

Board of Selectmen Meeting - Tuesday, April 14, 2015. 7:09 p.m.
116 Main Road, Tyringham

Present-- Christopher Johnson, Gerard Miller.
Others present - Molly Curtin-Schaefer & (see attached list)

Mail was read, Treasury warrants were approved, previous minutes approved.

CEMETERY FENCE BID: This bid was not awarded until we consult with our counsel about cost over-runs, prevailing wage while working out of state and OSHA 10 certification.

CEMETERY FILMING - The contract for filming in the cemetery was signed. (see attached)

JERUSALEM ROAD - The engineering for this bridge was discussed. Gerard Miller made a motion to post a Special Town Meeting on May 12, 2015 at 7 pm for an article to hire and pay for engineering of Jerusalem Road Bridge. Christopher Johnson, seconded no opposition. This needs to be posted 2 weeks prior to the meeting date.

POST OFFICE: A new phone line will be installed for a postage meter.

PRE-BUILDING SIGN OFF

Gary Willey submitted a letter regarding the pre-building sign-off sheet and his dissatisfaction of the process. This letter will be given to Larry Gould our Building Inspector to review. (see attached)

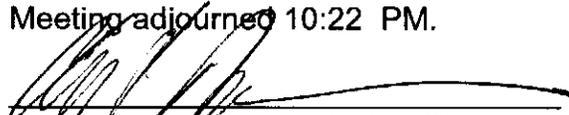
RIDGE STREET - The Board will ask Tim Taylor to search the records/deeds to see who owns and who is responsible for the boat ramp to Ridge Street or Cooper Town Road.

COOPER CREEK - Peter Schafer was in to discuss Cooper Creek Road and what the Town will require of those residents to plow and sand this road. The Highway department will walk Cooper Creek and develop an agreement with Cooper Creek Road Association.

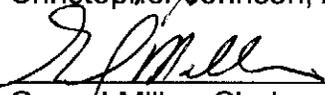
LAKESIDE DRIVE: The highway department has trouble turning around on Lakeside. The turn around needs to be addressed and fixed. The highway department will walk the road and a new agreement will be developed.

FINANCE COMMITTEE: A draft budget for FYE 2016 was distributed and discussed. A discussion ensued about all line items. The Finance Committee will make some adjustments to this draft and submit another draft. A budget presentation will be held on April 28, & April 30, 2015 @ 7 pm.

Meeting adjourned 10:22 PM.



Christopher Johnson, Acting Chairman



Gerard Miller, Clerk

Peter Curtin, Chairman

Town of Tyringham



116 Main Road • P.O.Box 442 Tyringham, MA 01264
Ph.(413) 243-1749 Fax.(413) 243-4942 www.tyringham-ma.gov

Location Contract between the Town of Tyringham and Max Rissman

Main Contact Max Rissman

Main Contact Phone 908 370 5518

Address 161 E. 96th St. Apt. 3D New York, NY 10128

The following items must be adhered to:

- One quarter million Liability and Damage Insurance – Tyringham will need proof of Insurance.
- Funeral – As per the parties agreement, if the Town schedules a funeral for the date agreed upon, the date for filming must be rescheduled, as the Town must use the cemetery for its' primary purpose above all allowed secondary uses.
Date: 6/5/15
- Please provide a time schedule for your use of the Cemetery.
6/5 - 6/7/15
- Parking _____ Restrooms _____
- Pre-Approval of the site with the Cemetery Sexton is required.
- It is illegal to film names on grave stones.
- The Cemetery grounds will be left in the same condition as found when received. Producer agrees to use reasonable care to prevent damage to the Property and will indemnify and hold the town harmless from any claims or demands based upon personal injuries or property damage.
- Producer shall have the right to cancel this contract at any time prior to use of the property.

