



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

Monday, November 8th, 2021

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

Select Board members John Baldasaro and Jason Forgue present, Richard Holzman was out of town and participated remotely. Town Hall staff present included Town Administrator Kathe Warden, Administrative Assistant Jill Strong, Tax Collector Mary Ann Pease, Town Clerk Terry Donovan, and CMELD Administrative Assistant Rosanne McClafin. Highway Foreman Carl Baldasaro was present with Water Commissioners Lyle Snide and Bob Daley, Electric Light Commissioner Duane Pease, and Andy Myers from the Finance Committee. Per the agenda Vera Nosikov and her husband were present as well as Donald Saunders representing William Ivey Long and Meredyth Babcock from Highlands Footpath. Elizabeth, Liz, Massa and Nicholas Chiusano from the Board of Health were participating remotely as was Jessica Sakaske from the Finance Committee. There were also a few residents both present and participating remotely.

Warrants, minutes, and any correspondence was signed, John opened the meeting at 6:01 PM.

- **Discussion with Vera Nosikov about her property on Round Hill Rd.**

Vera came to the Select Board because she has received a notice from Jason as the Building Inspector of code violations on her property on Round Hill Road. The violations are for a trailer that is on their property as well as a gate that was installed that blocks a right of way. Upon receiving the letter Vera contacted Jason and asked for an extension for the removal of the trailer and he asked her to please put it in writing. Vera wrote an email explaining why she needed more time. Vera explained that with the condition of the road it is difficult at this point to remove the trailer and stated that no one is living there. Regarding the gate Vera reached out to Jason for verification of which property it was blocking access but stated that she has not received a verification of the property in question. Jason explained that he had been notified by a resident of the gate and that it is blocking access to their property, and they would like it removed. Vera stated that this area is on her property and that particular resident does not have an easement and therefore does not have the authority to cross to her property. Jason explained that this is a deeded right of way and that she does not get to decide who is allowed access. Jason expressed to Vera that there is a better process than to discuss this at a Select Board meeting that she should file an appeal and meet with the Zoning Board of Appeals. To do this she also will need to notify the abutters to her property so that they can attend if they

choose. Jason explained that the bigger problem is the trailer which he stated that he understood it is not currently occupied. Jason commented that if there is a concern now of being able to move the trailer now with the coming seasons not only will the snow make it difficult but once we are in the spring there are issues with mud, and it could be July before she is able to move it. John asked if the fines have started for the property, Jason answered yes that they have. John expressed that this was not the venue to handle this and that she should file the proper appeal. Vera thanked the Select Board for the opportunity to meet with them and stated that she will go forward with the appeal.

- **Discussion with Donald Saunders, representing William Ivey Long about the property on 10 Middlefield Rd. (the former Chester Elementary School)**

Donald began by explaining that they are working on emptying the building and had a semi-trailer last month come to move things to a rental house in Florida and this month another will move things to North Carolina. Donald hoped that by the end of the month everything would be removed but he commented that there were no promises. John stated that this has been over a year since it was decided the building would be transitioned back to town ownership. With the dissolution of the corporation there have been frustrating setbacks making us unable to move forward. Donald stated that the first attorney he spoke to Thomas, who is our Town Council Tom Mullen, Donald believed Tom misrepresented him and what they had spoken about. Donald stated that if he had signed the deed in lieu of foreclosure that it would leave the building with no liability policy and felt a personal obligation to take care of things the right way. Donald has been working with people in town as well as reached out to schools to donate and move the contents of the building and stated that no one wants out of the building more than he does. John commented that we need to do what is in the best interest of the town and if other residents had been this behind in their taxes would have been moved into foreclosure years ago. Mary Ann commented that everything has been turned over to the Tax Attorney Ron Berenson who Donald has spoken with, and we have the \$375.00 check to move things to land court and everyone is waiting on the results of the meeting tonight to move forward. Rich stated that the time is long passed and that they could have rented other storage and that they have a responsibility to the taxpayers. John agreed and thanked Donald for joining us and hoped that we could have this resolved.

The Select Board discussed with Donald the idea of renting two of the classrooms which had been brought to them previously. The decision was to allow the rental of rooms for storage at the rate of \$500.00 per room also requiring that they heat the building and keep it insured. Donald stated that they could no longer afford to do that and that they would not be allowed to continue to insure the building without ownership. Jason stated that they should be able to continue to carry insurance through a personal tenant liability policy. Donald stated that the heat is off and that the pipes have been drained. John asked how long, Donald answered that it has been this way since last year at this time. Donald explained that they used space heaters and air purifiers and that there was no mold in the building.

