



TOWN OF CHESTER BOARD OF SELECTMEN  
ZONING BOARD OF APPEALS  
15 MIDDLEFIELD RD  
CHESTER MA 01011

**Monday, October 4<sup>th</sup>, 2021**

Open Meeting – This meeting will be held in the Chester Town Hall auditorium with a virtual option.

Select Board members John Baldasaro, Richard Holzman, and Jason Fogue present. Town Hall staff present included Town Administrator Kathe Warden, Administrative Assistant Jill Strong, Tax Collector Mary Ann Pease, and Town Clerk Terry Donovan. Andy Myers from the Finance Committee was present as well as the Board of Water Commissioners Lyle Snide, Bob Daley, and Kathy Engwer. Elizabeth (Liz) Massa and Nick Chiusano from the Board of Health were participating virtually as well as a few residents. Per the agenda resident Mr. Decampo was present as well as some other Chester residents.

Minutes were signed there were no warrants, John opened the meeting at 6:00 PM.

- **Discussion with resident Mr. Decampo regarding code violation.**

Mr. Decampo had emailed the Select Board wanting to discuss a notice of code violations that he had received. He wanted to explain his family's current situation and wished to meet with the Board. Jason as the building inspector had issued this notice and explained that the code violations for the property consisted of occupying a trailer/camper as a residence on the property as well as some unregistered vehicles on the property. John asked if occupying a camper on the property was a building code violation, Jason answered that it was a zoning violation as well as a sanitary code violation with the Board of Health. There is not a well or septic system on the property to properly dispose of waste or give the required sanitary conditions which also means that the structure does not meet building codes. John asked Mr. Decampo if he was doing anything to deal with sanitation and drinking water. Mr. Decampo stated that once a week he has a 250-gallon tank which holds all of the solids and greywater that is taken care of and emptied. He explained that he had not received the first few violation notices and when the third was issued he reached out to Jason to explain the issue. He stated that he took the responsibility for being at fault as he had not done his research before putting this on his property, but he felt that it was necessary for his family to leave where they had been living due to issues with his landlord.

Mr. Decampo explained that he had moved here from California six years ago and has worked for Home Depot for twelve years. When his family first moved here, they wanted to only



rent before purchasing property in the hilltowns. He explained that the landlord that they were renting from seemed to be under the impression that they would purchase the property that they had been renting but when he approached them with what he expected to list the property for Mr. Decampo felt that it was too high for the conditions of the property. After his family had let their landlord know that they would not be purchasing the property Mr. Decampo explained that their landlord stated that he would sell it and began harassing them. Mr. Decampo told us that he has filed a harassment complaint, but their landlord continues to harass them. Before they had moved from the property, he was approached by their landlord in a way that Mr. Decampo believed that he wanted an altercation. Mr. Decampo stated that he wanted to move his family right away. He had not been in a rush to build but they had purchased property on Skyline Trail which the previous owner had installed hookups for a trailer which is what made this property appealing. He explained that he was not looking to cause any problems or violate any rules but at the time his family did not have anywhere else to go. Tomorrow he is going to file another complaint as the harassment has continued with their previous landlord driving past their property holding down the horn to his vehicle as well as yelling profanities. He stated that they are actively looking at properties to purchase but are also waiting for approval for a loan.

John asked Jason where things currently stand with these violations. Jason explained that even though Mr. Decampo was reaching out after the third notice he stated that the had not received the first two and it seemed as though he was trying to rectify the situation. He currently is accruing fines and they could pursue bringing this to housing court, but this is difficult to do. John asked Liz if she would like to weigh in on the discussion. Liz stated that the major issue was the lack of a septic system and a well on the property these are sanitary codes not just issued by Chester but are set by the state. She explained that staying on the property in a camper can only be in a two-day duration and requires a bathroom and hand washing facility. Rich commented that although sympathetic to his family's situation there are laws that are in place to protect the health and quality of life for the community and there are things that are simply unacceptable. Jason explained that these violations are not something that the Select Board can override specifically any violations issued by the Board of Health. The only role that the Select Board plays in this is that they are also the Zoning Board of Appeals, and he could go through proper channels and appeal the violations, but John commented that although this is unfortunate these issues would not qualify for any exemption or variance. Mr. Decampo understood and stated that hopefully in the next few days his family can work on moving out of the camper on the property. He is trying to do this as quickly as possible as he is concerned about the season change coming upon us.

