

Town of Colrain
Select Board Meeting
Highway Garage
9 Jacksonville Road
4:30 P.M.

MINUTES OF OCTOBER 12, 2021

Present Joe Kurland, Mike Slowinski, Thom Griffin

Others Present Mary Parsons; Jane Johnson; Gail Johnston; Ben Eastman; Mark Scranton; Roxie Spencer; Patricia Roehl; J. Michael Roehl; Sue Booth-Daniels; Jonathan Lagreze; Jeff Blake, Town Counsel; Huggens Lafond, Drudys Ledbetter, Quan Tran, Ji Nguyen, and Nattonigo Loreen of Flower Xpress; Peter Brooks, Energy Committee; Shawn Kimberly, Building Inspector; Betsy Shuipis, Administrative Assistant; Kevin Fox, Town Administrator.

The meeting was called to order by Joe Kurland, Chair, at 4:30 p.m.

Appointments Jeffrey Blake, Town Counsel, KP Law, Zoning/General Bylaws

Attorney Blake discussed interpretations of the town's general bylaw and zoning bylaw regarding the storage of junk outside and dangerous buildings. The Zoning and General Bylaws may seem to contradict themselves and, therefore, be unenforceable. The court rules that all bylaws, all regulations, are valid and have to be read in harmony.

Dangerous Buildings - There are three different boards/building inspector who can address dangerous buildings.

Select Board

Under Ch. 139, Sec. 3, the Select Board can declare a building dangerous and order its disposition, including demolition, fencing off, making safe. The Select Board would provide notice to the property owner, hold a hearing where testimony is heard from the building inspector and/or the Board of Health. The Select Board can then find it a dangerous building and order its disposition from fencing to boarding and securing to demolition, giving the owner a date to comply with. In the event it is complied with, the Select Board can make the building safe, including demolition. But before this step, in all cases, Mr. Blake recommends going before the housing court and getting a court order allowing the Town to demolish. This is a relatively quick process that typically takes a month.

Board of Health

The Board of Health (BoFH) has broad ability to abate nuisances in town, including dangerous buildings. Under General Laws, Ch. 111, Sec. 122, and the state sanitary code, the BoFH can issue an order to say this is a nuisance, abate that nuisance in a number of days, i.e., order to fence off the property, order to board and secure a property, or demolition of a property. A health agent would issues an order. A hearing would be held before the BoFH. If the property owner appeals that order or doesn't appeal, the town can move forward in the housing court to enforce that order. These properties that are a nuisance and a danger are usually vacant. If you have an occupied dwelling unfit/unsafe for habitation, the Board of Health can condemn a property (Condemnation Statute). In the case of an occupied home, if the BoH believes there's a condition inside a home that would be an unreasonable risk to the public (persons living in the dwelling), the BoFH could get an administrative (search) warrant to do an inspection.

The Back Forty

These bylaws are designed so that when we drive by we do not see a junkyard. If junk is shielded from public view in the "back forty", they are meeting the spirit of the laws. But if the back forty is harboring many junk vehicles with pollutants, mosquitos, or rodents, it is a Board of Health matter. It is a matter for the Conservation Commission, as well, if near a water source.

Building Inspector

The building inspector can declare a building dangerous or a nuisance, can order their disposition (board and secure, make safe by a fence or demolish). If the order is not complied with in a certain (short) amount of time, then the building inspector can convene a Board of Survey (an engineer, a surveyor and a disinterested person) and together they make a report. The building inspector can then go to court and ask the court to force the order. Under Ch. 139 Sec. 3A, the Town could take these costs and put them on a tax bill. If the owner fails to pay, the Town could do a tax title taking. Please note: The Board of Selectmen process is typically quicker than the Board of Survey process.

Questions

1. To be dangerous, a building needs to be structurally unsafe, open to the weather, and abandoned, but what exactly does abandoned mean, that taxes aren't being paid? Abandoned generally means that no one is living there.
2. How to handle a building that has been demolished, but the demolition was never removed. This would be a nuisance and best handled by the Board of Health.
3. A shed falling over into itself? All three enforcers can take care of this – dangerous building, nuisance and injurious to the public health. Of the three, the building inspector's process is most cumbersome because they have to use a Board of Survey.

The first resort should be a letter offering help and giving the owner time to rectify the problem. Also, enforcement actions start with a complaint, which should be addressed in writing to the Select Board, but delivered to the town administrator.

Special Permit

The Select Board is allowed to limit the number of special permits, set conditions on a special permit depending on the situation, and deny a special permit. When you issue a special permit, you must notify the abutters by certified mail, possibly put something in the paper, and charge a fee to cover the cost.

