

Town of
Peru,
Massachusetts



May 21, 2018

Community Center, 3 E. Main Rd.

OFFICIAL

Minutes to Board of Selectmen's Meeting

Present:

Bruce Cullett, BOS Chairman/Police Sargeant
Ed Munch, Selectman/Historical Commission
Verne Leach, Selectman/ACO/Transfer Attendant
Caleb Mitchell, Town Administrator
Brian Dewkett, Fire Chief
Jeff Henault, Police Chief
Irene Morrison, Selectmen's Secretary

Residents: Richard Nelson, Fran Biagini

Item 1: **Call to order**

Meeting called to order at 6:00 P.M.

Item 2: **Roll Call** Chairman Cullett present, Selectman Leach present, Selectman Munch present

Item 3: **State recording status:** Secretary Morrison recording

Item 4: **Review and Approve Meeting Minutes for 5/7/18 & 5/14/18**

Mr. Cullett motions to approve 5/7/18 Minutes pending changes. Mr. Leach seconds. All in agreement.
VOTE 3-0.

Mr. Leach motions to approve 5/14/18 Minutes. Mr. Munch seconds. Both in agreement. Mr. Cullett not present at 5/14/18 Meeting. **VOTE 2-0**

Item 5: **Report from Departments**

Fire Dept. – Chief Dewkett Reporting

Chief Dewkett reports that the pressure control sensor has been replaced in the Rescue Truck, which solved an idling issue.

He expressed that after the poorly attended Annual Town Meeting, he doesn't see the need to have the Annual Town Meeting at the Fire Dept. Mr. Cullett said that he doesn't see that it's needed either, but that we will likely have some contentious issues over the next few years. Mr. Dewkett said those things will need to be a discussion ahead of time prior to making that decision. Mr. Munch said, "the only reason we may possibly have to use the Fire Station again will be for the By-law, which will be a contentious meeting. When we do the By-laws for the "Green Community", that's going to be a 2/3 vote that may or may not bring a lot of people."

TA Report – Caleb Mitchell reporting

Mr. Mitchell said that the Highway Job Posting has been put on Berkshire Works, and the Hilltown Paper. It has been posted on the Official Bulletin Board upstairs & downstairs.

Mr. Mitchell reports that our last legal bill under the Planning Grant with MBI, has been submitted for reimbursement.

Mr. Mitchell indicates that a Solar Company has expressed they want to come and present the Massachusetts Smart Program for Solar.

Paula S. Bilodeau, Program Manager of Hilltown CDC is willing to come here to give a presentation on the Rehab Housing Program.

Mr. Mitchell indicated that he has notified the Auditing Firm of Rosseli, Clark & Asso. that they have been awarded the bid for the Town Audit

Item 6: **Discussion, Review and Possible vote on Application for Employment by Richard C. Nelson as a part-time per diem employee at the Transfer Station**

Mr. Cullett motions to hire Richard C. Nelson as a part-time per diem employee at the Transfer Station. Mr. Munch seconds. Being the Transfer Attendant at the Transfer Station, Mr. Leach has recused himself from the conversation or any vote. Mr. Cullett and Mr. Munch both in agreement.

VOTE 2-0

Item 7: **Discussion, Review and Possible vote on Application for Employment by Raymond E. Oakes as a part-time per diem employee at the Transfer Station**

Mr. Cullett motions to hire Raymond E. Oakes as a part-time per diem employee at the Transfer Station. Mr. Munch seconds. Being the Transfer Attendant at the Transfer Station, Mr. Leach has recused himself from the conversation or any vote. Mr. Cullett and Mr. Munch both in agreement.
VOTE 2-0

Item 8: **Discussion, Review and Vote to approve and sign Grant Agreement between Commonwealth of Massachusetts and Town of Peru for ADA Planning Grant**

This Grant has been awarded through the Community Compact Agreement through the Executive Office of Housing and Economic Development. Through this Grant, we would be reimbursed for monies spent. Mr. Cullett motions to authorize himself to sign the Agreement. Mr. Leach seconds. Both Mr. Cullett and TA Mitchell are to sign the Agreement as authorized signatories, and Mr. Cullett as Chief Executive Officer. All in agreement. **VOTE 3-0**

Item 9: **Discussion, Review and Vote to approve Injured on Duty Public Safety Protection by Cabot Risk Strategies LLC (CHUBB)**

On May 15, 2018, Susan Nadile of Cabot Risk Strategies LLC (CHUBB) sent via e-mail correspondence to TA Mitchell a Renewal Proposal for Public Safety Protection for Police Officers for the upcoming FY2019. Monies have been allocated already for the FY2019 Budget. Mr. Munch suggested responding to her, to let her know that for us to change anything, it would have to be brought to the ATM, and to give her a date of the next years ATM so that we'll be covered. Mr. Cullett said we should think about getting a quote from them for both options combined.

