



## **Town of Bernardston** **Board of Selectmen**

MEETING MINUTES: December 14, 2011

Select Board Members Present:  
Robert R. Raymond, Chairman  
Stanley D. Garland  
Virginia M. Budness

Others Present:  
Jane Dutcher, Finance Committee  
Dave Powers - BOH  
Sandy Giard - BOH  
Deborah Delabruere - BOH  
Donna MacNicol - Town Counsel  
Linda Raymond, Finance Committee

The Chairman opened the meeting at 6.03pm.

### **Warrants**

The payroll warrant is approved for \$43,450.10. Motion by Virginia, second by Stan. Motion carried.

The vendor warrant is approved for \$55,537.96. Motion by Virginia, second by Stan. Motion carried.

### **Minutes**

- Regular Meeting November 30, 2011. Motion by Virginia. Second by Stan. Motion carried.

### **Calendar & Announcements**

Bob read aloud the following:

- Board of Health, Wednesday, Dec 14, 6.30pm at Town Hall.
- Board of Assessors, Thursday, Dec 15, 3.30pm at Town Hall
- PVRSD Budget Sub-Committee, Thursday, Dec 15, 6.30pm at PVRSD

### **Permits**

None.

### **Appointments**

6.00pm Board of Health - Sandy Giard from the BOH informed the Board of the need to appoint each member of the BOH as Special Municipal Employee in compliance with MGL Chapter 268A. This designation allows the BOH members to retain a portion of any fees charged by the BOH without being in violation of Conflict of Interest laws. The designation pertains to the position, not the individual. Motion by Stan to appoint Sandy Giard, David Powers and Deborah Delabruere as Special Municipal Employees, second by Virginia. Motion carried. The Board was also informed they need to set the fees that pertain to BOH services. The BOH can recommend the fee structure, but cannot vote to adopt the same. Motion by Virginia to adopt the BOH fees now in effect, second by Stan. Motion carried. Town Counsel Donna MacNicol stated the Board of Selectmen are automatically Special

Municipal Employees by state statute.

*BOS Minutes December 14, 2011 (cont.)*

6.10pm John Lepore – The Board talked with John Lapore and his team regarding a wetland plan for Cushman Park. The park is being encroached upon by the adjacent wetlands under state jurisdiction by the Dept of Fisheries & Wildlife. There is also a potential threat to nearby residential septic systems. Bill Lattrel talked about wetland delineation, watershed area, prediction of water flow and design point permeability issues that pertain to a thorough wetland management plan. Bill also stated the wetlands at the School Rd location has extensive wetlands based on visible hydrophyte plants and soils. Virginia asked if now would be the best time to start a project of this nature. Bill said spring 2012 would be best. The immediate project regarding the culvert replacement and cleaning of the outfall area is now under an Emergency Certification issued by the Conservation Commission who have hired an environmental consultant to oversee the job.

6.30pm Dennis Shockro, 128 Fox Hill Rd. – Dennis Shockro sent a letter to the Board regarding his position that his neighbor is unnecessarily creating a complaint against him and his dogs. The complaint alleges Mr. Shockro's dogs bark incessantly. The Police have visited the area several times and have not found adequate evidence to sustain the claim of excessive noise. No other neighbors in the area have complained about Mr. Shockro's dogs. Mr. Shockro feels the complaints from his neighbor now portend to a legitimate harassment claim against his neighbor. Virginia stated the Board had not received a formal complaint from Mr. Shockro's neighbor only voicemails left on the Selectmen's phone. The Board deferred the matter to the Police Dept.

### **New Business**

Special Town Meeting – The Board agreed to set a Special Town Meeting for January 31, 2012. The Planning Board wants to ratify some zoning changes, there are some unpaid bills from the prior fiscal year and the Police Chief wants to pass a local open container bylaw.

Belle Notte Restaurant – The Board received an application for a change of Manager at the Belle Notte restaurant related to restaurant's the liquor license. Virginia motioned to approve the change in Manager at Belle Notte Restaurant, second by Stan. Motion carried. The application will be sent to the ABCC for state approval.

DEP Mini-Grant – The Town has been approved for a \$500 grant administered through the Franklin County Solid Waste Management District. The grant is expected to pay to recycling bins to be made available to residents.

Highway Department Donation Account – Gary Wetherby had recently received a donation from a resident and is seeking the establishment of a donation account similar to the Police and Fire Depts. Motion by Stan to establish an account to receive donations for the Highway Dept, second by Bob. Motion carried.

Town Clerk – Judy Knight, the Town Clerk is resigning effective January 1<sup>st</sup>. The Board

signed a thank you letter for Judy.

*BOS Minutes December 14, 2011 (cont.)*

Cushman Park – Consultant Alec McLeod provided an update to his progress with the DEP and Army Corps of Engineers regarding the immediate repair of the culvert at Cushman Park. He expects a favorable outcome shortly.

**Old Business**

Town Hall Siding – Bob has not reached Larry Jubb to discuss the additional cost of \$5,682 change order to the upper section of the steeple area. In addition, the Town has yet to receive the weekly payroll sheets after several reminders.

Personnel Policy – The Board agreed to review the changes in the personnel policy before sending to Town Counsel. Bob brought up the issue of paid holidays for part-time employees working under 20-hours. Part-time employees are not entitled to benefits and paid holidays are a benefit. Motion by Bob to send a memo out to all town departments reminding them that part-time employees under 20-hours per week are not subject to paid holidays, and this policy also applies to snow days or days when town offices are closed due to an unforeseen event, second by Stan. Motion carried.

Bernardston Elementary School Heating System – A quote for \$3,951.13 from FW Webb has been received to replace the burner at BES. Motion to accept the quote and proceed with delivery by Bob, second by Stan. Motion carried. The purchase of the burner unit is in compliance with municipal procurement procedures.

Administrative Assistant Report – Hugh Campbell reported of successful award of 2 grants from the Massachusetts Interlocal Insurance Association (MIIA) as follows:

1. \$2,400 for the purchase of chain saw safety equipment and the cost of training of Highway Dept employees;
2. \$2,900 for the installation of a video/audio surveillance system at the Police Station.

Adjourn With no further business to be discussed, Stan made a motion to declare the meeting adjourned at 7.28pm. Virginia seconded. Motion carried.

Attest: Hugh Campbell, Administrative Assistant

_____	, Chairman	_____	, Member
Robert R. Raymond		Stanley D. Garland	Virginia M. Budness