



Town of Bernardston
Board of Selectmen

MEETING MINUTES: September 14, 2011

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

Others Present:
Henry Boxo, Frances Boxo, Gary
Kevin Snow – Highway Foreman

The Chairman opened the meeting at 10.00am.

Minutes

Regular Meeting, September 7, 2011. Motion by Bob to approve the minutes, second by Virginia. Motion carried.

Henry Boxo, 312 Bald Mountain Rd

Hugh Campbell reported to the Board the Mr., Henry Boxo had requested language interpretation services in Spanish to assist him with conversing with the Board. No services could be found. Mr. Boxo spoke with the Board regarding flooding of his house and barn in recent week caused by Tropical Storm Irene over August 27 & 28 and a subsequent rain storm the following weekend of Sept 3rd. Mr. Boxo's cellar was flooded and his barn was also flooded. Animals were removed by the Town Fire Department from Mr. Boxo's barn to a dry location. Mr. Boxo believes a culvert near his property under Bad Mountain Rd may be contributing to the water discharge on his property. He pays taxes to the Town and believes the Town should do something to alleviate the water flow. Mr. Boxo said he would permit the Town to construct an alternate water discharge line on his property. Virginia said the Irene event was a 100-year occurrence and many people in Bernardston suffered water damage. A review of his physical location with Highway Supt Gary Wetherby and Forman Kevin Snow shows the Boxo's property lies in low swale beneath Bald Mountain Rd to the east and the RT 91 berm to the west. A hill to the east of his house also provides for a natural flow of water to his property. Moving the culvert that now serves to discharge water from the area would only create more of problem with a probable road washout and severe ice build-up on the road. Unfortunately, the Boxo residence is in a location where water will flow naturally to their household. In addition, moving the culvert or installing another culvert will incur regulations, permits, environmental impact studies, etc., from the state DEP and is not a certainty it would be permitted. Costs could also be prohibitive. There is no solution to improve the situation. Mr. Boxo's residence sits on land that is at the lowest point of the area and is surrounded by high terrain or the RT91 shoulder berm. In effect, his house and barn sit in a spot that creates a bowl effect where water will find the lowest point.

The Board agreed to send a letter to the Mass DOT on the Boxo's behalf to determine if additional piping under RT91 may alleviate water flow into the Boxo's yard when flowing

from higher points to the east. Hugh Campbell suggested Mr. Boxo contact FEMA to file claims for damages from the Irene event and seek

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reimbursement as private resident allowable by FEMA regulations. FEMA has posted flyers for residents to call and Mr. Boxo was provided with the same in English and Spanish.

Edwin Gray – Building Permit, 57 South St

The Board discussed granting a building permit to Edwin Gray for work at 57 South St. Mr. Gray's permit has been held pending payment of past taxes to the Town in accordance with Articles 29 & 29A passed at the June 1996 Annual Town Meeting. Mr. Gray has paid back taxes in full on 57 South St but still has outstanding taxes on his property at 4 Brattleboro Rd. Language within the article does give the Selectmen latitude to grant permits at their discretion if circumstance prevail it is the best interest of the applicant and Town. Motion by Stan, second by Bob to allow Edwin Gray to proceed with a bundling permit at 57 South St pending a payment arrangement made to the Treasurer with respect to 4 Brattleboro Rd. Motion carried.

Tax Collector – Clarification of Article 29 & 29

Mona Minor, Tax Collector asked the Board for a ruling on how treat permit applicants with respect to outstanding taxes. The Board receives reports from the Tax Collector regarding delinquent taxes and that should suffice. Rulings will come before the Board for resolution as they have with the Edwin Gray case.

Board of Health

The Board has received 2 memos from the Board of Health. The first asks for the Selectmen's support to change the Building Inspector for the Town. The Town currently belongs to the Franklin County Cooperative Inspection Program (FCCIP), a division of the FRCOG. The Board deferred on any action and will determine if making a change is in the Town's best interest in terms of administration, cost and feasibility.

The BOH as also asked for access to Town Counsel regarding a cease and desist order at the Candello property on Brattleboro Rd. Motion by Bob to allow, second by Virginia. Motion carried 2-1. Stan Garland opposed.

Franklin County Selectmen's Association

The Board received an invitation to the next FCSA quarterly meeting. No Board member is able to attend the event. Bob Raymond wants to know if he owes the FCSA any money from past events.

FY12 School Committee Meeting Schedule

Bob Raymond asked if a FY12 schedule of PVRSD School Committee meeting has been posted. It has not and Hugh Campbell will contact the school to obtain the same.

MEMA Applicant Briefing – Tropical Storm Irene

MEMA is hosting an applicant briefing on Tuesday, Sept 20, 9am at the Sth Deerfield Fire

Station. Hugh Campbell will attend on behalf of Bernardston departments.

Executive Session MGL Ch 39, Sec 23B #2

Executive Session was not invoked since the person in question was not present. Bob indicated that a resignation appeared to be an agreeable option. If so, Stan wants the position posted internally and

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advertisement in the local paper for an open selection process. The Board has the right to set salary and or hourly rates if they appoint the position. Virginia asked how the electoral ballot question schedule for next

May, 2012 may affect the appointment in terms of length. The current position is being filled for the unexpired term of 1-year. Bob will contact the person in question to find out why they were not present. The Board confirmed that proper notice was provided in accordance the law. The Board will consider an emergency meeting should they be required to appoint an interim position immediately.

Adjourn With no further business to be discussed, Bob made a motion to declare the meeting adjourned at 11.02am. Stan seconded. Motion carried.

Attest: Hugh Campbell, Administrative Assistant

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