

**Town of Bernardston
Selectboard Meeting Minutes**



Board Members

Brian J. Keir

Stanley D. Garland, Chairman

Kenneth R. Bordewieck

Minutes for the meeting of December 13, 2023

Meeting held at Bernardston Town Hall
38 Church St, Bernardston, MA 01337

Selectboard Members Present:

Stan Garland
Ken Bordewieck
Brian Keir

Others Present:

See sign-in roster

Stan called the meeting to order at 6:01pm.

Warrants

Stan motioned to approve the Payroll Warrant in the amount of \$46,296.71.
Brian seconded and the motion was approved 3-0.

Stan motioned to approve the Vendor Warrant in the amount of \$107,280.04.
Brian seconded and the motion was approved 3-0.

Minutes

Stan motioned to approve the minutes of the Special Meeting on November 28, 2023. Brian seconded and the motion was approved 2-0.

Stan motioned to approve the minutes of the Regular Meeting on November 29, 2023. Stan seconded and the motion was approved 3-0.

Stan motioned to approve the minutes of the Special Meeting on November 30, 2023. Brian seconded and the motion was approved 3-0.

Stan motioned to approve the minutes of the Special Meeting on December 7, 2023. Stan seconded and the motion was approved 2-0.

Calendar and Announcements

Stan read the calendar and announcements as presented on the attached agenda.

(continued on next page)

Citizen Concerns: The Town of Bernardston has received verbal complaints from concerned citizens about possible zoning and community health violations. Property owners may be using their land or building in a manner inconsistent with the zoning regulations. For example, operating a business in a residential zone or using a residential property for commercial purposes. As it stands, the Franklin County Cooperative Inspection Program (FCCIP), Jim Hawkins and Cooperative Public Health Services (CPHS), Randy Crochier, are responsible for the enforcement of zoning and public health violations. What is the Town going to do with the complaints? Do we want to forward the complaints to the proper enforcing persons or do we want to send a letter to the property owner with the alleged violations? What is our next step? The Selectboard decided to send registered letters to the addresses with potential violations notifying them of the verbal complaints and asking them to self-correct (if applicable) and respond to the Town's letter by January 30, 2024.

Appointments

- John LePore - FY24 Wildfire MVP Grant: After a lengthy discussion with the State Ethics Commission and confirmation that John and Dave 'designed' the grant, a conflict of interest exists and cannot be overcome. Therefore, Bernardston cannot take over and administer the FY24 MVP Grant. Our recommendation is to let the grant expire and reapply with all the correct paperwork in place for the FY25 MVP Grant.

- Designating Special Municipal Employee positions: We know that the conflict of interest law covers all municipal officials and employees, whether elected or appointed, paid or unpaid, full-time or part-time. In preparation for the FY25 MVP grant and any other grants in the future, "special municipal employee" status can be assigned to certain municipal positions by a vote of the Selectboard. The conflict of interest law is less restrictive to positions designated as "special". Votes should be taken individually for each board or position being designated, expressly naming the positions being designated. Once a position is designated as having "special" status, it remains a "special municipal employee" position unless and until the classification is rescinded. A list of all the "special municipal employee" positions should be on file at the town clerk's office and the list should also be filed with the Ethics Commission.

Stan motioned to designate the Bernardston Planning Board, Conservation Commission, Board of Health, Recreation Commission, Finance Committee and the Zoning Board of Appeals as having "special" status. Brian seconded and the motion was approved 3-0.

