

**Town of Deerfield
Board of Selectmen Minutes
March 3, 2011**

Present: Mark Gilmore, Carolyn Shores-Ness – Selectmen
Bernie Kubiak – Town Administrator
Absent: John Paciorek

Meeting was called to order at 7:15 PM

Minutes: No quorum to review

Public Comment: none

Selectmen's Comments: The Selectmen's Dinner will be April 7, 2011 at 5:30 PM in Whately and will be a buffet-style dinner. The topic will be "Best Practices for reoccurring municipal problems." John Robertson from MMA will present a budget update.

Ms. Ness said she wanted to thank Mary Stokarski. Due to her hard work there will be no increase in the Town's health insurance plan. A 3% increase was slated, but using a reimbursement plan through the Hampshire Trust, the increase was avoided. Mr. Kubiak added it should be noted that this included implementation of the Health Care Reform Act, which the 112th Congress is trying to undo.

Board of Health: Sing the birthday song and keep washing your hands. Wipe down surfaces like grocery store carts and door handles.

Capital Improvement Committee: Present – Thomas Clark, chair

Mr. Clark presented a list of capital requests for consideration.

Town Offices: \$12,175 – computer upgrades, \$5,000 – carpeting, \$12,000 for air conditioning.

Police: \$29,500 New Cruiser, and a note for the future that there is a DPH code warning on cells in the station

Highway: Replace John Deere Tractor (4 yr plan), replace Cat loader ('89) using \$125,000 of Chapter 90 funds, either repair or replace roof on salt shed

Transfer station: discussion of acceptable charge for sticker and bags, enough to meet cost, but not so much that people refuse to use and start dropping off trash curbside. Gilmore said Deerfield doesn't have user friendly dump. Recycling rate is going down.

EMS: setting aside \$25,000/ year toward a new ambulance, \$12,000 for a power stretcher

Elementary school: setting aside \$50,000 toward new roof, need to replace air conditioning compressor, replace front main doors, and possibly a generator

Mr. Clark's Final word was, "Don't forget the new highway garage."

Alcoholic Beverage Actions

Public Hearing: All Premise License

Present: Mark Fabry d/b/a 'Afterworks, LLC'

Notice of Hearing on all premise alcohol license
2A Elm Street, South Deerfield

Mr. Kubiak read the notice of a public hearing in accordance with the provisions of MGL 138, on a request for an all alcohol pouring license for 2A Elm Street to be held on March 3, 2011 at 7:45 PM.

Mr. Fabry (Afterworks, LLC) said he has been looking forward to having a place like this for years. He has previous experience as a bartender (off and on for 20 yrs); he presented his TIPS on premises certification and said he is aware of underage drinking concerns. He plans to have an ID machine similar to a credit card machine that reads the barcode on drivers licenses to check for possible under age persons. He presented a floor plan and talked about his plans to improve accessibility.

Ms. Ness spoke of the number of places where a lot of alcohol is served in a very condensed area and questioned the wisdom of adding another such establishment in the area. She said when she goes through downtown at night she sees a lot of people out. She feels there is a need for people to feel safe in the downtown and asked how he would run his establishment to prevent increasing a sense of unsafe conditions in the area. She wanted a written plan from him to show that he will be a good neighbor to the other businesses in downtown. Mr. Fabry said he wanted to make the place a little more modern, a little more safe than it used to be.

Mr. Gilmore thought the Board had to be careful about prejudging the plan. He felt Mr. Fabry was aware of the concerns. This proposal would fill an empty building which would be a positive thing. He said limited parking would be a challenge. He also noted that the Board does have control through the annual review process. He thought the request for a written plan was unfair.

Mr. Gilmore then opened the floor to persons in the audience who wished to speak for or against the proposal. A woman in the back of the room who identified herself as Tammy Balestracci said she was middle of the road on this matter, but she had concerns about the clientele who frequent the area. She said she's not real pleased with what she sees. She asked what other businesses Mr. Fabry runs. He said he has a small farm and does snowmobile repairs in Sunderland. Wes Dickinson said he knew Mr. Fabry and liked the way he manages his businesses.

Mr. Kubiak responded to a question from the Board regarding what assurances it could ask for, noting that conditions could be put on the license. Ms. Ness said she would like Mr. Fabry to articulate in writing a little more of his dream. Mr. Gilmore said if there really are the fears that are being voiced, then there needs to be some sort of intervention because one establishment isn't going to create or change this situation.

A motion was made by Ms. Ness, and seconded by Mr. Gilmore, to continue the hearing until 7:45 PM on March 16th, 2011. The vote was unanimous by all Board members present.

Continuation of Public Hearing on a change of Managers

Location: at Circle K, located at 1 Greenfield Road.

Present: Melissa Vigue, store manager
Tammy Pedie, marketing manager

Ms. Vigue said she had a BS degree in Physical Education, had tried teaching, and then moved on to managing a gas station in New Hampshire before becoming store manager at Circle K. Tammy Pedie holds a BS in Hotel Management. She worked in the area for 15 years, for Rice Oil, Irving, and now works as market manager for Circle K.

Ms. Petie said Circle K has a training program which is required of new employees prior to handling any sales. Training includes lottery sales, alcohol, and money laundering. She was asked if the reason there was a change of managers at this time was due to an incident involving sale of alcohol to a minor. She said it was not. The employee involved had been let go. Ms. Ness said that sting operations would continue to be held.

A motion was made by Ms. Ness, and seconded by Mr. Gilmore, and voted unanimously to close the hearing. A second motion by Ms. Ness, seconded by Mr. Gilmore, and unanimously voted was to approve the change of manager at Circle K.

Discussion/ Decision items:

One Day License: Mr. Gilmore made a motion, seconded by Ms. Ness, and unanimously voted to grant a one day wine and malt liquor license to the Trustees of Deerfield Academy.

Hampshire Power: Mr. Kubiak presented a request from Ken Elstein of Hampshire Power for an opportunity to make a presentation before the Board of its municipal electricity aggregation plan to provide power to the citizens at a reduced cost. The presentation would include a resolution that could appear on a Town Meeting Warrant.

Solar RFP: Mr. Kubiak provided copies of an RFP for a solar installation at the former landfill. He encouraged the Board to have a meeting to discuss this with Town Counsel. He suggested a Friday meeting be arranged. A possible date of March 11 at 1PM was suggested.

Coalition for Teens: A final alcohol related item was presented by Mr. Kubiak. The Coalition for Teens flyer was sent out to every organization that serves alcohol a few months ago. Mr. Kubiak would like to send another notice along with a letter from the Board as a reminder. Last year there were two instances of sales of alcohol to a minor, but none at places holding on-premise licenses. The Board thought this was a good idea.

Budgets: Mr. Kubiak said the Finance Committee is about half way through its review process. The Board will begin its review process at its meeting on March 16th.

The meeting adjourned at 8:34 PM.
Respectfully submitted,
Priscilla Phelps