

**Board of Selectmen  
Minutes – June 22, 2011**

The meeting was called to order at 7:30 PM.

**Present:** Selectmen - Carolyn Shores-Ness, Elizabeth Clarke, and Mark Gilmore arrived late.  
Town Administrator – Bernie Kubiak

**Minutes:** A motion was made by Ms. Clarke, seconded by Ms. Ness, and voted to approve the minutes as corrected.

**Public Comments:** none

**Selectmen's Comments:** Ms. Ness reported that the Board is working on a **Hazardous Materials Mitigating Plan**. This includes natural hazards, chemical spills, train de-railing, tornados, hurricanes, etc. This process is conducted every five years in order to qualify for grants to fix things. It's a necessary document in order to be considered for FEMA grants. A draft will be put on the website for the public. A public hearing will also be held. Ms. Ness publicly thanked Marty Barrett (Principal at Frontier Regional School and Steve Barrett of the Conservation Commission) because they have been very helpful in attending meetings and in reviewing/updating the document. She said she hopes the plan will be ready for the next Board meeting.

A question was asked, if, as part of the plan, there is provision for a horn or some device for sounding in the event of a tornado. Ms. Ness said that since Deerfield is outside of the ten mile zone, associated with the nuclear plan, the Town has not installed a sounding device that could be used for this purpose. However, she said, investigation is being made into installing a system similar to reverse 911, possibly CTY or Code Red, which are similar to CTYed used by the school. Mr. Gilmore has suggested this can be done for about \$2.00 per household. Homeland Security is very much in favor of towns installing such systems.

Mr. Kubiak reported that the Police Department has access to a missing child service which is a free service out of Florida. He thought this system could be used. He also noted that some of the systems do not include cell phones. Others do allow persons with cell phones (and no land line) to opt in. Ms. Ness said Homeland Security would pay for start-up the first year. [At this point Mr. Gilmore joined the meeting.]

**Board of Health Comment:** Ms. Ness reminded that due to the wet, damp weather, yards need to be checked for standing water where mosquitoes can breed. Check for ticks on a regular basis.

**Concrete Garage:** Present - Vern Harrington

Mr. Harrington was present to express his interest in a building on Coates Avenue owned by the Town. He is an abutter and is interested in purchasing the building for his growing business. Ms. Clarke said she understood the Town was using the building for storage of equipment. She asked if there might be some way to arrange for temporary storage, so that the building could be sold, getting it back on the tax roles. Mr. Harrington said there is a sprayer and a boat in the building; other than that, the building is empty. Mr. Gilmore said he was more concerned about storage in the winter when there's everything from wheelchairs to pick-up trucks stored in the building, including the grader.

Ms. Clarke asked how much the Town was saving by continuing to use the building rather than putting it on the market. Reminding that she's going to keep pushing to get the garage built, she said, "We have a building we're using temporarily, we have at least one interested buyer. Can we find a way to move this along?"

Mr. Gilmore shrugged and said the answer to the questions could be either yes or no. The person who could really answer is Hap (the Highway Superintendent). Mr. Gilmore explained that the piece of property under discussion has a brook that runs through it. It is not useful to anyone other than Mr. Harrington, the abutter. He thought the cost of getting temporary covers for equipment would cost as much as the property is worth. Ms. Clarke said she be willing to do the research, get prices, and be prepared to present her findings at the next Board meeting.

Mr. Harrington said he is renting a tent so that he has more working space. He said he has a lot of work and could hire more workers, if he had space. Mr. Gilmore suggested he would not be opposed to looking into the possibility of renting space in the building, at least temporarily. This should be discussed with Hap. Mr. Harrington offered the possibility of working together in a way that would work for both he and the Town.

**FCAT Funding and Plan:** Present – Joyce Palmer Fortune

Ms. Ness began the conversation by asking what the timeline for Conway joining is. Ms. Fortune said she expects they will be members by December. Conway has hired an attorney to guide them through the process.

FY'11 Accomplishments – Ms. Fortune reported that FCAT switched over to a digital server in November. A satellite was installed in April so the station can take advantage of free programming which it is able to rebroadcast. This has worked out especially well for Channel 12. Board members inquired about adding RFD and nature channels.

The station would like to have Whately and Deerfield's default program signal come from 8B Elm Street to take advantage of programs in the server. This has been delayed as Comcast has not been working well with FCAT in making some changes with Channel 15. To resolve this, Bill Solomon is willing to set up a meeting with Steve Fitzgibbon (Comcast) and FCAT people at the station.

