as they just had an election. Mr. Goerlach stated that Mr. Mierzejewski would like to serve on the Sewer Commissioners and he would like to make the change to have Mr. Mierzejewski replace him. Mr. Sieloff stated that he would check with Chief Durfee as to the Fire Department Board of Engineers and would make the change to the Sewer Commissioners. Motion 15-97. Motion made by Robert Ericson to approve the Town Committee Appointments without the Fire Department Board of Engineers and replacing Mr. Goerlach with Mr. Mierzejewski on the list of Sewer Commissioners, seconded by Henry Sayers. Unanimously voted. [#2]

### **Appointment of Senior Work-off Workers**

Mr. Sieloff presented the Board with a list from the Senior Tax Work-off Program. Motion 15-98. Motion made by Robert Ericson to approve the appointments as presented for the Senior Tax Work-off Program, seconded by Henry Sayers. Unanimously voted. [#3]

### **Approval of Berkshire Visiting Nurse Association Agreement**

Mr. Sieloff presented the Board with an Agreement for Community Public Health Services from the Berkshire Visiting Nurse Association for their review and approval. Mr. Sieloff stated that the contract had already been reviewed and approved by the Board of Health. Mr. Sayers asked if there was an increase in the fee. Mr. Sieloff

stated it was very slight. Motion 15-99. Motion made by Henry Sayers to approve the Agreement for Community Public Health Services from the Berkshire Visiting Nurse Association, seconded by Robert Ericson. Unanimously voted. [#4]

#### Amendment to Police Department Rules and Regulations (Rule 12.8)

Chief Sorrell stated that he fully supports the proposed amendments. Mr. Sayers would like to vote on only 12.8 at this meeting and bring other amendments at a later date. Motion 15-87. Motion to remove the word “Massachusetts” from Rule 12.8 – Required Licenses, seconded by Henry Sayers. Unanimously voted. Mr. Sieloff read a memorandum from Sgt. Kirby stating that effective July 1<sup>st</sup> he would be resigning from the position of Sergeant and returning to the rank of Patrol Officer. Motion 15-88. Motion made by Robert Ericson to rescind Motion 15-87, seconded by Henry Sayers. Unanimously voted. Motion 15-89. Motion made by Robert Ericson to amend Rule 12.8 to read as follows “Officers must have and maintain a valid Driver’s License and no statutory disqualifiers for possession of a Firearms license”, seconded by Henry Sayers. Unanimously voted. [#5]

#### Bullet Proof Vest Policy

Chief Sorrell gave the Board a copy of a policy he would like to add to the Department’s Policies and Procedures for their review and approval. Chief Sorrell stated that the vests are supposed to be updated every 5 years and that the policy he presented to them is currently used by the Dalton Police Department. Chief Sorrell stated that the Town needs this in place to apply for reimbursement from the Federal Government. Motion 15-90. Motion made by Henry Sayers to approve the Body Armor Policy, seconded by Robert Ericson. Unanimously voted. Chief Sorrell asked the Board if they have an updated version of the Policies and Procedures and Rules and Regulations. Mr. Goerlach stated that they did not. Chief Sorrell stated that he would get that for the Board. Mr. Sayers stated that he would like the Chief to properly enforce all regulations that will be put in place. [#6]

#### Landfill Monitoring Contract

Mr. Sieloff presented the Board with a proposed FY16 contract from Stantec Consulting Services relative to Environmental Monitoring and Inspection of the Landfill on Ore Bed Road. Mr. Goerlach asked if letters were sent out to residents regarding hook-up to the waterline. Mr. Sieloff stated that they have been sent out. Motion 15-100. Motion made by Robert Ericson to approve the Landfill Monitoring Contract between the Town and Stantec Consulting Services, seconded by Henry Sayers. Unanimously voted. [#7]

#### Berkshire Wind Pilot Agreement

Mr. Sieloff stated that materials have been sent to Town Counsel and a draft agreement will probably be available at the next meeting.

#### Police Station Roof Project

Mr. Sieloff stated that he is waiting to get bids from the DPW Director for this project but he has been very busy with other Town projects. Mr. Sieloff stated he will bring this back at the next meeting.

Eric Kristensen came before the Board regarding the Town’s tax rate. Mr. Kristensen stated that years ago there was talk of having a school rate and a general rate which would be available for seniors. He stated that there would be certain criteria (i.e. resident of the State for 20 years and resident of the Town for 10 years) and that having this general rate would alleviate the elderly tax exemption. Mr. Kristensen asked if this was something that could be looked into. Mr. Sieloff stated he would talk to the Tax Assessor. Mr. Goerlach asked if any other Towns use this system. Mr. Kristensen stated there were not.

#### Police Station Furnace and Hot Water Heater Project

Mr. Ericson stated he would get a hot water heater for the Department which would cost approximately \$250. Mr. Sieloff stated he would talk to Robert Ericson about this tomorrow. Mr. Ericson stated that he had to talk to the new Chief about the furnace to see what their use would be as to what they need. Mr. Sieloff asked if the Board approved of going with oil as opposed to gas. Mr. Sieloff stated that he did not like the security issues with going with gas at a police station. Mr. Ericson stated that former Chief Bashara wanted a shower at the station

and that request would have an impact on what type of a furnace needed to be obtained. Mr. Sieloff will ask Chief Sorrell if he wants or needs one and get back to the Board.

