

DEERFIELD BOARD OF SELECTMEN
Minutes
May 11, 2011

Meeting was called to order at 7:30 PM.

Present: Mark Gilmore, Carolyn Ness, Elizabeth Clarke

Minutes: Minutes of the April 13, 2011 meeting were approved as written in a motion made by Ms. Ness, seconded by Mr. Gilmore and unanimously voted. Ms. Clarke abstained, as she was not present at the meeting.

Public Comments: none

Selectmen's Comments / Announcements: Mr. Gilmore welcomed Ms. Clarke aboard.

Board of Health Comments: Ms. Ness said that just as washing hands is important so is checking yards for standing water that might be a breeding ground for mosquitos. Also, mowing a border around the yard will help to keep the migration of ticks down. Lyme disease is really epidemic right now. The tick needs to be on you about 24 hours before it passes on the disease; so check yourself and your children everyday. Mr. Gilmore added that keeping hands washed helps to prevent irritation of the eyes.

Hearings:

1. Hearing at 7:45 PM for change of managers at Chandler's Restaurant.
Present: Judy Kundle, Laurie MacDonald, Greg Monette

An application was presented for the approval of a change of managers for the all alcoholic license for Yankee Candle Corp. Greg Monette is the new manager at the restaurant. He has been involved with food service for quite some time.

Following discussion, a motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted to close the hearing. Ms. Ness then made a motion, seconded by Ms. Clarke, and unanimously voted to approve the change of manager at Chandler's restaurant.

2. Hearing - Energy Committee
Present: Amy Gazin-Schwartz, MA Swedlund, and Jay Stryker

Mr. Kubiak said the committee has been scrambling to meet Jim Barry's suggestion that an application be submitted by this Friday for the DOR's review on the Green Community stuff. Based upon the feedback, a final application will be prepared and submitted for the June date. Everyone seemed surprised by the request for the early submission.

Mr. Kubiak said the committee has established policies in three areas: street lights, fuel efficient vehicles, and idling for town vehicles.

Streetlights - Ms. Sherlund said she has been in communication with Ken Garber at WMECO regarding shutting off street lights at midnight. He said he needs to look into this further as no town has actually done it. She has learned that the utility bills by type of light, regardless of whether it's burned out or working. Deerfield spends \$45,000 per yr on street lights. There has never been a policy for deciding on installation of lights. WMECO has recently established one in which a new light has to be approved by selectmen. The Town's proposed policy adds that it must service at least 4 houses and be equipped with an energy saving lamp. 4000 lumen was picked

as a base. In the proposed policy the Highway Superintendent and Police Chief may request that the Board authorize a light for public safety reasons.

Now that the Town has an inventory of street lights, a protocol for removing lights can be developed. As a beginning of this process, lights are being located and visually reviewed. Ms. Swedlund said when this project is complete it will be possible to say, "We don't need this light and this is why." If an unneeded light is out, WMECO will remove it at no cost. Currently street lights are random and plentiful, there having been no policy for installation over the years. There is no consistency as to height or brightness of lights. Mr. Gilmore said lights are now on dusk to dawn monitors. He said they could be put on timers which can be managed by computers.

Mr. Gilmore commented about the format used for presenting the proposed policies. He would like them to begin by stating a purpose - why are we doing? He would also like to see them written in a positive manner rather than negative. Ex: This is what we're trying to achieve.

A motion was made by Ms. Ness, seconded by Ms. Clarke and unanimously voted to authorize the submission of the proposed policies on Friday as a draft for review.

In further discussion, Ms. Swedlund said a requirement for becoming a Green Community is to reduce energy consumption by 20% over five years using FY'09 as a baseline. What Siemens has done through ESCO made up about 12% of the 20%? A new roof and insulation on the school could be a big chunk of what is needed. The Town is setting aside money in anticipation of this project; it may not happen in the five year timeframe.(2014) Ms. Clarke asked if the Town had a contract for the roof project, would that be good enough to qualify. Ms. Swedlund said the School Committee wanted to be sure that the article voted at town meeting was broad enough to include the design as well as construction of the roof. An RFQ can be put out to get input on the project. There was discussion of possible sources of funds such as the MA School Building Authority. Ms. Swedlund is hopeful that by September what the job will be and what it will cost will be known.