ACCEPTED AND AGREED:

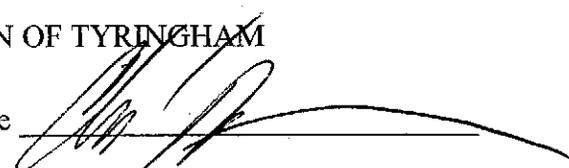
PRODUCER:

Signature _____

Print Name _____

Date _____

TOWN OF TYRINGHAM

Signature 

Print Name Christopher Johnson

Date _____

LOCATION AGREEMENT

Date: 4/1/2015

Owner's Name: Town of Tyringham Director's Name: Max Rissman
 Address: 116 Main Rd. Tyringham MA Address: 161 E 96th St, Apt 3D, New York, NY, 10128
 Tel: 413-243-1749 Ext. 101 Tel: 908 370 5518

This agreement (the "Agreement") confirms the understanding between Town of Tyringham ("Owner")
Name of Location Owner
 and Max Rissman ("Director") regarding the use of Owner's premises at _____
Director's Name Address
 ("Location"), described below, in connection with Director's motion
 picture tentatively entitled The Shvitzing (the "Film").
Name of Film

1. Location: The Location is as follows: Tyringham Village Cemetery
Describe Location to be Used

2. Permission Granted: Owner hereby grants Director the exclusive right to enter and use the Location for the purposes of photographing scenes and making recordings for use in connection with the Film. Director may bring onto the Location all materials, equipments and personnel, including temporary sets and signage, which shall be removed upon completion.

3. Term:

A. Director may use the Location on or about 6/5/2015 and continue until completion
Describe Time Location may be Used
 of the proposed work estimated to require approximately 1 day ("Term"). The term of principal
Describe Approximate Length of Use
 photography shall expire on 6/7/2015.
Date

B. It may be necessary for Director to postpone beginning of the Term, or with Owner's permission to suspend and extend the Term, or terminate the Agreement, if there is an occurrence beyond Director's control.

4. Compensation: Director agrees to pay Owner and Owner agrees to accept as consideration in full for all Agreements and warranties made by Owner and all rights granted by Owner in this Agreement the sum of \$ 0.00 for the Term.

5. Rights: _____ or's photography on or of the Location, and Director is the sole owner of the rights in the Film and in all photographs and recordings made in connection with the Film.

6. Insurance: The New York University ("NYU") Student Film Insurance Program ("the NYU Insurance Program") will cover Owner's Location during the agreed upon shoot dates and times for any bodily injury or property damage caused by the negligence of Director or his agents in connection with the Film. Upon signing this agreement, Owner will receive a Certificate of Insurance evidencing the NYU Insurance Program.

7. Ownership; Representations: Owner represents that Owner has the sole right to the Location and is authorized to grant all rights to the Location set forth and to enter into this Agreement. Owner also represents that the Location is structurally safe (if applicable) and is not hazardous for the purposes for which it will be used under this Agreement.

8. Successors: This Agreement shall inure to the benefit of respective successors and assigns, and the distributor, licensees and exhibitors of the Film.

9. Breach: In the event of a breach of this Agreement by Director, Owner agrees to be limited to his remedies at law for damages, if any.

10. Complete Agreement: This Agreement sets forth the entire understanding of the parties and may not be altered except by another writing signed by the parties.

11. Governing Law: This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without regard to principles relating to conflicts of law.

AGREED & ACCEPTED TO:

Christopher Johnson / Town of Tyringham Max Rissman
Name of Legal Owner/Authorized Signator Director Signature

[Signature]
Signature

Chairman, Bd of Selectmen
Title

Date

RECEIVED
APR 1 - 2015

BY: MCS

March 29, 2015
Gary Willey
PO Box 473
Lee, Ma. 01238

Town of Tyringham
Board of Selectmen
PO Box 442
Tyringham, Ma. 01264

There's a big problem with issuing building permits in the town. I have no complaints with any board member, the people that volunteer their time to community service. However, collectively they form local government and that needs repair.

The Town of Tyringham Pre-Building Sign-off Sheets have been around for decades. My first encounter, about 20 years ago, required only chairmans to sign-off. It evolved to require a majority of board members to sign-off today. That's a total of 11 signatures on the form. The original authors required all boards to sign but didn't consult the other boards for their participation input. There are no guidelines. If a building permit is required to remodel a bathroom, why must an applicant visit the planning board, conservation commission, and board of health? What input can these boards offer for a bathroom? Does the highway superintendant really need to sign for a bathroom? Why burden a citizen/inhabitant for wanting to improve their property by requiring all these signatures where there's no jurisdiction.

