

Town of Sandisfield

Select Board

Minutes for Select Board meeting held on Monday, October 16, 2023 at 6:30PM at the Town Hall, 66 Sandisfield Road, Sandisfield, MA

Members present: Steve Seddon, John Field, Robert Fedell, Jonathan Sylbert

Participants: Barbara Cormier, Larry Dwyer, Jeff Bye, Robert Platt, Willard Platt, Don Baumer, Rob Akroyd, Kurt Will, Douglas Miner (remote)

1. Call to order: Note that the meeting is being recorded

2. Verizon Pole Public Hearing, New Hartford Rd

Don Baumer reviews the plans for the new pole that will bring service to a home on New Hartford Rd.

A motion was made, seconded and so voted to approve pole installation by Verizon

Steve Seddon	Aye
John Field	Aye
Robert Fedell	Aye

John Field reports that there are nine double poles around Sandisfield that have been ready to be removed for 18 months, noting that they are supposed to be removed within six months according to MGL. Don explains N-Star is responsible for pole removal and confirms he will contact the company to remind them of their obligations. John will get Don a list of all the double pole locations.

3. Special Permit Hearing, South Branch Farm LLC, 40 Viets Rd – Continued

Steve reviews the Special Permit Hearing Notice, noting that Rob Akroyd, the designer for the project, should have reviewed the Select Board feedback with his client to see if they would consider removing the front porch from the plans to avoid an increase in nonconformity.

Rob would like to open a dialogue as to whether the increase to nonconformity in this instance would be detrimental to the Town in any way, as he does not believe it would. Steve notes that while the Sandisfield Bylaws allow special permits to be granted to homes already in nonconformity, an increase to nonconformity in any circumstance is not allowed. He references a special permit that was granted earlier in the year, as they were permitted to extend the house, but could not encroach on the nonconforming line

that had already been established. Steve goes on to note that he is not in a position to allow an applicant to get around these rules because they are on a road with no other houses around it.

Kurt Will, the special permit applicant, repeats his proposition from last week's meeting, offering the Town some of the frontage on his property across the street to move the road in order to gain more frontage on the property his home is on. Once the frontage increases, the setback won't be a problem, and Kurt offers to pay the surveying and legal costs for this project. Steve explains this is beyond the scope of the special permit.

A motion was made, seconded and so voted to close the Special Permit Public Hearing

Steve Seddon	Aye
John Field	Aye
Robert Fedell	Aye

Rob Akroyd and Kurt Will exercise their right to withdraw their Special Permit without prejudice. They may present another application to the Board at another time.

4. STM Warrant Articles and Meeting Date

The Special Town Meeting will include the following articles:

- Appropriate monies from General Stabilization to pay prior fiscal year bills
- Transfer \$2,500.00 from Emergency Management Expenses account to Emergency Management Grant to cover the cost of unreimbursed expenses
- Appropriate \$7,500 from General Stabilization to the Reserve Fund to pay for FY24 unforeseen legal expenses
- Appropriate the sum of \$10,000 from General Stabilization to the Voc-Tech account to pay for FY24 student transportation expenses
- Appropriate the sum of \$150,332.75 to be released from overlay to reduce the Tax Levy for Fiscal Year 2024

There is discussion whether to transfer monies into the Highway Salaries account to cover the cost of increases in hourly wage rates. If the Select Board does not put this item on the warrant, they can do interdepartmental transfers in May if need be.

There is confusion whether an encumbrance was done at the end of FY23 to cover the cost of a laptop for the Planning Board. The current FY24 expense reports do not reflect the correct balance, as it does not seem like the money from FY23 rolled over into FY24 as planned. Jonathan will confirm with the Accountant whether the encumbrance was

done properly. Should there be an issue the Select Board agrees to include transferring \$800.00 into the Planning Board expense account on the STM warrant.

The Select Board agrees to hold the STM on November 10, 2023.

5. Town Manager Updates/Project List

6. Select Board Updates

7. Future Agenda Items

- Sign STM Warrant on 10/24

8. Topics Not Anticipated

John Field reports he spoke with the State Trooper who confirmed that an investigation cannot be done on the totaled Fire Department tanker because the Town lost custody of the tanker and investigation cannot be pursued further after the broken custody because it's a municipality. The Town lost custody because A&M Auto collected the truck the day following the accident and moved it to private property. Should the tanker have stayed at R&W's after being towed there, the tanker would have automatically been inspected by the State. John notes that R&W's confirmed that the Fire Department went to the auto shop in an attempt to take custody of the vehicle the night of the accident.

John later spoke to the retired truck team sergeant, previous boss to the current sergeant, who also confirmed the tanker accident could not be investigated. John reached out to Quality Fleet Service in an attempt to find a third party investigator, but they declined again citing the broken chain of custody. Bay Road Inspection will not investigate either because of the custody issue and the owner of the vehicle will need to be present, which is Ralph Morrison. John recommends the Select Board release the tanker to the insurance company because he believes a storage fee is being charged daily to A&M Auto. John and Steve suggest establishing a policy for chain of custody. The Select Board will schedule an Executive Session to review these issues further with Town Counsel.

Robert Fedell reports that he was made aware that there had been multiple lapses in inspections for the public safety vehicles over the course of many years. He is looking further into this to determine whether it's a serious public safety issue.

Barbara Cormier explains the Planning Board has been working on creating a tenting bylaw. They have now missed the deadline to hold a public hearing and have it included

on the STM warrant. She questions whether a resident can acquire a special permit to have tent camping on their property since there is no bylaw prohibiting it. Steve confirms a special permit application can be filed.

9. Public Comment

10. Review and vote to approve minutes of meetings

11. Review and sign purchase orders, warrants, and mail

12. Adjourn Meeting

Meeting adjourned at 7:33pm

Steve Seddon

John Field

Robert Fedell