3. Hearing – Property Erosion – Sand Gully Road

Present: Steve Pielock, his wife, and Jeff Kingsbury

Most of the people on the road moved in in the 1980- 1985 timeframe. For a number of years there were no signs of erosion. The road was a gravel road. Around 2000 the road was covered with oil and stone. The road was raised about 6" in the vicinity of Mr. Pielock's house. Since that time there has been erosion during rainstorms, creating a steep gully. Mr. Pielock has been filling in the area on his property with riprap, fill, and top soil. He said it is working. Property that abuts him, owned by the Old Deerfield Water Company has not received such attention.

Mr. Pielock wants to dump some riprap from the road to fill the area at the end of his property. Unfortunately, he cannot do this without going across the catch basin installed by the Town and in the process possibly destroying same. He asked if the Town would hire Weston & Sampson (W&S) to prepare a design for this project, but was advised that W&S works for the Town and cannot take on a project for a private individual. There are a number of firms in the area that could be consulted.

He then presented a petition from the residents of the street requesting the Town move forward with the last two recommendations from DEP in 2007, which were not specified. Mr. Gilmore said the recommendations need to be included in the petition. He further suggested that Mr. Pielock contact the Water District to see if there is access from that side. It is still necessary to go through the Conservation Commission. Mr. Gilmore said Pielock should then look at what it means in terms of all aspects of this in terms of dollars and cents because you're asking us to take on something the Town has no way of benchmarking. Mr. Kubiak read the report from Mr. McCullum (DEP) which basically suggested that the homeowner (Mr. Pielock) hire an engineer to assist him with his problem and that the Town has done what it should have done. Ms. Clarke said what the responsibility of the Town is versus the responsibility of the private property owner. She asked, if an engineer approves a plan

and there is access to implement it, would it solve the problem? Mr. Pielock said it would help, but he can't afford to do this. He thinks it was "piss poor" planning on the part of the Town when it just tarred the road. He'd like help with engineering.

Mr. Kubiak said he does not believe the Town can expend funds on a problem that is purely on private property. That's his opinion; and he could be wrong. Ms. Clarke said he could be wrong at the point that Pielock sued the Town for negligent design of the road and a trial court agreed that the causation of the problem was the construction. She said she thought it was in the Town's interest to work with Pielock to find a minimal, cost-effective solution.

Mr. Pielock asked about the washout that occurred on Deerfield River. He said the Town was fighting and loosing. How was that being funded? NRCS (National Resource Conservation Service), which is watershed protection. This began as an emergency project when flooding took out half of the road. Mr. Gilmore said the Town was fined for doing the necessary fix without getting the right permits. It took four years, dealing with eleven agencies.

Mr. Gilmore said that the Town had an engineering plan for paving Sand Gully Road. He noted there was no plan for people dumping grass, etc over the years along the road, allowing the erosion to occur without it being seen. The Town did not encourage the dumping. What it did was within the confines of what was permissible at the time that it was done. He also said the land currently owned by the Water District was given to the District by farmers because it was land that was going to erode. The Water District accepted it as a buffer for wells that it has further down the road.

Mr. Gilmore suggested Mr. Pielock make some phone calls to get cost estimates. It would be useful to get a statement from DEP that the area is no longer a wetland. Mr. Pielock would like a copy of the engineering report that was used by the Town. Ms. Ness said that the Town would like to work with Mr. Pielock, but it had some constraints.

Discussion/Decision Items:

Hampshire Power – The municipal aggregation proposal to permit homeowners to purchase power from Hampshire Power passed at town meeting. Mr. Kubiak had a letter for the Board to sign confirming this action. He presented the application form that will go to the Dept. of Public Utilities. Counsel has not reviewed the application; Mr. Kubiak said she will when DPU comes back with comments.

Ms. Clarke noted this is an application and asked if at some point there would be a contract. Mr. Kubiak said contracts would be between individuals and Hampshire Power. She would like to see a sample contract. She said education of townspeople would be important to make sure that they understand this is an optional opportunity and they can stay with WMECO (or other provider) if they wish. Mr. Kubiak said Hampshire Power has an obligation to make sure this happens.

Ms. Ness made a motion that the Board sign letter, Ms. Clarke seconded the motion. Signing the letter is endorsement of the application which will be moved forward. Mr. Kubiak requested signatures in blue.

HUD Consortium Agreement - A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted to authorize the Chair to sign the HUD Consortium Agreement. Mr. Kubiak said it would be a year before much happens.