Rich commented that he believed that we should set a deadline for all of the other things on the property that need to be removed. Liz stated that the biggest concern is the sanitary conditions. Mr. Decampo explained again that the tank he had installed is maintained every week. Liz and Jason both agreed that the installation of this tank also should have been approved and that the company who installed it as well as the company that is maintaining it should have known that this would be required. Jason stated that he should be kept in the loop with any progress with an expected timeline. He needs to be able to answer questions if there are any complaints from other residents as well as if there were any inquiries from the state. Mr. Decampo stated that he would indeed do that.



Andy asked if there was anything being done in relation to the harassment allegations as this is not something that we want in the community and should not be overlooked. John commented that if this is an ongoing investigation Chief Weidhaas would be unable to discuss this with anyone other than the parties involved. Mr. Decampo stated that he had spoken to the State Police and was instructed by them to carry on with our Police Department. The Select Board wished Mr. Decampo luck on his search for a home and stated that this was the right direction to be moving in to rectify the issues.

- **Carl Baldasaro Highway Foreman – update on roads.** Carl is on vacation so we will touch base with him at the Select Board meeting on Monday the 18<sup>th</sup>.
- **Discuss actions planned for water improvements with the Board of Water Commissioners.**

John thanked our new Board of Water Commissioners for joining us and asked how things were going. Lyle stated that they had started the process and have been looking at the things that are required by the state and need to be accomplished. Currently they need to quantify any data that is needed for the state, the instruments at the water plant need to be calibrated so that they can be assured that the readings are accurate, as well as the repair of the SCADA system. The first thing that the Board would like approved is to create a contract with Housatonic Basin Sampling and Testing to do the testing in the water treatment plant. This contract consists of them collecting samples every two weeks at Austin Brook and the Horn Pond reservoir. John asked if this would be in conjunction to what we do for testing now or if this is separate. Lyle answered that it would be separate, but it is required to do the testing that they will take care of. John asked if our current Primary Water Operator Bernie St. Martin has been included in any of this, Lyle answered no that this was done independently. He explained that they had reached out to Bernie on multiple occasions Kathy had also reached out to his wife Noreen who is the backup for Bernie but have not had any response. Lyle asked if there was an employment contract that explains what is required by the job, without one it is difficult to hold him accountable for things that are not being done. John was unsure and stated that in any discussions with Bernie he continuously stated that he did not work for us he worked for the state. Rich stated that there are state rules that Bernie is required to follow as a licensed operator. Kathy commented that as far as DEP believes Bernie is meeting all of the requirements for the day-to-day functions, but any noncompliance is the towns responsibility. Jason asked if there were still any problems with allowing access to the property, Lyle stated that there were but once there is a contract for the testing that will be done, we needed to grant access and needed Bernie's cooperation. Kathy commented that Bernie does not own the property at the water treatment plant and although his concern of who is on the property is valid there needs to be access.

John stated that he believed a few years ago the Select Board had created job descriptions for all of the town positions, and we would need to look for this. Kathy commented that the job description should include all of the necessary duties including daily, monthly, and yearly requirements. Rich commented that no job description is perfect but there are reasonable requirements such as reporting to the Select Board as well as the Board of Water Commissioners. Bob asked if the Board of Water Commissioners could mandate the Water Operator to come to meetings, John and Jason both agreed that under the description of the Board they could.



Bob explained that Housatonic Testing could be completely independent doing any testing. There needs to be someone present for the first few times but after that they could continue on alone. There is a concern that some of the valves at the plant are labeled incorrectly but Mass Rural Water can assist with this at no additional charge. Kathe commented that the water issue that was discovered on Maple Street was looked at by them and they stated that they will need to come back to do further investigation as they were here on a day that it was raining which does not allow them to get accurate information.

