

Town of Brimfield
Board of Selectmen
Town Hall, 21 Main Street
Meeting Minutes – April 17, 2018

Present: Chair; Michael Miller, member; Paul Vandal, member; Michele-Lee Shea, member; Paul McCarthy, Vice Chair; Harold Leaming (absent).

Recording; Carol Camerota

Others: Fire Capt. Jim Donovan, Accountant; Marie Arsenault, COA; Eva Pittsinger, Cable; Bob Datz, Hitchcock Academy; Sue Gregory, ACO; Christian Petersen, Police Chief Kuss, Joe Ciesla.

Cable recording: S. Costa
(Miller) call to order at 6:30 p.m.

Payroll & Warrants:

Due to this being a Tuesday meeting payroll and warrants were previously signed by board.

Minutes:

Review and sign minutes of March 26, and April 9, 2018.

Motion #18-162: by (Shea) move to approve minutes of March 26, 2018, seconded by (Vandal), all in favor.

Motion #18-163: Correction: (Shea) recorded minutes. Motion to accept by (Shea) minutes of April 9, 2018, seconded by (Vandal), all in favor.

Review & Action:

J. Donovan - Municipal Hearings Officer training:

Fire and Building are in need of a Municipal Hearings Officer to issue violation tickets to frequent offenders. Currently only a warning can be given. The officer cannot be anyone on the fire department or building. J. Donovan has recommended to the board that Cynthia Poirier volunteered to take the training class.

Motion #18-164: by (McCarthy) move to accept J. Donovan's recommendation of Cynthia Poirier as the town's Municipal Hearings Officer, seconded by (Vandal), all in favor.

The town's audit for year ending June 30, 2017 has been completed. The board had no concerns and would like it put on the town's website.

Address questions on progress and sign Solitude Contract:

(Leaming) absent for this meeting. Table

Brimfield Winery (events) and Hitchcock Academy-Sip & Stars in August:

Hitchcock Academy along with Rapscaillon Brewery and Brimfield Winery would like to move their location this year of Sip & Stars to Brimfield Winery at 35 Main Street. The event will be held on August 8th from 6 to 10 p.m. Brimfield Winery already has their pouring license. The board was in favor and does not feel permission is needed for every event held at Brimfield Winery.

Cable Contract – B. Datz:

The board held a general discussion with B. Datz about Charter Cable. B. Datz told the board that residents do not have much of a choice of Cable Company or channels. The selection of channels and rates, except for the bottom tier is out of the regulatory power of the State. This has been the case for 30 years. Brimfield is within the Springfield francizes area. Without a federal waiver channels can't be changed back. (Miller) asked if the contract could be changed when it is due. Datz said the cable infrastructure would probably not feel Brimfield is worth it from a cost perspective.

J. Hopkins – Scooter rentals:

No show

Highway – Chapter 90 project request:

Request is for Brookfield Rd, St. Clair Rd, Dunhamtown Rd and Harnois Rd. Board signed.

Solar question:

Property owner J. Ciesla came before the board asking if there was a solar question on this year's ballot. Question #3 is a non-binding question from the Planning Board. (Shea) read aloud the question as it is printed in the Annual Town Meeting Warrant. He asked if the Selectmen vote to put the question on the ballot. The board approve the entire Warrant. The solar article on the Warrant is by petition.

Question 3:

This question is non-binding.

Does this Town favor presenting to Town Meeting an amendment to Section 7A of the Zoning Bylaw, currently entitled, "Large-Scale Ground Mounted Solar Photovoltaic Installations in the Business District", to delete reference to the Business District in the title and in Section 3.1, Lot Requirements, and to increase the lot size requirement from 5 acres to 15 acres, so that large-scale ground mounted solar photovoltaic installations could be located anywhere in Town on lots of 15 or more acres, provided that any other applicable Zoning Bylaw requirements must also be satisfied?

Motion #18-165: by (McCarthy) move to accept question #3, nonbinding ballot question, seconded by (Shea), all in favor.

Review of Tri Town Food Pantry budget:

E. Pittsinger came before the board to report on the Tri Town Food Pantry budget and meeting from March. (Miller) would like to request an audit from J. Mazik at PVPC for the pantry. Currently Wales is handling any earmarked funds from PVPC. \$20,000 earmarked for a driver is now being used for other things such as the director and food.

E. Pittsinger responded that PVPC would only be interested in the Grant funds. The numbers still don't add up and it could just be bad record keeping. She will continue to report back to the board. She also added that the questions and articles in the Warrant were confusing. Town Counsel will help explain at the ATM.

Review estimate for energy efficient lighting for Town Hall Annex:

LED lights in the Annex would help the energy cost to the town. Savings to the town was not included in this quote. Table for further information.

Quote for license for town server:

A quote of \$1,840 was brought to the board's attention. This is a server update necessary to keep programs running for the Tax Collector and Assessors. IT just needs an ok to proceed. (McCarthy) will be meeting for town hall computer assessment with Akuity Technologies the beginning of May.