One Day Liquor Licenses - Request from **Franklin Land Trust** for a one day liquor license and have the fees waived for the 5K race and D2R2 bike ride that will be held in August. Ms. Ness made a motion, seconded by Ms. Clarke to approve the request, including the waiver. Ms. Clarke asked about the context of liquor being served with a road race. Mr. Gilmore explained that following the event there is a farmfest type event. The fee includes a meal and a beverage. The vote was unanimous.

Request from Deerfield Academy for one day liquor license for May 24th for the reception of the Deerfield Club of New England. Ms. Ness made a motion, seconded by Ms. Clarke, and unanimously voted to approve the May 24th liquor license application.

Highway equipment/garage - A site needs to be found for inside storage of highway equipment. The owner of the building currently being used would like to sell it. The Board would like to find a site for the new garage. Ms. Clarke would like a list of all the properties owned by the Town. There is a new highway garage committee that exists but has not been very active. Mr. Gilmore would like a memo to go to the members to see who is interested in continuing to serve.

Endorse H1179 – Mr. Kubiak said some insurance companies pay the patient for ambulance service rather than the ambulance company. A problem is created when the patient transported doesn't pay that money to the ambulance service. This legislation requires the insurer to pay the ambulance company directly. A motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted to endorse the provisions of H1179. Mr. Kubiak will draft a letter of support.

No Parking on Albany Road – A motion was made, seconded, and unanimously voted to post no parking on Albany Rd on May 28 & 29.

Transfer Station - Ms. Clarke began the discussion by asking what should happen to things that don't go into the bags. Mr. Kubiak said the fee is \$5.00 for such things. Ms. Clarke said she was personally aware that there is a culture of friendliness at the Transfer Station that is costing the Town money (the attendant is busy chatting or otherwise occupied).

Site organization - Comment was made about containers being hauled away when only partially full. Mr. Kubiak suggested that Jan Ameen could be invited to reorganize the transfer station so that a second container can be added so that containers would be hauled when full, thus reducing hauling fees. Mr. Gilmore was in favor of this. There was conversation about compacting paper and cardboard to reduce hauling trips needed. Northfield has a compactor for paper and cardboard. This might be an idea worth further investigation.

Reduced fees - Currently, there is a discount available to persons over age 62, which amounts to a \$12,630 reduction in revenues. Mr. Kubiak questioned 62 as the qualifying age for senior discount. He also commented that giving a discount in a pay-as-you-throw program didn't make a lot of sense. Mr. Gilmore said there was a reason why the age of 62 was chosen and Mr. Kubiak should be able to find out what it was. Ms. Ness thought that the same people that applied for fuel assistance would be the same ones who might need the reduced fee. Mr. Gilmore suggested the Senior Center could help

Senior discount entitles a person to one package of bags. Mr. Kubiak is to be authorized to look into buying surplus bags from Sunderland. He will speak to Mary at the Senior Center about seniors with problems.

Mr. Gilmore had plenty to say about transfer station issues. For one thing increasing prices would mean more trash would appear along roadsides. He was appalled that instead of correcting efficiencies at the transfer station, the proposed solution was to raise fees. He called it going after the tail rather than the dog. He also noted Sunderland went to a pick-up service and claims that it solved its deficit problem, which he doubted.

Bulky items - Disposal fees for mattresses are \$25, which is the cost to the Town. There needs to be better enforcement of dumpster fees for bulky items. The minimum fee is \$5.00.

Late fee - To solve the free rider problem (people not getting new stickers), a late fee was instituted. Mr. Gilmore thought the fee of \$75.00 was a bit much. He said the late fee has been reduced to \$25.00, but the Town doesn't have a policy. Note was made that the combination of the Police Chief

sitting at the Transfer Station checking stickers and not permitting dumping by those without current stickers, plus the late fee has motivated more people to get their stickers in a timely fashion. Mr. Kubiak said he thinks everyone who has been surcharged has been in to see him.

Gilmore's motion, which was not seconded or acted on, was to:

- a. have Jan Ameen take a look at the dumping process and possibly redesign the site to improve use and enforcement;
- b. cut the bags to seniors to 1 package of bags;
- c. increase the mattress disposal fee to \$30.00;
- d. keep the fee for bulk items at \$5.00 (at the discretion of the attendant);
- e. require presentation of a vehicle registration at the time of purchase of sticker;
- f. late fee of \$25.00 ??

Mr. Kubiak asked if the Board was amenable with these things going into effect on May 16th. The Clerk's office would like to begin selling stickers.

A motion was made, seconded, and voted to adjourn at _____.

Respectfully submitted,
Priscilla Phelps