Mary Ann continued the conversation explaining that being assigned a docket in land court does not happen fast and that they are extremely behind in the court system. John commented that this could not sit unresolved. Rich agreed stating that they could have everything moved and suggested renting containers to hold the building contents so that the property can be turned over as agreed. Rich suggested making a deadline that everything

should be moved by. Donald stated that they could not afford to rent storage space but a version of that was happening as now the places that their items have been donated to now have the opportunity and can afford to pick everything up. Donald explained that their industry was decimated during the Covid-19 pandemic and stated that he understood the town has been beyond generous with time that they were trying to do this the right way.

Before closing Donald stated that he was unable to locate any older tax bills for the property only had documents in quick books but no formal documentation. He stated that he only wanted this so that their Accountant had documentation and thought sooner or later the IRS would be involved and they may need to provide them with this documentation as well. Mary Ann stated that Ron the Tax Attorney has everything and that he should reach out to him. Donald stated that there are several racks that they are still looking to get rid of and asked if he was allowed to post on the Chester Facebook forum that this is available or if he needed a permit. Jason answered that he needed a five dollar per day tag sale permit if they would be selling any of the items but if it was going to be free, he did not need a permit. Donald stated that he understood that someone had purchased the old Inn which was formerly owned by William Ivey Long and that there are two sinks that are being stored in the old school and wanted to know if they would be interested in them. Kathe told Donald that she would put him in touch with the new owner by email.

Before moving to the next item on the agenda Highway Foreman Carl Baldasaro had an update on roads for us. Carl discussed that with the approved funding to work on the damage that resulted from the rainstorms in July they have been able to replace the collapsed culvert on Skyline Trail. Carl stated that he should have met with Palmer Paving today but they did not show up. He discussed that Crane, Maynard Hill, Lyman, East River, and Lion Hill Road have all been fixed and that they were on Abbott Hill today rebuilding a shoulder. He told us that Bolduc Mechanical Services donated gravel that was blasted when the cell tower was put in at their property. Carl stated that the goal is to have Skyline paved where the culvert was replaced as well as the section of Bromley that is a problem along with Johnson Hill where there is a collapsed culvert if the culvert is replaced. Carl stated that the International and Freightliner were both finally repaired, and the mower is currently working as well. He explained the mower has a worn valve body, so the controls are backwards. The Highway Department will be borrowing a hot box from Southampton to work on potholes this week. John asked if Carl had spoken to our Primary Water Operator Bernie St. Martin about a possible water leak on Prospect Street. Carl explained that the resident who informed them of the possible leak was told to contact Bernie so he could be shown the problem. Carl and John both explained and agreed that the Highway Department is not responsible for water lines, and they also do not have all the proper equipment to do that kind of work. Carl expressed that they do not have the time to do this and making time only ensures that he will have to sacrifice his attention elsewhere. Kathe told him that if going forward with any of the work he used any contractors that would be new to us that he gets a certificate of insurance from them. Jason asked if there were any other equipment issues. Carl answered that the Ford was at the Marcotte dealership he stated that ever since the truck was purchased it does not handle the load that it should. He explained this to Marcotte, and they stated that they will replace the springs to an upgraded version at no additional charge. Jason asked if all the plows and sanders were ready, Carl

answered that they were. Rich asked Carl if he had looked at the stop sign that is at the intersection of Bromley and East River Road, the sign blinks but has stopped working. Carl answered that there had been a motor vehicle accident that damaged the sign, and it was submitted to insurance.

Jason asked if there had been any work done on creating a spreadsheet to post on the website for the Highway Department to display projects that they are working on which has been previously discussed. Carl had a document that he had used for this meeting which was emailed to him by Jill. Jill stated that it was a form that she had found amongst paperwork and had been used by a prior Highway Superintendent. Jason stated that he would like something on the website that could be edited regularly such as using google docs. Jill stated that she thought this should be kept very simple to ensure that when the Highway Department is out working, they can get work accomplished and are not followed to the expected location of the day by residents. Before closing Meredyth Babcock commented that if we will be working with any new contractors to ensure that we are getting clean fill brought in, she stated that there should be a strongly worded clause in any contract about this to ensure the fill will not bring in any invasive species.