Annual Common Victualler Licenses:

Motion #18-166: by (Shea) move to accept annual Common Victualler Licenses as listed below for

Jen's Snack Shack, Jenifer Mahitka, Monson, MA
R & L Concessions, Randall Vale, Port Charlotte, FL
Sturbridge Coffee House, Pia Rogers, Sturbridge, MA
Wheelhouse Farm, Jake Mazar, Amherst, MA
Mr. Kielbaski, Tadeusz Czubaj, Worcester, MA
Egypt Country Store, Robert Newson, Scituate, MA
To the Queen's Taste, Dena Baker, Newton, MA
Chmura's Bakery Too, Jose Anselmo, Palmer, MA
Shane's Hot Dogs, Harold LeBouf, Gardner, MA
Goody's Kettle Corn, David Goulding, Bolton, MA
Press'n it, Alpha Culinary Creations, Millbury, MA
Request A Chef, Thomas Apgar, Tolland, CT
Landmark News Group, Woburn, MA
Tuk Tuk Thai, S. Lerdsidthichai, Woodside, NY
Ben & Jerry's, Kisco Ice Cream, Westfield, MA
Kettle Korn Hut, James, LeBlanc, Lake Worth, FL
Scottie's Good Food, Scott Surles, Walpole, NH
K & G Concessions, Karen Gumienny, Douglas, MA
Uncle Mitch's Munchies, James Candiano, Lawrence, MA

One Love Café, Venice Fouchard, Worcester, MA
Carnahan Concessions, Thomas Carnahan, Stormville, NY
Stockyard Barbeque, Robert Moore, Slingerlands, NY
Hot Shot Café, Gregg Szalay, Charlton, MA
Seconded by (McCarthy), all in favor.

Early Sales Vendor Permit:

Motion #18-167: by (McCarthy) move to approve early sales vendor permit for Vincent Trant, Vintage Vin Auction at Hertan's, seconded by (Shea), all in favor.

Comment was made about not having a bylaw for tent set up and take down.

*(Miller) called at Recess @ 7:32 p.m.
Back in session at 7:44 p.m.*

Review amended Warrant and sign:

Motion #18-168: by (Vandal) move to approve Article #26, seconded by (McCarthy), all in favor.

Motion #18-169: by (Shea) move to approve Question #1 and #2 as written below, seconded by (Vandal), all in favor.

Question 1:

Shall the Town of Brimfield be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to pay costs of designing, permitting, constructing and equipping new Town buildings and repairing, renovating and equipping existing Town-owned buildings, including, but not limited to, the Highway Department facility and the Public Safety complex, including the payment of all costs incidental and related thereto?

Question 2:

Shall the Town adopt the following by-law?

Summary: Massachusetts General Laws, Chapter 94G, Section 3 allows a town, through adoption of by-laws, to prohibit all or certain types of marijuana establishments from operating in that town. In a town such as Brimfield that voted "yes" on Question 4 at the November 8, 2016 State Election in favor of allowing adult use of marijuana and lawful operation of marijuana establishments, a ballot question is also required for such prohibition. In this case, the Zoning By-law amendment set forth below would prohibit marijuana establishments, as that term is defined in G.L. c.94G, §1, in the Town.

Zoning Bylaw Amendment:

Amend Section 3 of the Zoning Bylaws, by inserting a new paragraph in Section 3.1 prohibiting the operation of so-called "recreational" or "adult use" marijuana establishments in the Town of Brimfield, as follows.

Acknowledging the continued application of the preceding paragraph, consistent with the provisions of G.L. c.94G, §3(a)(2), all types of "marijuana establishments" (sometimes referred to as "recreational" or "non-medical" marijuana establishments), as defined in G.L. c.94G, §1 to include marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, and specifically excluding medical marijuana treatment centers, shall be prohibited within the Town of Brimfield.

Treasurer-Collector change from elected to appointed may go on the September primary election.

Old Business:

(McCarthy) informed the board that the Grant contract is in place that will be used for weatherization and lighting at the Elementary School.

Public Access:

None

Executive Session:

M.G.L. c. 30A, section 21(a)(1), Reasons for Convening Executive Session, to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual. Requested by Animal Control Officer

The Animal Control Officer's request for Executive Session has been rescinded and he has agreed to have this discussion in open session.

(Vandal) Made a public statement about disliking social media and the issues it creates. He asked the ACO to call people back because that was the biggest complaint he was hearing.

C. Petersen replied that he tries to be diligent and return calls but it doesn't always happen immediately. He is not on social media and would like the opportunity to defend himself before it ends up Facebook. (Miller) Agreed but also mentioned that positive things were said about C. Petersen.

(McCarthy) added that a social media policy should be looked at within the town for employees. The board concluded by saying most people don't understand what the job entails and that they support the position and the person in it. They would just like to get to the bottom of an issue.

(Miller) informed the public that plans for the Highway and Safety complex project were available for viewing at the Annex. There will be an open house at the Fire Department this Saturday at 10 a.m.

Chief Kuss wanted to comment on the Animal Control Officer who had just left. Last year 78 calls were received for animals. The budget should be increased and a backup or alternate should be considered. The Police Dept. is next in line for response. (McCarthy) asked if towns share ACOs. They do and most often are provided with a car. This allows for a quicker response. The position is difficult for one person to be available 24 hours.

(Miller) asked if officers get compensated for attending funerals for other officers. Chief Kuss replied that they are provided with a car and generally they refuse the pay.

New Business:

None

Motion #18-170: by (McCarthy) move to adjourn at 8:03 p.m., seconded by (Shea), all in favor.

Upcoming Meetings:

Board of Selectmen

April 30, 2018 @ 6:30 p.m.

Respectfully Submitted:

Carol Camerota

Recording: Carol Camerota

ACCEPTED: *Michael Miller* DATE: 4-30-18

Documents Utilized for this meeting

MATERIALS FOR BACKGROUND AND REFERENCE

1. Minutes of March 26, 2018
2. Audit report review for year ending June 30, 2017
3. Sip & Stars info
4. Common Victualler Licenses
5. Early Sales Permit
6. Annual Town Warrant
7. Tri Town Food Pantry budget
8. Documents related to ACO