

**Board of Selectmen Meeting - Tuesday, June 7, 2016. 7:17 p.m.**  
116 Main Road, Tyringham

Present-- James Consolati, Matthew Puntin & Christopher Johnson  
Others present - Molly Curtin-Schaefer & (see attached list)

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

**PUBLIC COMMENT:**

**FOREST STREET:**

Arnold Wenger, 51E Goose Pond Road expressed his frustration about the condition of Forest Street, Lee Ma. He stated the Goose Pond residents are considering a class action law suit to the Town of Lee. They are in fear of lives, the school children etc. that have to travel Forest Street. The road is in such disrepair he and others have had several car repairs. He consulted a lawyer about this law suit. Mr. Wenger stated if say 50 families put up \$100 each this would be seed money to start the process. Matthew Puntin stated the Town cannot contribute funds to this private venture, however, he privately would be willing to contribute. Mr. Wenger stated he just wanted the Selectmen to be informed of this possible action against the Town of Lee.

**FIRE COMPANY- 44 Lakeside Drive, Michael & Barbara Borys:**

Jim Curtin stated he wanted to inform the Board of Selectmen about a problem with response to emergency calls. As Emergency Manager he stated it is my job to keep the Board informed if something is wrong related to the safety of the residents of the Town. (See attached letter submitted)

Everett Fennelly was in about an incident on May 29, 2016. The Fire Department was dispatched 3-4 times for a fire alarm and there was no response from any members of the Fire Department. He asked that the Selectmen reprimand the appointed members. (See attached letter submitted)

Jim Consolati made a motion that Chief Slater be called in to address these issues at the next meeting. Matthew Puntin seconded. No opposition.

**SBREPC:**

The Southern Berkshire Regional Emergency Planning Committee mutual aid addendum was signed. (attached).

**CHAPTER 90**

The Board signed the chapter 90 forms for crack sealing. (attached)

**HIGHWAY DEPARTMENT:**

Noah Chouquette stated the culvert on Main Road by Tonio Palmer's residence needs repair. The culvert is in need of a possible emergency Conservation Commission

permit. It is a 30" galvanized pipe. Matt Puntin & Noah will make a site visit to determine if an emergency permit is needed.

Noah also stated a roller was given to him. It is an older model but would be useful for the highway department when patching roads. He stated it would need about \$1,800.00 to repair. He stated a rental roller is \$900.00 per week to rent. Noah stated he would like to gift this roller to the Town for highway use. Jim Consolati made a motion to accept the gifted roller and authorize up to \$2,000.00 to make needed repairs on it. Christopher Johnson, seconded, no opposition.

The Board of Selectmen voted to purchase the John Deere Z930R Commercial Ztrak for the price of \$9,735.88 thru the state contract FAC88. This is a 23% discount for municipalities. (attached) The old scagg will be put out to bid.

**WIRED WEST:**

Jim Consolati made a motion to withdraw as member of the Wired West Cooperative. Christopher Johnson seconded, no opposition. A letter will be mailed out this week.

**LIBRARY:**

A letter was signed and sent to a private resident regarding the Library Roof. The apparent low bidder at \$118,000.00 is Alden Bailey. This leaves a shortfall for this project of \$47,984.00. The Selectmen were asked to inform this resident of needs in relation to the bid process.

**JANITOR:**

Christopher Johnson made a motion to increase the janitor hourly rate .50 per hour. Jim Consolati seconded, no opposition.

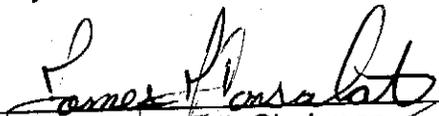
**POST OFFICE EMPLOYEES:**

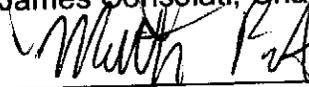
Matthew Puntin made a motion to increase the (2) postal clerks hourly rate by \$1.77 per hour and (1) new postal clerk by \$1.55 per hour. Jim Consolati seconded, no opposition.