Bob asked if the Board of Water Commissioners could have a dedicated email for them to address any water related issues. Also, a mail drop box for anything that they would need to see invoices, lab results etc. Kathe asked if they were planning on creating the warrants every two weeks for all of the bills that come in if we are going to be leaving all of the mail for them. She stated that currently these are done in her office, and she would need to know so they can all be set aside to not make it difficult when Jill is entering all of the invoices into their warrant. Bob stated that if it made it easier for Jill to continue to take care of this that is fine, they did not want to make things difficult. His concern with access to the mail is that he believed they did not have all of the paperwork and reports that had been done which Kathy agreed as she believed that most of the reports were being sent and stored in Blandford. Bob wanted to have a meeting regarding the billing as well which John stated that CMELD takes care of issuing the water bills and that they should speak with them. Bob asked if there was an option to use senior work off to do any mailings, Kathe answered that there were not many hours left but they could speak with CMELD and ask if there was anything available with them.

Lyle asked if there were any available keys to the treatment plant so that they could begin to get samples done with Housatonic Testing as they stated they were willing to start things in October. John commented that the Highway Department should have a set of keys that they could use. Lyle stated that they have quotes for the instrument calibration as well as the SCADA system. Berlin Instruments gave the quote of \$2,234.10 for calibration and Elm Electric gave the quote of \$6,905.60 for the SCADA system. Kathe and Jason both commented that this would be something that the money received from the American Recue Plan Act, ARPA, could be used toward.

Jason made the motion that all necessary things asked for by the Board of Water Commissioners be paid through the ARPA funds, John 2<sup>nd</sup>, all voted Aye.

Kathy asked if there were any remaining laptops that had been purchased for the town that would be available to use within the water department specifically for the SCADA system, Kathe answered yes that there were. Lyle stated that a requirement was also set that the SCADA system have a dedicated laptop so that there could be remote access for reporting. Lyle explained that a hurdle that they face is providing a report of things that should have been done by January of this year such as a raw water alarm, a valve exercise program, replacing three filter front valves, maintaining a calibration log, and a written flushing program. He asked who he should talk to about these items if they were done, in progress, or need to be completed. John stated that there had been multiple people involved with this and that they should start with Dr. Gullick who would know what had been necessary and what was completed but he believed a lot of what they were looking for did happen. Bob commented that the flushing plan had started but when they did flushing in the spring due to the fact that it had been so long since it was last done it took approximately 20,000 gallons to have the water run clean. Bob



asked if the SCADA system that we have was still the one that was initially installed in 1997. John answered no it had been changed in 2012 or 2013 but he was unsure who it was done by. Lyle asked who had all of the information from Dr. Gullick, Bob answered that he did and could send it to Lyle. Kathe also commented that she had everything, and they could go through it which Kathy stated that she would do that. Lyle asked about the valve exercise and replacement program, John stated that to his knowledge all of the major valves had been replaced, Route 20, Middlefield Road, Main Street, Williams St. etc. within the last twenty years. He explained that they could find at the highway garage a distribution map, PVPC would also have records because most of this was done with a Community Block Grant that had been administered by them. Kathy commented that these were things that Bernie could have done but never had any documentation of it.

Kathy commented that any of the things that have been made a requirement from DEP we could ask for an extension if we provide them with a plan and they should work with us. John agreed stating that typically they want to start an open relationship and showing them that we are working on things is an act of good faith and they would work with us. He suggested setting up a zoom meeting with them to meet the new Board and discuss everything. Kathe stated that also it would not hurt to contact Dr. Gullick and discuss things with him about what had been done and what should be completed. Kathe knew that the last testing results that they were looking for had been a problem due to access to the webpage. The site for the reporting section had been down for two weeks but when she spoke to the lab, they gave her dates on when it was done, and the report was sent which all matched when the information became available again. Kathy stated that if we addressed each item with DEP to let them know things are in process and ask for more time but provide information for everything.

Lyle asked if there had been an engineering report completed which John answered that there had by Dr. Gullick. Bob commented that in speaking with DEP they understood the financial restraints and they had reached out with a grant for \$50,000.00 for disadvantaged communities. Kathe was aware of the grant but initially was told that the grant would be for \$127,000.00 \$70,000.00 of which would be given to DEP for facilitating the grant. She thought the amount that was to be given to DEP was large for only facilitating the grant and thought that there should be a sit down with them. Lyle asked if Town Council Tom Mullen could review what had been requested from them by DEP. Jason and John both agreed that the cost of having him do this was large for what he would be able to do. The letter from DEP is a request of things to be completed and is not left for interpretation. Lyle wanted to be sure that down the road if there was a disagreement with DEP they knew where they stood. John understood and stated that we should go forward with the work and if there were issues down the road, we could contact Tom. John stated that in past years Town Council had been overused and it was put in place that the Select Board needed to approve any correspondence with Tom.