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Selectboard Meeting Minutes
December 13, 2023
(continued)

- Dan Devine, Bernardston Zoning Board of Appeals, Chair - Zoning Board Status (ZBA): On November 1, 2023, we were informed that the structure of the Bernardston Zoning Board of Appeals is uncertain. The last known business conducted by the Zoning Board of Appeals was in 2020. Our intent today is to gain a better understanding of the current state of the board and the board's member status. Dan stated that initial issues or questions about zoning should be referred directly to the Building Inspector. The ZBA only gets involved when they are alerted by the Building Inspector. There is concern that the ZBA board members will need to be replaced with new members in the near future. The Selectboard will become the ZBA if current board members are not in place soon. Dan conveyed that the ZBA has been "stagnant" for so long. He expressed concern that this is because the power of the ZBA has shifted to the Bernardston Planning Board. The Planning Board sets up the rules and regulations for the ZBA and so much of it has been "watered down". Chairman Garland recommended a Joint meeting with the ZBA, Planning Board and the Selectboard in January 2024 for a round table discussion. In the meantime, Dan will look into finding new members for the ZBA. The Town Coordinator will create a box for the Building Inspector.

New Business

- Flagpole Policy: Many towns in the Commonwealth received an email from a political group asking whether there is a Town policy for which flags may be flown on Town flagpoles. There was a case brought against the City of Boston regarding an application that was filed with the city to fly a religious flag on a city hall plaza flagpole. The city denied the application to fly the flag and the applicant appealed the denial to court. The Supreme Court held unanimously that Boston's refusal to fly a Christian flag on a flagpole outside city hall violated the First Amendment. This decision was essentially reached because the city had flown other speech content flags on its flagpoles. Given this, we have drafted a flagpole policy for the Town of Bernardston to adopt in limiting the flags, banners and signs on Town flagpoles, buildings and property to only those related specifically to governmental business. Hopefully, this policy will prevent the Town from being sued for violating an applicant's first amendment rights.

Ken motioned to approve the Bernardston Policy for the Exhibition of Flags on Town Buildings and Property, adopted December 13, 2023, with changes to 2.3 to read: Flags flown on Town flagpoles shall be displayed in accordance with the standards referenced above in sections 2.1 and 2.2. The United States flag may be flown at half-staff to honor a newly deceased federal or state government official by order of the President of the United States or the Governor of Massachusetts. Stan seconded and the motion was approved 3-0.

(continued on next page)

Old Business

- FY24 Community Compact IT Grant, next steps: On December 6, 2023, the Town of Bernardston was awarded a \$50,000 grant through the Community Compact Cabinet's (CCC) Information Technology grant program. The grant is for the costs associated with the implementation of a robust server and network infrastructure. A complete set of grant documents need to be completed and forwarded to DLS, DOR no later than December 30th. We need to decide if we want to hire Capital Strategic as the Contract Manager or keep it in-house and assign the Town Coordinator as the Contract Manager. Jen Reynolds has reached out to three State-Contracted vendors hoping to set up a time in January for them to meet with the Selectboard to discuss needs, costs and scope of the project. These meetings will include discussions about costs for server maintenance, updates, and an IT support package for 14 computers. Make a motion to accept the FY24 Community Compact IT Grant and approve either Capital Strategic or the Town Coordinator as the Contract Manager.

Ken motioned to accept the FY24 Community IT Grant and designate the Town Coordinator as the Contract Manager, working with Capital Strategic Solutions to sign the grant forms and to administer the grant. Brian seconded and the motion was approved 3-0.

Jennifer Reynolds reported that she had a conversation with Brian McHugh, FCRHRA. Brian confirmed that we are no longer under the restriction from the initial restoration CDBG grant awarded in 2002. Restrictions expire after 15 years. Since the Senior Center is a historical building, moving forward, any work that we want to do on the Senior Center Building, we need to fill out a project notification form with the Massachusetts Historical Commission. Brian McHugh is happy to assist with this process. Bottom line is that the restrictions from the CDBG grant have expired! Brian McHugh's notes and the Massachusetts Historical Commission Project Notification Form are attached.

- Temporary Employee to backfill Chuck Adams: The COA director tried to make contact with Bob Raymond with no response. Therefore, she is seeking approval to hire a temporary employee to back-fill Chuck Adams during the months of February and March.

Ken motioned to approve the hiring of a temporary employee to back-fill Chuck Adams during the months of February and March. Brian seconded and the motion was approved 3-0.

