



TOWN OF CHESTER BOARD OF SELECTMEN

WATER COMMISSIONERS & ZONING BOARD OF APPEALS

**15 MIDDLEFIELD RD
CHESTER MA 01011**

Monday October 7, 2019 at 6:00pm

Selectboard Members Present: John Baldasaro, Barbara Huntoon, James Higby

Also present: Town Administrator, Kathe Warden, members of the public
Selectmen recorded this meeting.

Opened meeting in Selectboard office. Signed minute meetings and warrants
John opened meeting at 6PM

New Business

#1 Dangerous Dog Hearing – Daphne Jane, 258 Bromley Rd, Chester MA - Terry Donovan, Animal Control Officer, to bring Selectboard up to date on a dangerous dog complaint. All parties not present, so delayed this issue and went to the next item and will return when all parties arrive.

#2 Chester Hill Association – discussion and possible vote to renew the lease on “Old Chester Center School” 343 Skyline Trail Center- Harry Sanner, Treasurer of Chester Hill Association, stated the CHA is trying to get a grant for some repairs and improvements to the old school house and because property is leased from the Town, they assumed they should get permission to do any repairs. They realize the lease had expired in 2014, and they pay \$1 per year to lease but have not paid since 2010. CHA would like to renew lease and hope the fee will remain \$1 per year. Would also like to pay the arrears. Previous lease was 10 years and that is what Chester Hill Association would like. Selectboard agreed to 10 years. Kathe W. will update the lease and the Selectboard will sign next week. Barbara made a motion to grant the Chester Hill Association a ten-year lease for \$1 per year for the Old Chester Center School at 343 Skyline Trail. James seconded. All voted aye.

Reopened dog hearing with all parties resent.

Terry Donovan gave update that Daphne & Sean James are owners of dog in question; Amanda Loiselle is the complainant. Any citizen can file a dangerous dog complaint. There is one written complaint, from Amanda. Regina D’Amatto was also bit by the same dog in July and Terry received a call about it, but Regina stated she did not want to tell Terry because she was concerned for the outcome of the dog. Terry called Daphne, as a courtesy, and told her that the



dog bit someone and that she should keep an eye on him. 2-3 days later Amanda was bit, and D'Amottos brought her to Terry's, which is when Regina did tell Terry that she too had been bit. The Selectboard has to decide if this is a dangerous dog. Dog was quarantined. Amanda states she was on opposite side of road from house, never realized dog was there, and next thing she knew she had been bit. Sean called dog and asked if Amanda had been bit. She said she was bit in the hand, not realizing that she had been bit on the leg. Puncture mark on back of leg, bruising and swelling. Amanda went to the doctor and her wounds were cleaned and treated. Dog is licensed and up-to-date on shots per owner. Daphne provided records to prove shots. Dog was in yard and went down driveway when Amanda walked by. Amanda showed picture of injuries. Dog was not leashed. Discussion as whether the first dog bite can be considered. John stated that he is only considering direct testimony from Amanda who has been bit. Peter Stone, neighbor, states that the dog seems to be aggressive when he jogs by and has decided to change his route. Daphne states they have started to fence the yard, and when the dog is out it is on a leash and a muzzle. John asked Terry for her recommendation. Terry stated that the dog needs to be contained by a fence and the entire yard needs to be completely fenced and there are laws dealing with fencing the yard that will need to be followed. Dog was quarantined for 10 days at home.

Asked owners what their plan is. They are fencing yard, completely around full yard, large fence that he cannot jump over. Amanda reminds the Selectboard that she was on opposite side of the road. Selectboard has to choose between dangerous dog or a nuisance dog or to dismiss complaint. Terry states it is the Selectboard's responsibility to make the decision but she recommends the Board deem the dog dangerous as people are afraid to walk down the street. Selectboard determined that the dog is dangerous. Selectboard reviewed the statute for a dangerous dog and chose option 2, the dog must be confined while outside. The dog must be muzzled and, on a leash, when not in a pen the Board directed the owners to build. Included in the order will be to provide proof of insurance every year. Terry to follow up to inspect that fence and pen are put up properly. Size of pen discussed. Owners to coordinate with Terry and Selectboard gave owners 30 days to complete the fencing, cautioning the owners that if the dog bites someone else, euthanasia will be necessary.