Mr. Munch motions that we accept the Injured-on Duty Public Safety Protection by Cabot Risk Strategies LLC (CHUBB), and that we accept the same coverage that we had last year that we appropriated payment for the premium in the ATM. Mr. Leach seconds. Mr. Cullett has recused himself.
VOTE 2-0

Item 10: **Discussion, Review and Possible vote to move the Animal Control Officer under the Police Department**

Mr. Leach indicated that here is where they would have to induce the rule of necessity because he is the ACO. Mr. Cullett said that there are 2 conflicts. He has a conflict as being a member of the Police Dept.

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Mr. Cullett states, “We’re unable to obtain a quorum due to that disqualification pursuant to the Conflict of Interest Law, General Law 268A, and that as a last resort, the Rule of Necessity is being used. We can further state that we will nonetheless be able to act impartially on the matter before the BOS.”

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Mr. Cullett asked Chief Heneault to explain the thinking behind the request. Chief Heneault explained that ACO Leach has been issued a handgun in the Chief’s name from the Police Dept., although he is a civilian. He has access to a Police Vehicle, in which he shouldn’t. Chief Heneault said that would be like him having access to a Fire Dept. Vehicle. If he’s under the Police Dept., he would be covered by the Police Dept. He also has a uniform that has a patch for the Peru Police Dept. Recently, he brought me to Court where we did all the paperwork. I bring them to Court, it’s a Police Issue. Chief Heneault said ACO Leach should be under the Police Dept. because of that. He said that they got him into a 20-hour class so he could carry the handgun. To Sgt. Cullett he said, “he qualifies with us through you.”

Fire Chief Dewkett asked what the necessity was of carrying a handgun as an ACO. He doesn’t see a reason to have a Police Dept. issued side arm on an ACO. He also thinks that the ACO should be his own Dept. If we’re going to provide him with a vehicle, which we were supposed to re-purpose a Police Cruiser, then it should no longer be considered a Police Cruiser. It should be an ACO Vehicle. He doesn’t personally see the reason for him to carry a side arm. He would rather see the Town procure a 22 rifle for dispatching any animal that had to be dispatched if would happen. It’s a lot safer.

Mr. Munch said, “if ACO Leach doesn’t go under the Police Dept., then the gun should be taken away, and we make the Cruiser that he’s using, the Animal Control Cruiser.” Sgt. Cullett said, when there’s a public safety issue with a dog, vicious dog, or dog bite, it also becomes a Police issue. We need to have an avenue for follow through.”

Mr. Munch said, “even though it’s not the same town, we’ve got Dalton, Hinsdale, Pittsfield where the ACO is under the Police Dept.” Chief Heneault agreed. Mr. Munch asked what town’s have an ACO with a gun that’s on his own? Chief Heneault responded “none that I’m aware of.” Mr. Munch said it goes under the Police Dept. as is, or the gun is taken away and it stays a separate Dept. under the BOS. ACO Leach said, “and change the uniform.” Mr. Munch indicated “if we agree to that.” Chief Heneault said, “until the vehicle gets moved over to the ACO, then I’ll take the key back. Then when you vote on that, I can take all the stuff out of it, you can have it fitted for the cage.”

Sgt.Cullett said that the middle ground is changing the old Explorer over, pulling the Police Plates off it, getting regular “Official” plates for it, pulling the lights out of it, and any police equipment that’s in it. It becomes the ACO’s Property and responsibility and maintenance, then returning the Town issued. If

that's the middle ground we're choosing, it becomes a little more problematic when there are Animal Control issues that require put down. Unless we work something out, and you're qualified on your own.

Mr. Cullett motions to keep the ACO as its own Department, but remove the issuance of a firearm from the Police Dept. to the ACO, and turn the old Explorer over to the ACO. If you had a T-shirt that said, "Animal Control" and you have a Peru Animal Control Badge around your neck instead of a PPD Uniform. Mr. Leach seconds. All in agreement. **VOTE 3-0**

Sgt. Cullett said that they would pull the plates off the vehicle.

Item 11: **Review and approve accounts payable, treasury warrants, payroll warrant**

Mr. Leach indicates a Service Agreement from Berkshire Towns & Schools.

Item 12: **Adjourn**

Mr. Cullett motions to adjourn the BOS Meeting. Mr. Leach seconds. All in agreement.
VOTE 3-0

Meeting adjourned at 8:17 P.M.

Other discussion/items not listed brought up for discussion to the extent permitted by law:

Fran Biagini attended the meeting to offer Highway Superintendent Russell information on the International Truck, and in looking at purchasing possibilities at other places. He can give him contact names, or he can have them call him. Or, if he had the specs, he would get a quote for us from Tri State.

Articles used at BOS Meeting

Meeting Minutes of 5/7/18 & 5/14/18

Agenda of 5/21/18

ADA Planning Grant Agreement between Commonwealth of Mass. and Town of Peru

Renewal Proposal for Safety Protection for Police Officers from Cabot Risk Strategies (CHUBB)

Payroll Warrant 43P

Vendor Warrant 2018 20V

Town of Peru Payments to Treasurer from Dalton Fire District

Transfer Station Attendants job applications: Raymond Oakes, Richard Nelson

Respectfully submitted,

Irene J. Morrison

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Selectmen Secretary

Chairman, Bruce Cullett



Selectman, Verne Leach



Selectman, Ed Munch



Approved: 6/4/18