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Town Coordinator's Report:

- Update on BES Mass Save Rebate: Mass Save has approved the rebate request for Bernardston Elementary School mini splits. A rebate payment totaling \$33,400 should be received in the next couple of weeks.

- Town Hall Settlement Report: EDM (Engineering, Design, Management): On December 1st, I received an email from Mark Frederick, Project Manager with EDM (Engineering, Design, Management) firm. Mark confirmed that the Town Hall Settlement Report has been completed and it is being reviewed prior to final release. He will send the report upon release from final review.

- Shredding Project: Our application for destruction of records was approved by the Commonwealth of Massachusetts on December 12th. We are all set for the on-site shredding service on Monday, December 18th at the Highway Garage. We have approximately 60 boxes identified for shredding.

Other Business Unknown at time of posting.

- Third Party Transfer Station Inspection Report and Corrective Action Form: The corrective action form identifies deficiencies noted during the inspection that was conducted on October 19, 2023. Deviations noted:

1. Post a new waste ban sign at the gate. A new sign was left with the attendant on 9/29/22 and was located inside the attendants shed on 10/19/23. The sign needs to be posted no later than December 31, 2023.

2. Place 2022 inspection report into the Bernardston Inspection Reports white binder.

Jane Dutcher, Finance Committee Chair, asked about the status of the economical analysis on the Town Transfer Station Services versus curbside pick-up by former Town Coordinator, Lou Bordeaux and Highway Superintendent, Brian Miner. Selectboard member, Brian Keir, commented that in brief conversations with Lou that curbside pick-up was not going to be cheaper but the evaluation has not been completed. The Town Coordinator will ask the Highway Superintendent to provide a final economic evaluation on the Town Transfer Station Services versus curbside pick-up and present it at a Regular Selectboard meeting in the future.

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Selectboard Meeting Minutes
December 13, 2023
(continued)

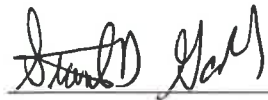
Chairman Garland alerted Jane that the Selectboard office may need an extension beyond December 31, 2023 to turn in the budget.

- Application for Employment, Bernardston Transfer Station:

Ken motioned to approve the employment application of Jayden Hunter, Transfer Station Attendant, to start on Saturday, December 16, 2023. Jayden will work 10 hours on Saturdays at \$16.50. Ron will remain at the transfer station on Thursdays. There is no increase to the budget. Basically, we are taking one position and splitting the hours between two employees. Brian seconded the motion and it was approved, 3-0.

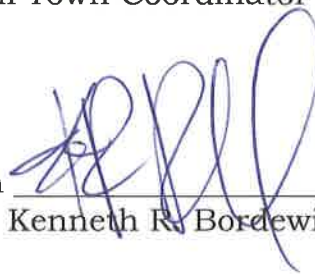
With no further business to be discussed, Ken motioned to adjourn the meeting at 6:57pm. Brian seconded and the meeting adjourned.

Attested by: Karen Kelly, Interim Town Coordinator

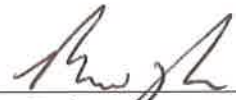


Stanley D. Garland

, Chairman



Kenneth R. Bordewieck



Brian J. Keir



BERNARDSTON SELECTBOARD - MEETING SIGN-IN SHEET

Meeting Date: 12/13/2023

Meeting Time: 6:00 pm AM/PM

Name	Address	Phone/Email
Jennifer Reynolds	20 Church St.	648-5413
John Lopez	116 E. BR	413-512-0644
James Blanton	Fair Green	

Town of Bernardston
Selectboard Meeting Agenda
Wednesday, December 13, 2023, 6:00PM



Bernardston Town Hall, 38 Church Street, Bernardston MA

Board Members

Brian J. Keir

Stanley D. Garland, Chairman

Kenneth R. Bordewieck

Call to Order - 6:00pm

Warrants

- Payroll and Vendor; weeks ending December 9, 2023

Meeting Minutes: Special Meeting of November 28, 2023; Regular Meeting of November 29, 2023; Special Meeting of November 30, 2023