The big question: Does the Tyringham building official need a lot of help issuing a permit to fix a bathroom? Gathering 11 signatures is outrageous when considering infringement of our basic freedoms, which dwindle every day. The original authors were extremely careless.

The author's biggest mistake was not indicating that completing local sign-off sheets must be **Voluntary**.

State law requires a building inspector to act on an application measured in days. Completing the sign-off sheet takes months. If a board won't sign for any reason the time gets extended to another regular meeting. Boards don't meet often enough to complete the form in a timely manner. Some boards may not meet at all which requires an applicant to chase individual members for signatures even if there's no jurisdiction by that board.

I continually hear "there's so little building in town" so boards are confused about what they're signing.

Signing documents naturally make many nervous. If a board doesn't wish to sign, does this help the building inspector or does this become a headache for the building inspector? Boards aren't even sure what their legal duties and responsibilities are as a board and where their jurisdictions start and end. All of this creates a lot of commotion and debate.

The Tyringham sign-off sheets violate all our rights to a speedy decision for a building permit which is protected by state law, the State Building Code. This is illegal. The state building inspector's office does not approve of sign-off sheets or extra local burdens for obtaining a building permit because it leads to "abuse" in their words.

The Planning Board's duties and responsibilities are outlined in Massachusetts General Law MGL Ch.40B Sec 5.

They do not have jurisdiction in remodeling bathrooms. They do not have jurisdiction over building single family dwellings on conforming building lots, use by right. They were created for broader planning for the town in the best interests of all inhabitants. They are an advisory board only. Yet the town requires their signatures for every project.

The Conservation Commission duties and responsibilities are outlined in State Law, The Wetland Act.

They have no jurisdiction in "obvious uplands" and only deal with wetland issues and only when they exist on a project. The state had many public meetings to weigh a landowner's rights versus protecting wetland resources when drafting the Wetland Act. Some of the best material is in comments by the DEP at public hearings. Conservation Commissions shall not impose themselves on every building project. The guidelines are very clear and have been established by state law yet Tyringham violates protections of land use by involving the Conservation Commission on EVERY project.

The biggest abuses occur by Conservation Commissions. I've worked on a project with a commission in another town and I've taken a DEP course designed for Conservation Commissions and had an opportunity to hear other Commissions. I'm horrified at all the abuse by Conservation Commissions. Many commissions are obsessed with "out to get people" and impose restrictions where they have no business. That's a huge disservice to the environment because the general

public now hates Conservation Commissions and resent the environment. I highly respect the present Tyringham Conservation Commission for being focused on the right things in the Act and don't abuse authority. This ultimately helps the environment by reducing all the fear of the Act. Will all future Commissions be so focused?

I found the Planning Board full of good intent. They were very unsure about what they should sign for. They wanted to cover the entire Tyringham Bylaws. What a huge burden to take on when there are other boards to share in duties. I would think they would be relieved to know that they don't even have jurisdiction over building projects in the tiny town of Tyringham. The exception types of projects are outlined in MGL Ch.40B Sec. 5 like airports, parks, highways and expressways, public utilities, and GENERAL use of a district. We all need to be focused on the same page. Why are Planning Board signatures required on every project? This requirement is outside the scope of a planning board and is illegal to impose it.

Tyringham is a great place to live and I understand the character of the local government. Good intentions aside, the Planning Board discussed my proposed building with the Selectmen. Any and all discussion or meeting between two or more people involving me requires that I be invited. I wasn't. That's a huge violation of the open meeting Law. The Open Meeting Law preserves all our rights to fair treatment by preventing misinformation and causing any bias when a citizen is not present. This is another violation brought on by the Tyringham Pre-Build Permit Sign-off Sheet which was carelessly drafted and highly illegal.

I'm very hesitant to suggest a "Tyringham Guide to Building" may be helpful. The first discussion should be with the building inspector. Most likely, he needs no help at all. Tyringham, like most towns, appointed the building inspector as the Zoning Enforcement Officer. He wears both hats. He doesn't need all the other boards playing Building Inspector.