#### Budget Transfers

Mr. Sieloff stated that the Town Accountant was not able to complete the spreadsheet for the transfers and he will check with the Town Accountant tomorrow and get back to the Board to report as to whether a meeting will need to be held before July 13<sup>th</sup> as very few transfers will need to be made.

#### Replacement of Television Computer Equipment

Mr. Sieloff presented the Board with a recommendation from Pittsfield TV relative to the upgrade of the Town's television equipment. Mr. Sieloff stated that the equipment is very old and needs to be replaced and that the money to pay for this will be funded out of the cable account that comes out of franchise fees. Mr. Sieloff would like the Board to approve just under \$3,000 from the Town's IT account for the purchase of a Smart Videohub router/switcher and an Audio Monitor. Mr. Sieloff stated that the Town receives approximately \$7,500.00 a year in franchise fees and updating the equipment will give residents the capability to live stream meetings without being connected to Charter Communications. Motion 101. Motion made by Robert Ericson to allow the purchase of a Smart Videohub router/switcher and an Audio Monitor from the IT Account, seconded by Henry Sayers Unanimously voted.[#8]

#### Proposed Laston Park Committee and Recreation Committee Bylaws

Mr. Sieloff presented the Board with proposed Bylaws for the Laston Park Committee and the Recreation Committee. Mr. Sieloff stated that the Laston Park Bylaws had been previously approved by the Board but that new language had been added to ensure that Minutes and summary reports were submitted to the Town Clerk. Motion 15-104. Motion made by Henry Sayers to approve the Bylaws of the Laston Park Committee and the Recreation Committee, seconded by Robert Ericson. Unanimously voted. [#9 & #10]

#### Decision of the Board on Results of Town Property Auction

Mr. Sieloff presented the Board with two proposed contracts from Collar City Auctions Realty and Management, Inc. for their review and approval relative to the auction which was held on Wednesday, June 17<sup>th</sup> for property located at 40 Hobomack Avenue and on Bailey Road. Motion 15-102. Motion made by Robert Ericson to accept the contract from Collar City Auctions Realty and Management, Inc. for property located on Bailey Road for \$45,000 plus fees, seconded by Henry Sayers. Unanimously voted. Mr. Sieloff recommended that the Board accept a bid of \$8,000 + fees for property located at 40 Hobomack Avenue. Motion 15-103. Motion made by Henry Sayers to accept the contract from Collar City Auctions Realty and Management, Inc. for property located at 40 Hobomack Avenue, seconded by Robert Ericson. Unanimously voted. Mr. Goerlach stated that in the future he would recommend that the Town not take the advice of the auctioneer and set minimums bids for the properties. [#11 & #12]

#### Other business which could not have been reasonably foreseen within 48 hours of the meeting.

None

#### Selectmen's Items

Mr. Ericson stated that the Energy Committee sent modifications for the School to Jim Barry for the Green Community Grant. Mr. Ericson stated that he has spoken with DPW Director Decelles about the concrete pad at the Elementary School. He stated that they modified the original plan and the drain will be removed which should get the cost of the project closer to the \$20,000 that was budgeted. Mr. Ericson stated the Energy Committee will need drawings for the Town Hall in order to begin the work. Mr. Ericson replaced John Goerlach on the Mount Greylock School Building Committee and there is much confusion as to what is being done. Mr. Sayers stated that he liked what was done in Lee by placing a freeze on the remodeling of the school until it is determined which option they should follow. Mr. Sayers would like to form a committee regarding ambulance coverage due to the lack of response. Mr. Sieloff stated that he would put this on the Agenda for first meeting in October for discussion on ambulance staffing issues and will ask the Town Accountant to do a financial analysis at that time to see where things stand with the increased fees that were just implemented.

### Town Administrator Report

Mr. Sieloff stated that decisions needs to be made regarding the new high school. Mr. Sieloff stated he was approached by Regina DiLego regarding the Town's scholarship program and she wanted to see if juniors and seniors can possibly come in and do work to help with departments in Town Hall. Mr. Sieloff stated that there could be a screening process and wanted to know if the Board has any objections to this type of a program. Mr. Goerlach stated that he had no objections. Mr. Goerlach asked if funds would be restricted in the police budget because it is an officer down. Mr. Sieloff stated that the budget was fully funded but if the Board would like about 50% of that salary to be unspent, he will talk to the Chief.

Mr. Sayers asked about new law for sick time which will be implemented July 1<sup>st</sup>. Mr. Sieloff stated that Town Counsel stated that it will not substantially affect the Town.

### Adjournment

Motion to adjourn meeting made by Robert Ericson, seconded by Henry Sayers. Unanimously voted.

Meeting adjourned at 8:08 p.m.

#### Footnotes:

- [#1] Permit to Construct a Driveway – Floyd Passardi
- [#2] Appointment List of Committee Members and Staff
- [#3] Senior Work Off Appointment List
- [#4] Berkshire Visiting Nurse Association Agreement
- [#5] Police Department Rules and Regulations (Rule 12.8)
- [#6] Proposed Bullet Proof Vest Policy
- [#7] Proposed Landfill Monitoring Contract
- [#8] Lanesborough TV Equipment Upgrade Recommendations
- [#9] Proposed Laston Park Committee Bylaws
- [#10] Proposed Recreation Committee Bylaws
- [#11] Collar City Auctions Realty & Management Contract – 40 Hobomack Avenue
- [#12] Collar City Auctions Realty & Management Contract – Bailey Road