- **Discussion and vote to appoint Jill Strong as Emergency Management Director.** Jill gave a letter of interest for the position of Emergency Management Director to the Select Board which they all had a chance to review.

John made the motion to appoint Jill Strong as the Emergency Management Director, Rich 2<sup>nd</sup>, all voted Aye.

- **Discussion and vote to accept the 2020 reprecincting.** Kathe brought to the attention of the Select Board that there has been a reprecincting bill passed by the House. According to the



Massachusetts Municipal Association this will require municipal precincts be redrawn to follow the contours of the new state legislative districts. Kathe believed in the shifting Berkshire County would lose one town.

John made the motion to accept the reprecincting, Rich 2<sup>nd</sup>, all voted Aye.

- **Town Administrator update:**

- *Discussion of Town Council Tom Mullen raising hourly rates.* The Select Board received notification from Town Council Tom Mullen that he is raising his rates. In asking around to other towns and what they pay he is still the most inexpensive. Jason made the point that he wished in the message from Tom he had included why he was raising his costs and what had gone up for him. John commented that Tom has always been reliable and responsive to our needs and did not believe we should look elsewhere. Jason asked if Kathe had discussed with Tom if we were able to associate fees with the old Elementary School across from the Town Hall to the tax attorney. Kathe answered that she had not but that she would take care of it.

- *Discussion and possible vote to accept Debit Card Policy and Procedure.* The Select Board all received a copy at the last Select Board meeting of a Debit Card Policy and Procedure to look over. The policy will allow three bank issued debit cards which are under the control of the Treasurer and in the custody of the Town Administrator. Kathe explained that this was created with Marcia Bohinc as part of the financials this had also been reviewed by Sara Hunter and she was ok with this. The maximum spending limit will be \$1,000.00 and there will be a rule that it needs to be returned within twenty-four hours. She stated that if there is any abuse of the card such as not returning it in the allotted time that person will no longer be able to use the card. Jason asked if this would be connected to three separate accounts, or it would be three cards for one account. Kathe believed one account, but she was going to check with Sara. Jason commented that in our audit it was explained that the number of accounts that we have is excessive and adding more is not the right move. Mary Ann mentioned that a lot of the accounts have been condensed so there should not be as many as we previously had. Kathe stated to the Select Board that if they were uncomfortable with three cards that we could start with one to see how things go. The Select Board was fine with the three cards as there could be instances where two cards are needed and the third may be needed by anyone in Administration to replenish the account in the event of a necessary larger purchase. Kathe stated that she would go over everything again with Sara.

Jason made the motion that we accept the Debit Card Policy and Procedure as written, Rich 2<sup>nd</sup>, all voted Aye.

Before moving to public comment Kathe had a few more things to discuss. We received notification from FEMA that we did not receive the declaration from the government for the state of emergency that we issued for the rainstorms in July. Kathe explained that we had met with the other towns the county threshold but not the states. She reached out to Representatives Natalie Blais and Richie Neal along with Senator Hinds to discuss the problem that this puts us in. Kathe asked if we could put this letter on the town website so that residents can understand and see why it is taking time to repair the roads, the Select Board had no issue with this. John stated that we would need to ask our MEMA representative Scott Flebotte if without the declaration we would still be eligible to apply for the loans that had been discussed. Jason asked if we could reach out to our legislature and ask them to come to a Select Board meeting so that they can see and understand our dilemma. Andy suggested that



we include the state auditor Suzanne Bump as she had been to Chester after the storms and was sympathetic to our problem. Mary Ann commented that we should reach out to the Accountant Eric Kinshurf and discuss if we need to go out to bid for these loans to search for the best interest rate. Kathe suggested using the ARPA funds to assist with the costs. Jason stated that although other towns are trying to use it for this purpose there is a grey area and with the needs within the Water Department, we cannot deplete the funds so a loan would be the most likely option. John stated that with no state funding we would most likely use all of our Chapter 90 funds for the next few years. Kathe stated that the Chapter 90 paperwork has been sent but the account had been overspent for 2021. Our representative Dave Stokes was unsure when our new funds would be available, but it would be short the money already spent but should be received within approximated two weeks. Kathe asked if she should do the paperwork over or ride out the few weeks. John answered that there should be no problem waiting as this only impacts free cash which the deadline for that with the accountant is October 31<sup>st</sup> so we should have it before then.