I think all towns should offer a simple guide explaining the duties of Conservation Commissions and their exact jurisdiction. It should outline when a commission is required on a project. Their restrictions should be very clear. If land owners were more educated, it would help to stop all the abuse by Conservation Commissions in violation of the Wetland Act. They need to stop trampling on the public and respect the public they work for.

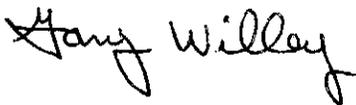
The Tyringham Pre-Building Sign-off sheet violates the State Building Code, the Wetland Act, MGL 40B Sec 5, and all our most basic right of providing shelter, improving our property, and maintaining our property. These rights are not subject to every board in town and getting 11 signatures. Every board needs to focus only on their expertise on any given matter.

All our freedoms start at the local level. Tyringham can do much better.

Please make this letter public record.

I'm requesting that the town abolish use the Tyringham Pre-Building Sign-off Sheets immediately.

Who knows, a Tyringham government official may need to remodel a bathroom soon.



Gary Willey

Enclosure:
MGL Ch. 40B Sec 5



Massachusetts Laws

[Bills and Resolutions](#)

[General Laws](#)

[Regulations](#)

[Bills](#)

General Laws

Print Page

PART I ADMINISTRATION OF THE GOVERNMENT

▶
NEXT

TITLE VII CITIES, TOWNS AND DISTRICTS

◀ ▶
PREV NEXT

CHAPTER 40B REGIONAL PLANNING

◀ ▶
PREV NEXT

Section 5 Powers and duties; reports

◀ ▶
PREV NEXT

Section 5. A planning commission established hereunder shall make careful studies of the resources, problems, possibilities and needs of its district and, on the basis of such studies, shall prepare a comprehensive plan of development or a schematic study plan of such district or of such part or parts thereof as the commission may deem necessary and in such plans shall make such recommendations for the physical, social, governmental or economic improvement of the district as in their opinion will be in the best interest of the inhabitants of the district. Such plans and recommendations shall concern, among other things, the general use of the district, including land use, principal highways and expressways, bridges, airports, public utilities, public facilities, parks, recreational areas, public institutions and such other matters as in the opinion of said commission will be beneficial to the district and will promote with the greatest efficiency and economy the coordinated development of the district and the general welfare and prosperity of its people. Before the adoption of any such regional plan or a portion thereof, the district planning commission shall hold at least one public hearing thereon, notice of the time, place and subject of which shall be given. Written notice of such hearing shall be given to each planning board, board of selectmen, and city council. Notice of the time, place and subject of the hearing shall be published at least once in a newspaper having substantial circulation in the region at least ten days before such hearing. Adoption of such plan or portion thereof shall be by a majority vote of the representatives of the district planning commission. Such plan may be amended from time to time in the same manner as hereinbefore provided. A copy of the plan adopted by the commission or any amendments thereto signed by the chairman shall be filed with the town clerk of each member municipality not more than thirty days after commission action. Such plan or portion of a

plan shall be a public record. Such district planning commission shall also assist the planning boards of the several cities and towns within the area of its jurisdiction in applying any district plans and recommendations so adopted to the local board's area of jurisdiction.

Such planning commission shall report annually to the city councils and town meetings of the cities and towns within its district, showing the status of its plans and recommendations.

Such plans and recommendations shall be advisory only.

[Show / Hide Site Map](#)

[Mass.gov](#) | [Site Map](#) | [Site Policy](#) | [Contact Us](#)

Copyright © 2015 The General Court, All Rights Reserved

BOARD OF SELECTMEN / BOARD OF HEALTH

Date: APRIL 14, 2015

TIME - 7:00 NAME - MATT PUNTIN
PETER SHAFFER
DON PUNTIN
Alice Hale
Maggie Howard
Nancy C. Croquette
Lulu Beebe
Benny Wein
Joseph Amis
Nini Gilder
Jim Casale
TORNO Palmer
William DeSanto
William J. DeSantis