#3 Discussion and possible vote to authorize the use of remote participation for all public bodies of the Town of Chester - Assessors asked Kathe to bring this up. One of them was on vacation and would have liked to remote in. John said we used to do this for Selectboard. By adopting this policy this it will be for all Boards and Committees. Cannot do it for just Selectboard, must be available to all. Agreed the will be restrictions such as there is a limit to how many times you can remote in vs. attending in person. A quorum must be physically present at any meeting. John thinks it makes sense to adopt this policy. James made a motion



to adopt the remote participation policy for all boards and committees for the Town of Chester. Barbara second. All voted aye.

Old Business

None at the time of posting

Town Administrator update

Housekeeping Items

The boiler and furnace have heating issues which will be taken care of next week but in the meanwhile we will have no heat. Kathe has informed all department that there will be no heat.

Septic alarm went off today. Elm Electric coming tomorrow at 7AM tomorrow morning to take care of.

The carbon monoxide alarm at the school has been done. Elm Electric helped with that too.

RRG has been notified and has the new contract in hand and they are in with the Assessors and hopefully next week, if not sooner, they will start working with the Assessors.

The ADA grant for the concrete for downstairs is being sent out tomorrow. Something must be going on with Rte. 20, Maximillian called looking for certain people's email. John says they are doing drainage. Lots of surveying going on.

The Board of Health asked to bring to the Selectboard's attention that the elementary school must have their kitchen inspected and the school is asking the Town to waive the \$250 fee. BOH is going to have to pay the inspector and we absorb cost or charge Gateway. Selectboard discussed and decided to charge the school the actual cost for the inspector. Used to be done in-house but now need to hire an inspector; BOH does not have correct license to inspect. Should not cost the town money; Gateway should pay the cost.

Tom **Duproville?** called and said he sponsors a Veterans' lunch and would like to have it on Veterans Day. Need to give him permission to use the COA for the dinner. Selectboard expressed approval.

Andy Myers: J&J Timber was bought about 15 years ago, from Tri County Land Group. 3 parcels on assessors' map. Did some logging, got in trouble for crossing the river. Fish and Wildlife wants to purchase it, made an offer, and then couldn't finish process due to not having clear title. Did extensive research. The town took some for nonpayment of taxes on 1936. In 1983, Tri County Land Group acquired the property, when they came to sell it, they realized there was



never a certificate of redemption, they got that done later and sold property to J&J Timber. Mass Fish & Wildlife position is that the Town had clear title to it and never transferred. Mass Fish & Wildlife feels that the town owns it and can auction it off. There are a number of pieces involved in this. J&J Timber is still paying taxes on it. Mass Fish & Wildlife feel like there is no liability for the Town because it is up to owner to know if they own the property or not. Most of property is off Middlefield Rd; some is landlocked. Mass Fish & Wildlife is interested in purchasing. J&J knew there was a problem 10 years ago. Point of tonight it to put this to Town Counsel to review and see if the Town still owns it. Selectboard agreed to have Town Counsel review documents to see if the Town in fact still owns it. Andy is willing to talk to Town Counsel and include the Mass Fish & Wildlife in the conversation.

#4 Review Special Town Meeting Warrant

Draft of warrant presented to Selectboard.

Barbara made a motion to except warrant with legal counsel changes, James second and all voted aye.

Selectboard Members Comments Questions

Barbara asked what happened to the speed bumps. The wrong ones were ordered. Will be replaced with the correct ones.