Kathe let us know that the Historical Society cancelled the snowflake festival that they hold in the Town Hall for this year. She also let the Select Board know that she will be attending the MMA conference in January which she will have to stay in Boston. The Select Board typically covers the fees which are \$289.00 but as she chose a hotel to stay that was a higher price, she did not expect them to cover that bill. Rich commented that because the fees are covered, and it is something that she is expected to attend that her hotel should still be covered. Mary Ann commented that she would also go and could split the cost of the hotel out of the respective expense accounts. Jason made the motion that the hotel for the MMA conference be paid for by the town half from the Select Board expense account and the other half from the Tax Collector expense account, Rich 2<sup>nd</sup>, all voted Aye.

Jason had some information and questions, he asked Kathe if she had any information from Town Council regarding the discrepancies in the library lease. Kathe answered that she did not, but she would reach out to him to discuss this. He asked regarding the debit card policy if this card would be used instead of a previous mention of an Amazon account. Kathe answered yes this could be used and currently there has not been an Amazon account created. Jason asked if the COA and Librarian positions had been posted, Kathe answered that the COA Director position was posted. Mary Ann commented that they were waiting to post the Librarian position until they had a few more things in order. Bob asked if the COA position had been posted on the state COA website, Kathe answered that it had not only on the town website and in the Country Journal, but she would post it there as well. Jason stated that going forward any warrants relating to payment for the grounds keeper for the town and cemeteries he would not sign. He believed that there needs to be a way to monitor the hours worked and that there should be someone that he is reporting to. Kathe stated that we could not refuse to pay him, but Jason did not have to sign it. Jason asked if the other members of the Select Board would be ok with him setting up an online meeting for residents to offer input on how the ARPA funds should be spent. He stated that he would like three meetings, two weeknights and at least one Saturday. The other members of the Select Board had no problem with this. Jason stated that the recreation committee would be meeting tomorrow to finalize plans for the Trunk or Treat Halloween event that will be hosted at the Emery Street ballfield. The plan is to host this on Saturday October 30<sup>th</sup>, during the day will be for younger children and in the evening teenage and older. Jill asked Jason if they were still planning on doing the hayride that they had discussed, Jason stated that they were going to try. Jill mentioned that



she had access to a wagon which can be pulled by a tractor if they would like to use it. Jason said thank you that would be great to have.

Jason has been in contact with Elm Electric about doing the repairs to the solar panels at the highway garage, he had reached out to another company as well but has not heard back. Elm suggested running the necessary wires underground rather than overhead and they will come up where the meters are, Jason sent the information to the Electrical Inspector Jon Vanheynigen. He reached out to Carl as well to inquire how much time would be necessary for the Highway Department to dig the necessary trench for the wires as well as filling it. John commented that the Highway Department would also need to remove and replace the blacktop in that area. Jason stated that he wanted to know the total time and cost of materials so that the figures could be included in the total issued to PVPC. Jason asked about a fire truck fund that should be in the budget. He was approached by Fire Chief Richie Small who wanted to confirm its availability as they are looking at leasing a new truck as the pumper truck is currently not operational. Jason also has been working with Chief Weidhaas on a job description for an assistant in the Police Department. He discussed that the ARPA funds could be used for this as it pertains to wages during the COVID-19 pandemic. Andy commented that we should be cautious using the ARPA funds as it is a one-time payment to us and will not be able to continuously count on the availability of this money. We should remember that we would still need to increase the budget when the time comes. John told Jason that using the ARPA funds we should ensure that the language explains that this is due to the pandemic as extra patrols were needed to check in on residents and the like because more people were at home.

Kathe had one more thing to discuss one of the companies who own one of the cell towers in town has reached out about buying out the tower. Currently there is a lease with a monthly rent payment to the town. Jason asked if they were interested in one or both, Kathe answered just the one in the Pine Hill cemetery. Kathe explained that they wanted to completely buy it out so there would be no more monthly payments. John stated that we should look into determining the number of payments left and how long the lease actually is. Rich commented that this should also be addressed with the Finance Committee so they can review it and help to make a decision that is best for the town. This also is information that should be given to the Planning Board.