Unregistered vehicles

Typically, letters would be sent only to the offenders, not all residents, specifically stating the problem with the property, including the zoning bylaw. It would say they are in violation of stated law and hereby ordered to bring into compliance in X amount of days. If they don't comply then they'd get a Town Counsel letter with another deadline to comply. Attorney Blake can send a template to the town administrator.

Colrain Energy Committee, Green Communities Grant Opportunities

Peter Brooks spoke about some options to spend the Green Communities money. On the list of approved items: the town offices' heat pumps and lighting will be installed this winter, as will insulating the back wall of the Town Garage. In the future some options are: installing a hot water heater in the fire department. The cost is \$500, the savings is \$80/yr with payback in 6 years. Energy source would be electric. Another possibility is a day tank for an oil pump. This would cost \$3,900, saving \$318/yr for a 12-year payback. A third option is to add insulation to the town attic, which would cost \$1,700 with savings of \$67/yr resulting in a 26-year payback. Which of these three items would the board like the energy committee to pursue? Peter will talk with Chief Anzuoni about the hot water heater project, and, if he approves, go ahead with it.

Huggens Lafond and Drudys Ledbetter Representing Flower Express Re: Cultivation Host Agreement

Mr. Lafond handed out outlines of their plans and mission. Would like to reeducate people about cannabis and produce the highest quality cannabis using local resources. Their goal is to do a large outdoor cultivation with a small indoor cultivation at 270 Greenfield Road. They are applying for a Tier 11 license -- 100,000 sq. ft. canopy -- 90,000 outdoors and 10,000 indoors. They are applying for all 3 licenses--delivery, manufacturing, and cultivation. They've secured the lease, will schedule the

community outreach meeting, and sign a host agreement. The Town received a \$5,000 escrow. The Board advised to get the Broadband application done before the end of the month. Kevin will start the process and ask town counsel to draw up an agreement.

Tax Classification Hearing

The meeting opened 5:45.

The Assessor has recommended a single tax rate.

MOVED: Mike Slowinski moved to adopt a single tax rate as advised by the assessors.

Thom Griffin seconded. **Approved unanimously.**

The Tax Classification ended at 5:46 p.m.

New Business Request to Expend Funds from the Veteran’s Memorial Park Donation Fund

Thom Griffin made a motion to approve the request to expend funds from the Veteran’s Memorial Park Donation Fund. Mike Slowinski seconded. **Approved unanimously.**

Request to Appoint Betty Johnson and Emily Johnson to the Council on Aging

MOVED: Mike Slowinski moved to appoint Betty Johnson and Emily Johnson to the Council on Aging.

Thom Griffin seconded. **Approved unanimously.**

Chapter 90 Project Request, Heath Road Culvert over Taylor Brook

MOVED: Mike Slowinski moved that we sign the Chapter 90 Project for two culverts.

Thom Griffin seconded. **Approved unanimously.**

Old Business None

Unanticipated Sue Booth-Daniels Arthur A. Smith Covered Bridge Proposed Halloween Event

MOVED: Mike Slowinski moved to temporarily close the bridge and make it one way to accommodate the Haunting Halloween Covered Bridge drive through.

Thom Griffin seconded. **Voted unanimously.**

MOVED: Joe Kurland moved to dissolve the meeting at 6:45 p.m. Mike Slowinski seconded. **Approved unanimously.**

Town Administrator Updates

Respectfully submitted,

Betsy Shuipis
Administrative Assistant

Accepted by the Select Board

Joe Kurland - Chair

Mike Slowinski

Thom Griffin

Documents

Select Board Meeting Notes

Town of Colrain General Bylaws May 2013 sections pertaining to unregistered vehicles and junk

Colrain Veterans Memorial Committee request from Elaine Stanley of a down payment of \$2,625 to be paid to Ashfield Stone from the Veteran's account.

Invoice from Ashfield Stone Manufacturing LLC for \$5,250, for custom cut tablets dated 9/29/21

Email from Betty Johnson dated 9/29/21 asking to be appointing to the Council on Aging

Email from Emily Johnson dated 10/7/21 asking to be appointed to the Council on Aging

State Aid Program Project Request Chapter 90-Colrain-Health Rd dated 10/5/21

Gill Engineering Fee Proposal for Professional Engineering Services Heath Rd over Taylor Brook

Email from town coordinator to the Select Board dated 10/7/21 re: Arthur A. Smith Covered Bridge Policy