Mr. Gilmore commented that although Comcast is a big conglomerate, it is fragmented, so things such as potential subscriber growth would be of interest to Steve Fitzgibbon and Comcast. Mr. Kubiak said Comcast's competitor is Direct TV. The more attractive local programming is on FCAT, the more people will leave Direct TV for Comcast. Board members suggested that people in town want to be able to see their children on TV.

Mr. Kubiak said a thing that should be of interest to Comcast is that soon the schools, library, and town hall will be tied together through MBI and the "middle mile" high speed fiber optic program. Comcast should be interested because at some point an internet provider is going to be needed. Ms. Fortune will advise Mr. Kubiak when she has the meeting arranged.

Other accomplishments – An intern program has been established that seems to be working well. Students are helping out with the taping of programs at the station in town hall. Ms. Fortune said the atmosphere at the station is excellent; there are always students there. Right now there is a camera class in progress. It's great to see the things being taught. Much of this is due to the efforts of Mr. Murphy. Students from the schools, and lately from the community, are learning how to use the cameras. Since most of them are young and really don't have stories of their own to tell, Mary from the Senior Center has been connecting them to persons who do have stories to tell.

A question was asked about space. Was the current location large enough? Ms. Fortune said there was enough editing space, but she described the studio space as "squished." Yes, more space would be nice, but she said her first request was for an army of producers. Criteria for a larger space have been prepared. The lacking ingredient is man hours to make the search to find the space.

For the coming year, effort will continue to get Channel 15 (Whately and Deerfield) to be broadcast out of 8B Elm Street. Jane Wrisley has volunteered to be the liaison for Deerfield. She will learn how to use the online interface and learn how to line up what will be broadcast. Doug is ready to train her.

Mr. Gilmore asked what the station was using for a server. Ms. Fortune said it's a Toviev (used to be called a Princeton server) with 4 channels. Currently, only one channel is in use. The plan is to have Channel 17 available for all towns; Channel 15 for Deerfield; and, assuming Conway joins, Channel 15 for Whately and Conway. To do this a second video origination point would need to be allowed by Comcast. Mr. Gilmore had questions about this arrangement which he said they could talk about later. There was a discussion about over-riding over-rides which Ms. Fortune said there is a way to do. For Deerfield the process would be simple, for Whately it would cost some money. Ms. Fortune is optimistic that this could be done by the end of the summer.

The biggest initiative in terms of expense for the coming year is video-on-demand for streaming public meetings. This comes with a \$2,700/year price tag. The initiative came from Sunderland when it wanted to put various public meetings on the website as video-on-demand. The process was confusing because there were differing levels of service. She went on to explain that the format used in the server is not the same as the one used for video streaming. An additional converter unit is required. Another feature is that programs could be indexed so that viewers could easily select what they wanted to view. It's a process that might be beyond what the liaison would want to do.

Someone suggested this is something an intern could do. Mr. Kubiak said Hampshire College has one of the best video internships around. Ms. Fortune said they had put out requests for interns. Five students responded; two were interviewed. Neither turned out to be interested.

The plan is to establish a bulletin board for Deerfield and Whately in such a way that there is little change in how the bulletin board is currently updated. It would be uploaded to a password protected place on the station's website. Ms. Clarke asked if the bulletin board could be looked at through the video-on-demand location. Ms. Fortune talked about ways to do this. Mr. Kubiak said that currently information is input twice; once on the blue screen and a second time on the website. It would be nice if it could be done once.

Some equipment upgrades are needed. Specifically, the PC editing stations FCAT has a lot of Macs donated from the colleges. A 3 year old Mac is still pretty good for an editing station, but a three year old PC is not generally good enough to be an editing computer. However, PC's are less expensive. FCAT can get 4 PCs for about \$6,000 with a little software that is the same as that used at the high school.

Live video feeds from the fields at the school and the gym and the field would cost about \$7,000. FCAT would like to raise \$2,000 with the Towns providing the \$5,000 balance. Mr. Gilmore suggested bringing in the parent groups to fund raise as it would be good for parents to have a vested interest. Ms. Fortune said when events held in the gym were televised the ticket sales went down. This was discussed with some suggestions of ways to find a satisfactory solution.