Calendar & Announcements

- Finance Committee Meeting, December 18, 2023 at 6:30pm, Town Hall
- Town Hall Holiday Potluck Luncheon, Thursday, December 21 @ 12:00pm. Town Hall
- Holiday Luncheon & Falltown String Band, Friday, December 22 @ 11:00am, Senior Center
- There will be no Regular Selectboard Meeting on Wednesday, December 27th

Citizens Concerns

Appointments

- FY24 MVP Grant: John Lepore and Andrew Smith
- Dan Devine, Bernardston Zoning Board of Appeals, Chair - Zoning Board Status

New Business

- Flag Pole Policy

Old Business

- FY24 Community Compact IT Grant, next steps
- Social Equity Policy

Town Coordinator Report

Other Business Unknown at time of posting

Adjourn

*This meeting was posted on Tuesday, December 5, 2023 @ 4:15pm
The agenda was updated on Tuesday, December 12, 2023 @ 10:30am*

Subject **Re: FY24 Community Compact IT Grant Awarded - Bernardston - Congratulations!**
From Blythe Robinson <blythe@capital-strategic-solutions.com>
Bernardston Selectboard <bos@townofbernardston.org>
Date 2023-12-13 13:51



How about tomorrow at 3:30?

Tonight I suggest you have the board vote to authorize you to sign the grant documents. Tomorrow we can go over how to fill them out.

Blythe

Get [Outlook for iOS](#)

From: Bernardston Selectboard <bos@townofbernardston.org>
Sent: Wednesday, December 13, 2023 9:27:14 AM
To: Blythe Robinson <blythe@capital-strategic-solutions.com>
Subject: Re: FY24 Community Compact IT Grant Awarded - Bernardston - Congratulations!

Hi Blythe,

Thursday afternoon is good for me. Anytime after 1:00 pm. I have no idea if I am authorized to sign the grant documents. By title, I am the procurement officer for the Town but I have had no training. I am familiar with CommBuys but I have not registered for an account, etc.

The plan is for the Selectboard to vote tonight to accept the grant and assign a contract manager. I am not comfortable taking this on by myself. I do not possess the knowledge base at this time to serve as a contract manager. However, I am eager to learn and would like to walk thru each step of the process.

The application was prepared by Jennifer Reynolds with Lou listed as the Contract Manager. As for quotes, we are in the process of setting up presentations with three state-contracted companies in January and will have quotes at that time. We have not purchased any equipment to date. The project has not started. We are trying to get it started. I hope I am making sense. :-)

Karen A. Kelly
Interim Town Coordinator
Town of Bernardston
38 Church St., PO Box 504
Bernardston, MA 01337
Phone: 413-648-5401

On 2023-12-12 19:57, Blythe Robinson wrote:

Hi Karen,

I'd be happy to help. The forms you sent along are the standard ones the State requires be signed in order to execute the grant. I have a pretty busy day tomorrow, but I could go over them with you on Thursday at some point, or Friday morning. The most important thing for these is knowing who is authorized to sign them on the Town's behalf. Are you authorized to do that, or is someone else? Does the Select Board need a vote to give someone approval to sign them?

As for the grant itself, we can help with that. I looked it up on the State's site and see it is \$50K to "implement a robust server and network infrastructure". If you have a copy of the application Lou filed that

would be helpful for me to review, as well as a quote that outlines the work to be done, equipment purchased etc. We can help with the procurement process and oversight if the Town would like.

You may already be aware that we helped the Town get a State Veterans grant for the new markers at the memorial, as well as a USDA grant for police and fire repeaters. Both of those grants have reporting requirements that we can also help with. I don't know where the projects stand in terms of completion, perhaps you do. So please let me know if these come across your desk and you'd like us to take care of them.

Please let me know when it would be convenient to talk about the IT grant forms.