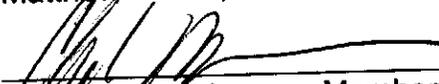
**LONGIVITY PAY:**

The Selectmen will look into longevity pay for employees that have worked for the Town for many years. We will consult with other Town's to see how their programs for longevity pay are organized. More information will be gathered and discussed.

Adjourned 8:15

  
James Consolati, Chairman

  
Matthew Puntin, Clerk

  
Christopher Johnson, Member

June 7, 2016

To: Tyringham Board of Selectmen

It has been brought to my attention by several town residents that there seems to be a problem with a lack of response from the Fire Company and it seems to be getting worse instead of better. As Emergency Management Director for the town, I consider this part of my job to keep the Board of Selectmen informed if something is wrong in town and needs to be addressed relating to the safety of the residents of the town.

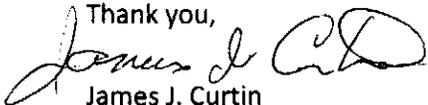
There have been calls that take 10 – 15 minutes to get responses to. Last week they were dispatched 3 separate times; by siren and radio dispatch, and no one responded at all. Not even an acknowledgement of the call. There should have been a response asking the dispatch center to please call Lee as our town fire company couldn't respond. This is unacceptable to me as Emergency Management Director. I understand we cannot control anything that this private company does, but we can let the town's people know that response time can be extremely slow, or not at all, and that we would then have to dispatch Lee Fire. I would like to suggest that we look into making them a department of the town and begin talks with the Town of Lee to see about combining forces and get better coverage in a more timely manner.

There have been times when all of the chiefs are all out of town at the same time which common sense would tell you that someone has to be here to be in charge of calls. I attended the annual Eversource conference held in Pittsfield this past spring and I was surprised to see all 4 of the fire company chiefs at this meeting. Who was left covering the town should there have been a major fire or major medical call? That's right – no one was in town to handle any emergency. This is inexcusable. That should never have happened. The town deserves better. Yet, they have no problem asking the townspeople to donate money to them. Why should anyone donate funds to them if they can't expect emergency coverage when needed? Maybe it's time for the town to re-assess the money that the town pays the chiefs, and the stipends that get paid to the members. Maybe it's time to re-think paying for equipment when it doesn't get used.

Last year I told the Board that "all the chiefs" should live in town. I believe that there are only 2 chiefs that reside in Tyringham and the other 2 live, I believe, in Sandisfield and Ashley Falls.

I, as Emergency Management Director of the Town of Tyringham, feel that something needs to be done, and done sooner than later before we end up with a tragedy on our hands.

Thank you,



James J. Curtin

Emergency Management Director  
Town of Tyringham

**June 7, 2016**

**I wish to comment on the state of the local Fire Dept. On May 29, 2016 the fire alarm was blown three times, some say four times with no response from any members of said Fire Dept. Where were the responders? I am told that they were in Sheffield at a cookout, all four Chiefs, two of which live out of Town. Knowing that this would be the case and, that the present company is so diluted of town residents and former members who were locked out of the station by the present leadership, common sense would have been to ask the Lee Fire Dept. to answer any calls in Tyringham, but common sense did not prevail. Common sense would have told the present Chief you can't leave the town unprotected but that didn't happen either. Overheard, when the Chief was asked, why this situation happened he stated, it was alright because 90% of the calls were false, which is totally false in itself. Suppose that this was a life or death situation or a structure fire and no one responded? Think of that. I have said many times that the present Chief is not qualified for that position. He has never shown any leadership quality or ability. How can you even consider him for the position of Emergency Management Coordinator?**