The last goal on Ms. Fortune's list is to ask Comcast for Channel 17. A letter directed to Mr. Fitzgibbon has been prepared that asks Comcast for the channel. A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted to support FCAT in its request for Channel 17. Mr. Gilmore thought there should be some reference to Channel 12 included in the communication.

Each of the towns has signed an agreement with FCAT making FCAT responsible for Channel 12 and any future Channel 17, but not Channel 15. Channel 15s were kept under the responsibility of the towns' cable advisory committees. That agreement has been amended to include the town's government channel. Ms. Fortune made the same agreement for Conway, Deerfield, and Whately. She doesn't know if this will help to get all Channel 15s provided by FCAT at the 8B Elm Street location, but she thinks it might if FCAT is the PEG access for all three of the channels

Mr. Kubiak said material that is filmed here (8 Conway Street) would go on a disk to FCAT and then out into the world. Live programming overrides what comes out of 8B Elm Street. Mr. Gilmore explained that Comcast is obligated to the Town of Deerfield. It is not obligated to do anything with FCAT until the towns give FCAT the responsibility to handle whatever portion that is. He said he wasn't entirely clear and would like to take a little time to review this again.

The third item on Ms. Fortune's list is approval of the budget. She presented her proposed budget stating she would answer any questions. Mr. Gilmore said his question was about what did the Comcast revenues look like. Mr. Kubiak responded that Deerfield gets a little over \$15,000 a quarter. He said there are two accounts: a subscriber account and the PEG access account. He doesn't know what's in the subscriber account, but as of today there is \$153,566 in the PEG account. The FCAT budget request is for \$51,336 (including capital), roughly a third of the cash on hand.

Mr. Gilmore would like to see \$5,000 to \$12,000 set aside as an investment, if Channel 15 is taken into the FCAT fold, so that the liaisons can control and/or override whatever programming is shown. He wants to see people invested so that if equipment is bought, it is used. Ms. Ness doesn't want to see equipment being bought that nobody knows how to run. That's why she's happy to see the outreach that's being done – more people knowing how to use the equipment. Ms. Fortune hopes that the liaisons are happy with the capabilities available now. If there's something that needs to be put in, it's easy to do.

Ms. Clarke wanted to know why the budget showed a deficit. Ms. Fortune said in the budget she is showing \$3,000 more in expenses than she shows in expected income. One reason is that there is "wiggle room" left from last year. She anticipates there will be more than \$3,000 left at the end of the fiscal year. Mr. Kubiak cautioned about budgeting too close. There should be 3-5% set aside for savings for capital expenses and/or unexpected expenses.

Underwriting from local businesses can be a source of funds. Falmouth raises \$29,000 this way. There was an objection to advertising, but it was pointed out that these are local businesses with tasteful supportive announcements. Another source of funds is Conway, should it join. She said the first step is three engaged board members, please. Then financial issues need to be worked out. Conway would probably only broadcast Selectmen, Finance Committee, and School Committee meetings. She had a plan to cover costs using Comcast contributions.

Mr. Kubiak wanted to thank Kevin for doing a great job working with the folks in town hall. He and Eric have a lot of energy. He especially appreciated the great job they did setting up for annual town meeting.

When Mr. Gilmore called to Bob Ogrodnik, working in the DCTV station, asking if he had anything else to add, Mr. Ogrodnik's responded, "You're going to give money to FCAT, but you won't buy us equipment." Mr. Gilmore said that was incorrect, that there is money set aside. "What do we buy somebody who doesn't tell us what he wants?" Mr. Ogrodnik stated that an updated camera and surge protectors had been requested but never received.

Ms. Clarke asked Mr. Kubiak what needs to happen so this can be done. Mr. Kubiak said he needed an updated equipment list. He has asked repeatedly for this. He said that one of the requests was for a server; but, with a bigger server sitting over on Elm Street there no longer is a need for a bigger server here. The server here must be able to talk to the server there. Mr. Gilmore summed up the situation by stating that items such as surge protectors that are needed can be purchased. But when it comes to major items such as servers, we need to call in the experts to be sure we get compatible equipment. Ms. Clarke said it's obvious that Mr. Ogrodnik is frustrated. She asked what the next step should be.

A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted to approve the FCAT budget.

## **Discussion/Decision Items**

**Committee Appointments** – Mr. Kubiak reported that now that the Town's population is over 5,000 the Gas and Plumbing inspectors have to be appointed by the Building Inspector. There is no civil service list or examination for gas and plumbing inspectors. The Building Inspector advises that he will appoint anyone the Board of Selectmen recommends. The appointees do have to be informed that should a civil service list be instituted, they might have to be replaced with persons on the civil service list. Ms. Ness recommended that the Town continue with the current inspectors.