Barbara discussed the Turnpike Exit and suggested going to the next meeting. The impression Barbara got from a local legislator is if the Towns don't support this exchange then Boston will not consider any other economic development projects or give help to Hilltowns.

Barbara would like to have name plates for Selectboard, not expensive. Names can be changed. Kathe will check on the price.

Bob Daley asked about Middlefield Road bridge work and when it would be started. Bridge will be closed and planned start date was November. Bridge is in Middlefield. Bob asked about using a sugar blend vs road salt. John B says it is experimental but Chester isn't going to try it until there is some feedback.

Barbara asked for Highway update – John responded they have been grading and Kinnebrook and Smith Rd are fixed all the way to Worthington. Putting material on the roads, cutting brush and getting ready for winter.

Dept & Committee updates

Water Committee update from James Higby - 1st meeting. Dr. Gulick ran the meeting. Bob Daley and Rick Stone attended. Water system requires a lot of sampling and reporting. Dr



Gullick has a program on Excel that would greatly streamline the process but Town would need the operator to be on board. Operator does not attend meetings.

HACHDR 400 measurement tool that personnel can use to measure themselves for PH etc. Could check chlorine distribution in all the lines.

Hydrant Flushing was done on limited basis by Highway Department. John asked Fire Department to flush a hydrant during regular meetings at Fire Dept.

Will be scheduling another meeting in the next month. Continue to ask Bernie St. Martin to attend meetings, Bernie says he does not really attend meetings, James will continue to ask him.

Hydrant flushing – Highway department did the limited flushing that Dr. Golick had suggested. End of Middlefield St., end of Route 20, and at the Emery St. underpass. James wanted to know how he would know this in the future? Will be on website, and postings. John has asked Richie to flush a hydrant during normal Tuesday training meetings. Need to get our flow meter back from Blandford and John advised to ask Bernie to return it. A list of hydrant locations is available.

Discussion ensued about new operator in training. Requires 2000 hours of apprenticeship and Town's present operator refuses to train anyone. Need to talk to Gateway and Vocational Schools to reach out to see about getting high school kids interested.

DEP requires 40-minute minimum response time for emergencies.

Public Comments and questions

Andy Myers asked about update on Wilander's Field and the gravel removal operation. John responded there is nothing statutorily that can be done about it; there was a permit issued by the Planning Board and signed off by Conservation. Was supposed to be a temporary permit to remove only what was brought in. It seems that the owners are removing more than was agreed to. The Board of Selectmen has no jurisdiction. There is no oversight. DEP has no jurisdiction. Permitting, actually comes from Bureau of Mining. The only permit required is a local permit and it was issued and there is not much anyone can do. Kathe provided minutes from the Planning Board meeting dealing with the permit issued. Kathe provided a copy of permit. Permit says to remove rock and gravel, does not prohibit removal of virgin ground. The Selectboard has contacted Planning Board and Conservation Committee. Already tried to get Conservation and Planning involved and there is nothing that can be done to control what the owners are doing. Permit was for 2 years.



Bob Daley ask about police agreement. John said the agreement for shared Police was signed this evening. Copies will be available for the public soon.

Bob also asked RE: Hilltown Resource Management Cooperative, where are we in with compliance and the menu list they asked to have completed? Selectboard has completed what they needed to do. DEP is working on the Certificate of Operation. Should be certified soon and will make HRMC happy.

Everything in DEP report has been corrected.

Bob asked if Kathe if she had a chance to get the Western Mass Rail info on the Chester site.

Kathe had not had a chance, the day she tried to do it she could not find the Western Mass Rail.Org website. Bob to forward it to Kathe.

John to entertain a motion to adjourn the meeting. James made the motion, Barb seconded, all voted aye. Meeting adjourned 8:01

Respectfully submitted

Kathy Engwer - Administrative Assistant

John Baldasaro, Chairman

Barbara Huntoon, Vice Chairman

James Higby, Clerk