- **Discussion with Board of Health about residents' concerns for COA to resume to full activities.**

At the last Select Board meeting on October 25th Kathe brought to our attention that she had been informed by Liz that there were some people who felt that Kathe was discriminating against them by stating that they should not resume activities in the COA room. They felt that because Tae Kwon Do has resumed in the auditorium that there should be no issue. Kathe explained that with the rise in Covid cases her suggestion was that they wait until January 1st after the holidays to reevaluate. Kathe also suggested using an alternative venue because food is prepared in the COA room for the lunches that are distributed. John stated that although Tae Kwon Do has resumed it is held in the auditorium in a much larger space than the COA room and asked Liz what her opinion and recommendation was. Liz stated that she had received a message from a resident stating that the Board of Health had shut down the COA which she explained was untrue. She stated that they encouraged any and all activities. Liz told us that the Board of Health met last week on Friday the 5th to discuss face coverings. The decision that they came to was, due to the rise in cases they suggested requiring face coverings within town buildings to anyone who is unvaccinated. John asked if they were just strongly recommending masks and not closing the building, Liz answered that was correct. Duane commented that at the meeting what they decided it should be stated as, anyone in town buildings must wear a mask if they are unvaccinated, Liz stated that was correct. She stated that even fully vaccinated people are catching Covid, and we should be cautious.

Bob commented that this was a valid reason why the COA should not have open use to prevent cross contamination when preparing the food. The Town Hall is now open Monday to Thursday from 9:00 AM to 3:00 PM and the auditorium could be available if anyone would like to use it. John and Jason agreed that they had no problem allowing use of the auditorium. Rich asked Liz what the trend in Covid cases was over the past month. Liz stated that there have been five or six new cases every week for the past few weeks which is an upward trend. Rich stated that with that information we should air on the side of caution as we are going on people's word that they are vaccinated. Kathe commented that allowing the use of the

auditorium we would need to ensure that the room was available, and people would need to be out on Tuesday and Thursdays by 4:00 PM for the Tae Kwon Do classes.

- **Discussion and possible vote to sell land owned by the town to Mass Fish and Wildlife subject to title search and easement of hiking trails to Highlands Footpath. This lot is located off Middlefield Rd., a 125 acre parcel Map 406, Lot 4.**

Andy and Meredyth were with us to discuss Mass Fish and Wildlife purchasing a piece of property. John stated that this particular piece of land has been in question for years. Andy had a handout of the parcel information that he distributed to the Select Board. Parcel four has 125 acres, five has a little over nine acres, and six has fifty-five. The assessed value for parcel four was \$155,000.00 but the new values are much higher. Prior to selling the property Highlands Footpath would like an easement placed for this property so that a hiking trail can be created to connect the Gobble Mountain Trail and the Keystone Arch Bridge Trail. Andy explained that the property previously was thought to be under the ownership of J&J Timber which has since dissolved but there was not a clear title. Andy stated that they were looking at parcels four, five, and six, four has the cleanest title while five and six have some questions prior to 1933. He stated that this needs to be cleared by an attorney before it can be purchased. In 1997 Tri-County land and trust was billed and paid the taxes and in 2009 when J&J Timber was dissolved it was attempted to be sold to Mass Fish and Wildlife who searched the deed and found that they did not own the property in fact it was owned by the town.

Andy has contacted an attorney who is going to do a title search as well as draw up the easement. He explained that the reason for the easement is that Mass Fish and Wildlife does not condone trails on their property but with the easement they will be required to honor the existing trails. What they were asking the Select Board for tonight was to sign the statement indicating that the town will sell the property pending a clear title with an easement. John stated that this has been discussed before and the land is not doing the town any good and asked if Mass Fish and Wildlife agreed with the new assessed value. Andy stated that this could be negotiated. Jason asked if Mass Fish and Wildlife had any conditions for the property. Meredyth answered that the easement was in hopes of connecting the trails and additionally purchasing the property ensured protection of water shed lands. Bob asked the distance and where this was in relation to our water plant, Andy answered that it was on the other side of the mountain. Meredyth commented that before the transfer of ownership we should specify any parking wanted. Rich commented that he thought this was the largest intact wilderness in the state. Meredyth stated that he was correct it was the largest rural wilderness in Massachusetts. John stated that selling the property they would most likely do a sealed bid auction. They would have the offer from Mass Fish and Wildlife and if no one matches their offer it will be sold to them.

Jason made the motion to sign the statement that the town would sell the property in questions contingent on a title search with an easement, Rich 2nd, all voted Aye.