**Everett Fennelly**  
170 Main Rd.  
Tyringham, MA 01264

## Berkshire County Regional Shelter Plan

### Addendum to the Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement

By and Between the Town of

Tyringham

and all other

Local Governments that Have Signed this Addendum

This **ADDENDUM** to the Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement dated as of this \_\_\_\_ day of \_\_\_\_\_, 2016 (the "Addendum") is endorsed by the municipality of Tyringham, Massachusetts (the "Participating Municipality") pursuant to Massachusetts General Laws Chapter 40 Section 4A. The Participating Municipality providing regional sheltering services under this Addendum is referred to herein as the "Host Community." School Districts that own a regional shelter facility located in the Host Community are also encouraged to endorse this Addendum and to enter into Facility Agreements with the elected officials of their Town.

**WHEREAS**, M.G.L. c. 40 s. 4A, as amended, authorizes the chief executive officer of a city or town to enter into agreements with one or more municipalities and other governmental units to jointly perform services and share costs which any one of them is authorized to perform;

**WHEREAS**, the Participating Municipalities in Berkshire County are all signatories of the Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement which is intended for use in an emergency situation, "in the light of exigencies of an extreme emergency situation" as excerpted from Chapter 639 of the Acts of 1950, as codified under Mass Gen. Laws. C. 33, appendix and other relevant State and local laws and policies;

**WHEREAS**, the Participating Municipalities agree to work in common to coordinate and operate regional shelters to provide services to displaced disaster victims located in the region as additional mutual aid services;

**WHEREAS**, the Participating Municipalities agree to pay their fair share of the costs of operating a regional shelter because their citizens will benefit from the availability of the regional shelter.

**NOW, THEREFORE**, in consideration of the promises and mutual benefits to be derived by the Participating Municipalities hereto, the Participating Municipalities agree as follows:

- 1) The Emergency Management Directors (EMD) or Assistant EMDs (AEMD) of all Participating Municipalities shall determine when and where to begin and end regional sheltering assistance, to the extent practicable. In the absence of the EMD and/or AEMD, the Mayor, Board of Selectmen, or Town Manager/Administrator (if legally authorized)

from areas outside of Massachusetts or the United States, the costs attributable to these shelter residents will be divided equally amongst any Participating Municipalities with shelter residents that utilized the regional shelter during the time it was in operation.

- c) If a Participating Municipality has provided staff and/or other official personnel in support of the operation of a regional shelter (including fire and police department personnel, Board of Health staff, and Building Inspectors), the shelter costs allocated to them shall be reduced by the value of those services; but in no case shall that reduction exceed the value of the total cost allocation to the Participating Municipality. Reductions for the value of municipal staff services shall be commensurate with their regular hourly rate, plus benefits. Community volunteers not acting in an official capacity on behalf of and under the supervision of the Participating Municipality, including members of regional volunteer organizations such as the Medical Reserve Corps, Community Emergency Response Team, or Disaster Animal Response Team, shall not be included for purposes of calculating a reduction in the regional shelter cost allocation.
  - d) The Host Community shall also reserve the right to send an invoice and supporting documentation for all reasonable costs incurred to operate the regional shelter to any municipality whose residents were provided the services of the regional shelter, regardless of whether they have endorsed this Addendum, under the provisions of Section 11, Reimbursement, of the Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement.
  - e) In the event that the Regional Shelter Facility is owned by a party other than the Host Community (e.g., a School District), the costs incurred by the Facility Owner (including heat, electricity, janitorial services, nursing staff, etc.) shall be billed to the Host Community and included in the sheltering costs included in the invoices sent to all Participating Municipalities. These costs shall be reimbursable to the Facility Owner once payment on at least 75% of the outstanding invoices has been received by the Host Community.
  - f) Cost recovery by the Host Community from the Participating Municipalities shall occur whether or not a federal or state disaster declaration is made. All records of activities and expenses of all Participating Municipalities associated with the opening, operation, and closing of a regional shelter shall be in a form consistent with state and federal requirements for reimbursement in the event that a state or federal disaster were declared. Any requests for reimbursement of expenses related to operating a regional shelter during a state or federal emergency shall be submitted by the individual Participating Municipalities and/or the School District to the appropriate state and federal agencies for their share of the expenses.
- 6) To the extent that immunity does not apply, each Participating Municipality shall bear the liability for its own actions or those of its representatives and employees, as it does with day-to-day operations. Participating municipalities shall carry the following types of insurance in at least the limits specified below:

COVERAGE	LIMITS OF LIABILITY
Workers' Compensation	Statutory Limit

15) This Addendum constitutes the complete agreement between the Participating Municipalities concerning the subject matter hereof.

**Berkshire County Regional Shelter Plan Addendum  
to the Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement:**

Town of Tyringham

**Chief Elected Official authorized to enter into Mutual Aid Agreements**

By: James Consolati chairman  
[Print name and title]

By:  Date: 6/8/16

**CHAPTER 90 – PROJECT REQUEST**

8/2012

updated

**\*2 Original Signed Project Request Forms are to be submitted.**

**CONTRACT**

# \_\_\_\_\_

Classification: \_\_\_\_\_

Primary Road: Main Road

Local Road: Goose Pond Rd. , Mc Darby Rd.

City/Town: Tyringham

Location(s): Main Rd. Jerusalem Rd. to Barnes Rd. / Goose Pond Rd., Lee line to Cooper Creek Rd. / Mc Darby Rd.,  
Goose Pond Rd. to Stonebridge Ways

Length: 23,232 feet      Width: 23 feet

**PROJECT TYPE**

Construction:       Resurfacing:       Engineering:       Equipment:

Other: Crack Sealing

**TYPICAL SECTION DETAILS:** Indicate depths, special treatments, etc... Also please include sketch for Construction/Improvement Projects.

Surface: Crack Sealing

Base Course: \_\_\_\_\_

Foundation: \_\_\_\_\_

Shoulders/Sidewalks: \_\_\_\_\_

**SCOPE OF WORK:**

Crack Sealing

**WORK TO BE DONE:**

Force Account:       Advertised Contract:       Other: Group Purchasing, County Bid

Estimated Cost (Please attach estimate and list funding source(s)): \$ 20,000.00

**\*\*These funds will pay 100% of Local Road Project costs to the limit of this assignment\*\***

**CERTIFICATION**

The design, engineering, construction, and future performance of the project, including maintenance, is the responsibility of the Municipality. The proposed work will conform to recognized engineering and construction methods. I/We hereby certify under penalty of perjury the following: that the project is on a public way, and any necessary takings have been made; that all materials will comply with approved established specifications; that all weights and quantities will be accurate; that equipment rental rates are those established by MassDOT Highway or the advertised low bid; that all documentation will be checked for accuracy, and will be endorsed in accordance with municipal procedures for accountability.

<b>Reviewed by:</b>
Signed: _____
State Aid Engineer      Date
Road Classification Verified: _____
Approved for \$ _____ @ 100%
District Highway Director      Date

<b>Signed:</b> <u>[Signature]</u> <u>6-7-16</u>
Road Superintendent <u>6-7-16</u>
Highway Official's Title      Date
Town Accountant <u>6-7-16</u>
Accounting Official's Title      Date
<u>[Signature]</u>
<u>6-7-16</u> <u>[Signature]</u>
Date      Duly Authorized Municipal Officials



**CHAPTER 90 – ENVIRONMENTAL PUNCH LIST**

City/Town Tyringham MassDOT Highway District # 1

Proposed Work:

Construction  Resurfacing  Improvement  Engineering  Other Crack Seal

**NOTE: ALL ENVIRONMENTAL PERMITS / APPROVALS MUST BE OBTAINED PRIOR TO CONSTRUCTION.**

1. Will the pavement width increase 4 ft. or more for an aggregate length of 1000 ft. or more? Yes  No
  2. Will the bank or terrain (other than alteration required for installation of equipment or structures) be altered at a distance exceeding 10 ft. from the pavement? Yes  No
  3. Will the removal of 5 or more trees with diameters of 14 inches or more be required? Yes  No
  4. Will more than 300 ft. of stone wall be removed or altered? Yes  No
  5. Will the project involve construction of a parking lot with capacity of 50 cars or more? Yes  No
  6. Are any other MEPA review thresholds exceeded (see 301 CMR 11.00)?  
If your answer is YES to any of questions 1-6, you must file an Environmental Notification Form (ENF).\* Yes  No
  7. Will the project be on a "Scenic Road" (Acts of 1973, C. 67)?  
If your answer is YES, your Planning Board or Selectmen / City Council must give written consent for cutting / removal of trees or changes to stone walls. Yes  No
  8. Have all necessary takings, easements, rights of entry, etc. been completed?  
If a county Hearing is required, it must be held prior to starting work Yes  No
  9. Are archaeological, anthropological, historical, etc. problems / impacts anticipated?\* Yes  No
  10. Is any work proposed in or within 100 ft. of a wetland (stream, pond, swamp, etc.)? \*  
If your answer is YES, you must file the project with your local Conservation Commission prior to starting work. Yes  No
  11. If work is proposed in a wetland or water resource, a permit may be required from the Department of Environmental Protection, Corps of Engineers, etc.. Verify with agencies.\* Yes  No
- \* See Appendix K for a List of Environmental Agencies.

**Validation**

It is recognized that the purpose of this information is to assist the MassDOT Highway Division in approving the Chapter 90 Project Request Form (of which this is a part). Accordingly, the information provided here is intended to be complete and correct with no intentional errors or material omissions. Any action taken by MassDOT Highway Division on the basis of this information shall not legally or financially obligate MassDOT Highway Division to support or defend the municipality, and the municipality shall save harmless MassDOT Highway Division for any action.

Duly Authorized Municipal Officials	Reviewed and Approved for Transmittal by:
	Road Superintendent
	Highway or Conservation Officer's Title
Signatures	Signatures
Date <u>6-7-16</u>	Date <u>Matthew Consolati 6-7-16</u>

This form should be submitted in duplicate with original signatures to the MassDOT Highway District Office.

This form should accompany the Project Request Form.



# 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

June 7, 2016

Deere & Company  
2000 John Deere Run  
Cary, NC 27513

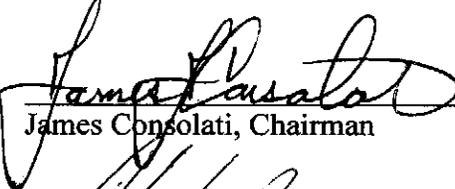
To whom it may concern,

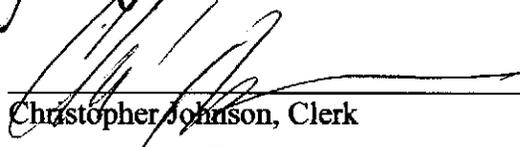
This shall serve as notice that the Board of Selectmen voted to purchase the John Deere Z930R Commercial Ztrak for the price of \$9,735.88. This mower is being purchased thru contract FAC88\_Lawn and Grounds Equipment.

As per quote, this shall also include 24 X 12 X 12 Pneumatic Turf Tire for 54 in. and 60 in. Decks, 60 in. 7- iron PRO Side Discharge Mower Deck, and Deluxe Comfort Seat with Armrests and Isolation.

Should you have any questions, please call our office at 413-243-1749

Sincerely,  
Board of Selectmen

  
James Consolati, Chairman

  
Christopher Johnson, Clerk

  
Matthew Puntin

**BOARD OF SELECTMEN / BOARD OF HEALTH**

Date: June 7, 2016

TIME - 7:00 NAME - Noah Choquette

Arnold Wenger

James J. Curtis

Bonett Ferralby

Mark J. Curtis