Blythe

Sincerely,
Blythe C. Robinson
Development Executive



A Certified WBE/DBE/SBPP Business Enterprise

Building Stronger Communities

Tel. 508-690-0046 – Ext. 707

From: Bernardston Selectboard <bos@townofbernardston.org>
Sent: Tuesday, December 12, 2023 5:11 PM
To: Blythe Robinson <blythe@capital-strategic-solutions.com>
Cc: Bernardston Selectboard <bos@townofbernardston.org>
Subject: FY24 Community Compact IT Grant Awarded - Bernardston - Congratulations!

Hi Blythe,

Brian Keir, one of the Bernardston Selectboard members, recommended that I reach out to see if Capital Strategic can assist in helping with the attached grant documents. **Grant documentation is due no later than December 30th to DLS.** Please note, I have no experience with this kind of work so your assistance would be greatly appreciated.

On another note, I am not sure if the Town is asking for you to take over and execute the grant or to help me execute the grant. As you may know, the Selectboard will have to approve the way forward so I need to know specifically what you can do so they can decide how they would like to proceed. Thanks in advance for your support in this matter.

Karen A. Kelly
Interim Town Coordinator
Town of Bernardston
38 Church St., PO Box 504
Bernardston, MA 01337
Phone: 413-648-5401

----- Original Message -----

Subject: FY24 Community Compact IT Grant Awarded - Bernardston - Congratulations!
Date: 2023-12-07 13:31
From: DOR DLS Community Compact <communitycompact@dor.state.ma.us>
To: "bos@townofbernardston.org" <bos@townofbernardston.org>

Cc:"Cronin, Sean R. (DOR)" <croninse@dor.state.ma.us>

Dear Louis Bordeaux:

Please see the attached letter from Lieutenant Governor Kim Driscoll, and Secretary for Administration and Finance Matthew Gorzkowicz regarding the award of a grant through the Community Compact Cabinet's (CCC) Information Technology grant program.

Attached is a complete set of grant documents that should be sent to Jennifer McAllister (communitycompact@dor.state.ma.us) as soon as possible, but **no later than December 30th**. Sean Cronin will then sign and we will email you a copy of the executed contract and submit your contract for payment of the grant.

Thanks,

Jennifer McAllister
Division of Local Services
Massachusetts Department of Revenue

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This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this mail in error please notify the postmaster at dor.state.ma.us.



EXECUTIVE OFFICE FOR ADMINISTRATION & FINANCE
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE - BOSTON, MA 02133
(617) 727-2040

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

MATTHEW J. GORZKOWICZ
SECRETARY

December 6, 2023

Dear Louis Bordeaux,

It is with great pleasure that we inform you that the Town of Bernardston has been awarded a \$50,000 grant through the Community Compact Cabinet's (CCC) Information Technology grant program. Once again, this year, grant requests exceeded the program's available budget, reiterating the value of this program. Your application was chosen because it met the overarching goal of driving innovation and transformation at the local level via investments in technology.

We want to thank you for your continued efforts to make your community a better place by adopting best practices and striving for innovation. Your participation in the Community Compact program not only provided you with technical assistance, it also places you in a more competitive position for other state grants, including this IT program. The health of the Commonwealth's 351 cities and towns underpins the overall success of Massachusetts and its residents. Without the tireless efforts of folks like you, our communities wouldn't be the vibrant, thriving places they are today.

Attached are the grant documents that need to be completed to get the funds to your community. These should be sent to Jennifer McAllister (communitycompact@dor.state.ma.us) at the Division of Local Services (DLS) as soon as possible, but no later than December 30th.

Congratulations and thank you, again, for your tireless work to serve your community.

Sincerely,

Handwritten signature of Kimberley Driscoll in cursive script.

Kim Driscoll
Lieutenant Governor

Handwritten signature of Matthew J. Gorzkowicz in cursive script.

Matthew Gorzkowicz, Secretary
Executive Office for Administration and Finance

The restoration of the Powers Institute included two rounds of grant funding through the Community Development Block Grant Program around 2000-2003. The grants were applied for and administered by the Franklin County Regional Housing and Redevelopment Authority (HRA) located in Turners Falls.