- **Continued discussion with Water Commissioners about the ACO from DEP.**

Lyle opened the discussion stating that they are working there way thorough the ACO and are working on the contracts for consultants they are looking at. They are currently in discussions with Dr. Gullick from Water Compliance Solutions as well as Tighe and Bond out of Westfield. They would like to consult with Dr. Gullick for assistance with the ACO as well as the initial sampling that will be done by Housatonic Testing, the initial calibration by Berlin

Instruments, and to review the sampling results. The fee for Dr. Gullick is \$175.00 per hour or a \$7,000.00 per month cap. John asked if they anticipated how much they would spend or need for Dr. Gullick. Lyle answered that they felt a few hours for the ACO and then it would depend. John suggested that they keep Dr. Gullick focused because with the cost it could get expensive, he also advised that the Water Commissioners deal with DEP and Dr. Gullick does not have direct contact. Lyle agreed and stated that they would represent themselves. Jason stated that ARPA funds could be authorized for use and that they could set a dollar amount that will be designated and could be discussed again when they reach the limit. Jason suggested allocating the equivalent of seventeen to eighteen hours of work and asked if Lyle believed that was reasonable. Lyle answered that it was and would help them get through the first few steps. Jason made the motion to authorize \$3,000.00 be used from the ARPA funds for tasks recommended by the Water Commissioners, John 2nd, all voted Aye.

- **Town Administrator Update:**

- *Update on the Main St. and Blandford Rd. bridges.*

Kathe discussed that she has been investigating getting the Main Street and Blandford Road bridges repaired and looking at the state engineers list which she has since been told to speak with someone at state level. After speaking with them we received a letter in the mail discussing the Blandford Rd. bridge and that it has been placed on the state's list to be accomplished by 2050. With that in mind she informed us that the state is in the process of re-doing all of Route 20 and that they would not complete the section of road through Chester without fixing that bridge. Kathe stated that she would reach out to Francisca Hemming the District #1 Highway Director and ask who we need to call to be put on the list for the Main Street bridge. John stated that was a good idea but to also reach out to State Representative Smitty Pignatelli and mention that this is the John Olver Memorial Bridge. Andy commented that he understood there was not enough funds to repair the bridge ourselves, but could we have the engineering plans done so that we could be first in line when the infrastructure bill is put in place.

Kathe also brought up the idea of doing some logging at the water plant which has been an ongoing discussion. At the last meeting that this was discussed she was asked to get quotes from a few foresters. When she spoke with a forester for Lashway Lumber they suggested that it be put out to bid. John stated that he was fine with that considering the current price of lumber. Jason asked if we had an official tree warden, John answered that it should be the Highway Department. Jason asked what the acreage was John estimated at 1,100 acres.

Kathe stated that the glass for the doors on the COA have been installed and she would be reaching out to Martino Glass about having that installed in the Police Department door as well. She stated that there is also an issue with a mouse downstairs in the COA room and that she has called Orkin pest control about and is planned to meet with them this week on Thursday morning. She let us know that she has also asked Carl to put together a list of the unmaintained roads for the winter that we can post to the town website.

- **Public Comments and Questions:**

Jason asked Kathe where we were with the scholarship account that has been discussed. Kathe answered that everything is all set and that the bank is working with the Treasurer to finalize the account. Jason asked if we had invited the landlord of the library

building, Hilltown CDC, to a meeting to discuss the discrepancies with the lease. Kathe stated that she would for our next meeting on the 22nd. Jason discussed the meetings that he conducted about ideas for how to spend ARPA funds. He stated that the general ideas consisted of allocating money to water and roads. Jason researched if the funds could be used in relation to the storm damage, he stated that Massachusetts states that we could but federally it is not clear. Other suggestions were a thank you event for first responders as well as back pay during the state of emergency. There was also the suggestion of technology upgrades in the Town Hall and phone upgrades for East River Road. Kathe stated that she had been in contact with Comcast and asked for a report of what is left in town to be built out with them. Jason stated that after eight years with the School Committee he was able to have everyone agree that there should be no fees associated with the use of fields for sports, GYAA, booster, or rec. Jason explained that the reports for the energy audit that was performed at the Town Hall and Fire Station would be in this week. They will be installing devices at both locations that track usage for thirty days. Kathe asked if these would monitor lights as well, Jason answered yes, any energy used. Jason has drafted his letter to PVPC regarding the issues with the solar installation at the Town Garage. He will include two quotes one from Elm Electric and the other from I.T.S. Electric. Elm's quote was for \$8,700.00 and I.T.S. for \$13,000.00 and I.T.S. stated that the quote was only good for one week due to cost of materials.

Another suggestion that came from the ARPA meetings was to have a recorded line that people could call for notification of things going on in town within the Highway Department as an example. He stated that it was expressed that some residents do not have access to the website or knowledge to navigate it if we decided to put the working document for the Highway Department on the website. If they do not have access, how will they know this information. Jason believed that this could be something updated with the web document once per week by the Highway Department Admin Assistant. Kathe stated that is a lot of extra work, Jill commenting that people can show up in this room when they have questions or concerns.