**Personnel Board** - Jay Wallace is the one surviving member of the Personnel Board. One member of this five member board needs to be a Finance Committee member. The current Personnel bylaw was patterned after the state statute, which has since been changed, so there is a need review the bylaw. The Board will schedule a meeting, including Mr. Wallace to work on this.

**Garage Committee** – Ms. Clarke has concerns about this board being chaired by a person who is only in town a couple of days a week. Mr. Kubiak said he's polled the five members and they're all willing to continue. He suggested that Ms. Clarke set a day and time and he will contact the committee. Ms. Clarke would like to add Vern Harrington to the committee. Mr. Kubiak said the contract with an architect needs to be reviewed. Weston & Sampson, the engineering firm, is already on board. There is \$143,000 available for this project.

**Abatements** – Mr. Whitney has submitted a request for an abatement on his sewer bill. Having done so before it is due and payable, the Board, as Sewer Commissioners, could act on this request. He needs to formally file an abatement.

The request by Mrs. Baronas is not timely; claims need to be made within 30 days. Mrs. Baronas' claim is for 1992 – 2004 in the amount of \$1,560 and as estimated claim for 35 years of \$15,926. Ms. Clarke said an act of legislature would be required to act on the Baronas request. At the time the sewer line was put in, it was mandatory that the homes be connected. The house appears to never been hooked into the system, but has been billed for the service for years. A motion was made by Ms. Ness, seconded by Ms. Clarke, to decline Mrs. Baronas request for an abatement. Some considerations were noted: The Town doesn't have the ability to provide cash. They could talk to Hap about the possibility of using town equipment to assist in getting the house connected. Perhaps the water district could help. If Mrs. Baronas represented the house as having sewer service, she unintentionally misrepresented and possibly profited all well. Thus she has some obligation to help the current owner. Ms. Clarke will talk to Hap. Mr. Kubiak will look into the legality of providing assistance. No vote was taken on the motion.

**Heat Emergency/Cooling Center** – Ms. Clarke said it was hot and she received calls about a cooling place. Both Mr. Gilmore and Ms. Ness were unavailable, so she called Mr. Kubiak to learn the procedure for opening the cooling center. Turns out the Town doesn't have a procedure. She thinks there should be one. Mr. Gilmore recommended contacting the Board of Overseers of the Senior Center and asking them to publicize their policies regarding opening the cooling center. Ms. Ness said if there is a formal policy, it has to be run by CORI checked persons, etc. The Board of Overseers is responsible for operation of the building, including expenses. Mr. Gilmore will discuss this at a meeting with the overseers next week.

**Funding for Energy Improvements** – A motion was made, seconded, and unanimously voted to sign a note in the amount of \$332,000 at an interest rate of .96%. for energy improvements.

**Resolution** – The resolution honoring African-American Revolutionary War Patriots of Deerfield approved at last meeting was signed by Board members.

**Tree Arbovirus Coordinator** – MA DPH has requested that someone from the Town be appointed to serve as the official coordinator. A motion was made, seconded, and voted to appoint Health Agent Dick Calisewski.

DEDIC – The Board signed a letter to DEDIC requesting a joint meeting.

End of Year Transfers – A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted to approve the following requests for transfers of funds: 1) recharge the legal account by transferring \$7,300 from appropriations, 2) \$41,000 to cover the cost of five new health insurance enrollments, and 3) \$50.00 for the Moderator.

Opening of the Tri-Town Beach – Ms. Duda, the Foothills Health Agent, refused to open the beach until testing requirements were met. Calls have been coming in to town hall regarding the status of the beach. With no information, the answers could not be provided. Clearly, there needs to be better communication about the beach. Mr. Gilmore suggested a voice mail box on our phone system be provided where information could be left. A Tri-town Commissioner who was apparently watching the meeting called in to report the beach is open.

A motion was made and seconded that the Board would go into executive session to discuss strategy with respect to collective bargaining as an open meeting would have a detrimental effect on the bargaining position of the Board. Mr. Gilmore announced that the meeting will not reconvene in open session. A roll call vote was taken. Gilmore – Y, Ness – Y, Clarke – Y.

Respectfully submitted,  
Priscilla Phelps