HRA Brian McHugh, Director of Community Development bmchugh@fcrhra.org 413-863-9781

The architect was Donald Williams of Greenfield who passed away about 10 years ago. The contractor was Dole Brothers of Shelburne – I believe brothers Bucky and George both recently passed away.

Ribbon Cutting was in 2002. Funding was through CDBG typically expires 5, 10, 15 years. After 21 years no more restrictions and off the hook for compliance.

Going forward:

Check with Mass Historical Commission and Local Historic Commission, its not completely restrictive.

When doing a project, fill out a project notification form with Mass Historic Commission and Brian can assist. Keep in mind local historic zoning can trump Mass Historic.

Definitely could build a cover over stairs

Definitely can start to work towards window replacements but get a price from an architect then call Brian. No money this year because the CDBG funding has been spent on Country Estates septic, but going forward try to apply.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A
MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: _____

Location / Address: _____

City / Town: _____

Project Proponent

Name: _____

Address: _____

City/Town/Zip/Telephone: _____

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

Type of License or funding (specify)

Project Description (narrative):

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

What is the total acreage of the project area?

Woodland _____ acres
Wetland _____ acres
Floodplain _____ acres
Open space _____ acres
Developed _____ acres

Productive Resources:
Agriculture _____ acres
Forestry _____ acres
Mining/Extraction _____ acres
Total Project Acreage _____ acres

What is the acreage of the proposed new construction? _____ acres

What is the present land use of the project area?

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: _____

Address: _____

City/Town/Zip: _____

Telephone: _____

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

Guidance for Completing MHC's Project Notification Form (950 CMR 71.00, Appendix A)

- ❖ Please make sure you **type or print legibly** the Project Notification Form (PNF) and fill out **all** sections of the form.
- ❖ Please submit a PNF for **each** project separately. This will facilitate MHC's review of multiple project submissions.
- ❖ Please include the street and number in the address line of the project area. Please be sure to specify the town name.
- ❖ Please make sure you fill out *both* the **project address section** and the **project contact** section. Please note that these two addresses may be the same in some cases. It is important for MHC to have a contact person in order to facilitate review, should questions arise.
- ❖ The funding, licensing, and permitting section **must be completed** in order for MHC to review the PNF. Be sure to list *all* funding, licensing and permitting involved with the entire project; this includes **federally** funded, licensed, and permitted projects, as well as **state** funded, licensed, and permitted projects. Some examples of common funding, licensing, and permitting agencies and funding sources are: **Army Corps of Engineers; Federal Communications Commission; Community Development Block Grants; School Building Assistance from the Massachusetts Department of Education; Department of Housing and Community Development; Department of Environmental Protection (permits such as sewer connection, wetlands, or Chapter 91 permits); Massachusetts Highway Department (curb cut permits), etc. There are many others.**
- ❖ Please be sure to **describe** the proposed project in **detail**. Attach additional pages if necessary. If dates of construction on buildings or dates of alterations to a site are known, please be sure to include this information in your project description.
- ❖ Please include photographs of the proposed project site. If the project involves demolition or rehabilitation of a building(s), be sure to include photos of major elevations of the building(s). Please also be sure to label photographs. Attach the most current project plans and elevations if available.
- ❖ Please be sure to include a **photocopy of the pertinent section of the U.S.G.S. map with your submission**. The MHC cannot review a PNF without a U.S.G.S. section map. You can purchase U.S.G.S. maps at local camping, hiking, and sporting goods stores, or download U.S.G.S. maps from the World Wide Web at www.topozone.com; or make a photocopy of U.S.G.S. maps at libraries.
- ❖ Do not use other maps instead of the U.S.G.S. map. However, additional maps such as plot plans or assessors' maps may be included **in addition** to the U.S.G.S. section map.
- ❖ **Boundaries of the project area** should be specific. Do not circle a large plot of land on the U.S.G.S. map and indicate that the project falls within the circle.

This guidance document is offered to assist in compliance with M.G.L. Chapter 9, Section 26-27c, as amended by Chapter 254 of the Acts of 1988 (950 CMR 71.00)