Jason discussed that Chief Weidhaas had inquired about using some of the ARPA funds, but he did not believe that the request would be related to anything that would allow for use of the ARPA funds. Kathe and Jill commented that Chief Weidhaas has been working on a few grants and believe she applied to have tasers purchased as well as vests for the officers. Kathe also mentioned a grant that will be covering a defibrillator purchase for the Police Department. John commented that she should also look into STOP grants. Kathe mentioned that she will be scheduling to meet with the interim Town Administrator in Blandford to review the shared police agreement.

This evening was planned to be the tax classification hearing with Harald Scheid from our assessing firm RRG as well as the Accountant and Treasurer. Jason stated that when we were confirming the meeting RRG claimed that they were unaware of the meeting date. However, at the Select Board meeting on September 20th the meeting date was decided to be November 1st, the next meeting with them on October 18th RRG and our Accounting Firm agreed that they would appreciate extra time. It was decided at the Select Board meeting on October 18th that the tax classification hearing date would be moved from November 1st to November 8th. Jason suggested that we reschedule this for the meeting on November 22nd. Kathe stated that there was a Finance Team meeting on Wednesday with our Accountant and Treasurer so this could be discussed. To her understanding they have completed reconciling the

cash books. She asked the Select Board if they would like to be included in the remote finance meeting on Wednesday which is from 1:00 pm – 2:00 pm, Jason answered that he would.

Rich asked if Chief Weidhaas had met with the Finance Committee's from Chester and Blandford to discuss her budget. Andy stated that she had not met with them but was unsure if she had met with Blandford. Andy commented that increasing the budget needs to be discussed with the possibility of using free cash to pay for unexpected bills. Jason asked if there was any luck with filling the Moderator position, Kathe answered no. Rich stated that it was great that the school is going to drop any fees for using the field but hoped with the amount of work that has been put into the Emery St. ballfield it would continue to be utilized. Jason commented that he hoped so as well.

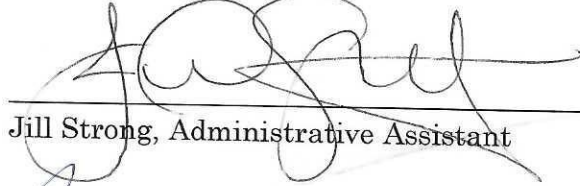
Andy stated that he and his wife went to the Annual Meeting for the Littleville Fair and they were informed that this coming year will be the 100th anniversary. He hoped that there was something that the town could do and would help promote this milestone. Jason commented that they have made great improvements to the buildings and the grounds. There was an idea of having something at Chester on Track to promote the fair.

Bob asked about the old Chester Elementary School that we discussed previously in the meeting. He was concerned that there has not been heat in the building since last year and the lack of insurance on the building. Mary Ann commented that with the building still in the possession of William Ivey Long there is nothing we can do, and we can not force them to carry insurance. Kathe commented that she had spoke with our insurance representative from MIIA about insurance on the building and he could not give a quote until we own the building. However, stated that with an unoccupied building the insurance would be greater than occupied and estimated anywhere from ten to thirty thousand dollars. Bob reminded everyone that the COA will be hosting a Veteran's Day luncheon on Veteran's Day Thursday the 11th. The luncheon will be held at the Chester Common Table, they have fifty-one meals planned forty of those people will be in attendance and the rest of the meals will be delivered. He hoped the event would reoccur annually and invited the Select Board to attend. Bob asked if the COA would be able to borrow the American flag that is in the Town Hall to display, the Select Board answered that they could. Before closing Jessica as a member of the Chester Foundation for the Chester Railway Station mentioned that they are looking for volunteers for Chester on Track for this coming year.

Jason made the motion to adjourn, John 2nd, all voted Aye.

Meeting adjourned 8:13 PM.

Respectfully Submitted



Jill Strong, Administrative Assistant

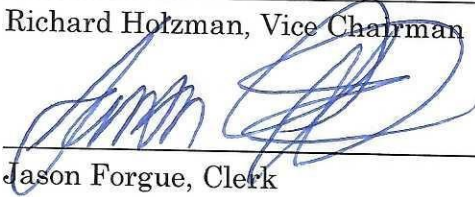
11/17/21
Date Signed



John Baldasaro, Chairman

11/22/21
Date Signed

Richard Holzman, Vice Chairman



Jason Forgue, Clerk

Date Signed

11/22/21
Date Signed