Rich mentioned that he had gone to the Mohawk Regional school for the Rural School/Town roundtable discussion with legislature. He told us that the Gateway School Committee was present as well as the new Superintendent Kristen Smidy. They discussed the concerns with the rural districts, declining enrollment, availability of programs to offer, and the quality of the education they are able to provide. There was also a discussion on how to streamline costs to make it effective for the communities, Rich stated that overall, it was a positive meeting. He mentioned that with a transition in the COA and the library we have the potential to make the program more dynamic. Including more people, make things more interesting as well as more cost effective. Rich believed that doing this would have little or no increase in cost. He let us know that the national landmark dedication ceremony for the Chester Rail Station on September 25<sup>th</sup> was a wonderful day. He spoke with Jon Vanheynigen about the idea to sell some of the land owned by the station to the town in order to widen the road during the Prospect Street project as well as expand the parking at the station. He believed that doing this would add an additional twenty parking spaces.

Rich mentioned that he appreciated all of the progress that has been made at the transfer station. However, he stated that there are some larger potholes in the driveway and parking area that should be taken care of. He suggested that the next time we are doing a road project that in the



contract we include that the town take any millings so that they could be used at the transfer station. Kathe commented that anything put at the transfer station she believed needed to be DEP approved. Liz stated that Kathe was correct we could not dump anything on the grounds without speaking with DEP. Nick commented that they knew they needed to be fixed and had been, but most had been washed away during the storms. Rich said it was a suggestion and using the millings he thought would be the least expensive route.

**Public Comments and Questions:**

Andy mentioned that we should be working on issuing the Board of Water Commissioners their stipend. He stated that this can be taken from the reserve fund. Andy told us that during the rail station dedication ceremony he was able to speak to Representative Smitty Pignatelli about the Main Street bridge as there is a bill that pertains to infrastructure. John stated that when we have the engineering drawings we can reach out to Dave Stokes. Jason asked if this was for the problems under the bridge, which Andy answered yes. Jason stated that this is also something that can be paid through the ARPA funds, he stated that we have already received \$205,000.00. Rich asked for the amount to be verified as he thought the amount was \$452,000.00. Kathe stated that the total is \$409,203.00 and we would be receiving the remaining funds, but things change every day. Kathe mentioned that when she was at her STAM meeting she was told that there are billions of dollars sitting with the state that we could pursue. The way it was explained to her is that the state could give each community two million dollars and there would still be money left.

Andy explained that he has become aware that there has been such a high interest in the preschool at the Gateway schools that they have had to add an additional class. He also inquired if the joint meeting with CMELD had been rescheduled yet as the last meeting needed to be canceled. Kathe answered that it had and would be held on Tuesday, October 19<sup>th</sup> at 6:00 PM in the COA room.

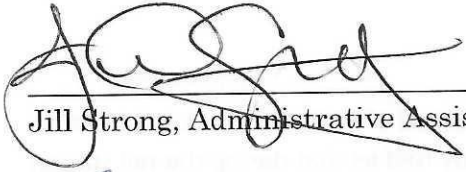
Before adjourning the meeting Jason wanted to mention that he had received a thank you from a resident for the brush that was cleared on Prospect Street.

John made the motion to adjourn, Jason 2<sup>nd</sup>, all voted Aye.

**Meeting Adjourned 8:18 PM**




Respectfully Submitted



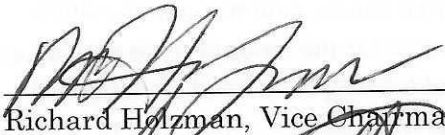
Jill Strong, Administrative Assistant

10/14/21  
Date Signed



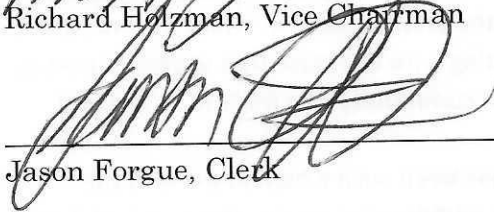
John Baldasaro, Chairman

10/18/21  
Date Signed



Richard Holzman, Vice Chairman

10/18/21  
Date Signed



Jason Forgue, Clerk

10/18/21  
Date Signed