

Board of Selectmen Meeting Minutes – August 3, 2011

Present: Selectmen: Mark Gilmore, Carolyn Shores Ness, Elizabeth Clarke
Town Administrator: Bernie Kubiak

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

Minutes: A motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted, to accept the minutes of June 22, July 6, and July 22, 2011 as amended.

Public Comments: None

Selectmen's Comments/ Announcements – Ms. Ness reported that she and Mr. Kubiak attended an update on the Pan Am railroad clean-up. She said it's very exciting, good progress, quarterly testing is getting done. There are 40 monitoring wells, eleven of which are on Lake Asphalt property. There is continued soil sampling. In this hot weather there is no asphalt bubbling up. The next public meeting will be in September in anticipation of an October DEP submittal.

Ms. Clarke announced there is a survey going out in regard to needs of Senior Citizens. The survey has been mailed to seniors and those who are not yet seniors, with a request that the form be filled out and returned as soon as possible. The responses are confidential. If anyone didn't receive a survey and would like one, he/she is asked to call the Town Administrator's office.

Board of Health Comments/Announcements: – An EDS meeting (Emergency Dispensing) for the four towns was held this afternoon. Tentative dates for the vaccination clinic: South County Senior Center on Saturday Sept. 24th, 9: am - noon; Deerfield Town Hall on Wednesday, Sept. 28th 4:30 – 7:00 ; at Conway Town Hall on Friday, October 7th; and the Conway Elementary School during the Health Fair on Saturday, from 9: am -12:noon. (no date given)

It is anticipated that there will be additional dates, as the vaccine becomes available. There is a guarantee of 480 doses of vaccine. With no Homeland Security money available for an EDS event, like the one held last year, the hope is that volunteers from last year will participate in the clinics as it is an opportunity to practice the procedures. Everyone 6 months and older is eligible for these free shots.

Appearances before the Board:

Liquor License violation: Present: Joyce Fulmer (FRCOG/Coalition for Teens), Vic Sharma (Cooperate officer for VYASAM, Inc.)

Mr. Kubiak stated that on June 15th, 2011 a clerk at the Deerfield Neighbors on Conway Road sold an alcoholic beverage to an individual under the age of 21. There was a previous compliance check on November 12th, 2010 that resulted in an underage sale. This is the second time an underage sale has occurred.

Mr. Sharma agreed this is a second offence for this location. After the first occurrence, a system was installed that automatically reminds the clerk with a pop-up window to “ask for ID” for any sale of tobacco or alcoholic beverage. Employees have been trained to use the system. He said employees know they will be fired on the spot for selling to someone underage. When he had asked what more he could do, Mr. Kubiak suggested that everybody be carded. Ms. Fulmer supported this concept describing ways in which the coalition provides the employer with help for training employees in the best practices for compliance.

Ms. Clarke asked if there was a responsible person on duty to supervise younger employees. Mr. Sharma said there is a manager who is not there all the time. When hired, a new employee is trained for a couple of weeks, but still this (the illegal sale) happened. He hasn’t had this problem at other locations in Buckland and Charlemont.

Ms. Fulmer noted that during the compliance checks, clerks at the stores in Buckland and Charlemont did not “card” young adults attempting to make purchases. As a way to support best practices, the coalition sometimes sends someone (over 21, but young looking) in to see if he/she is asked for ID. Some employees have attended the Massachusetts Package Store Association training classes. Employees are told that if a customer doesn’t have wrinkles on his/her forehead he’s probably underage and ID should be requested. She said establishments are given tool kits to help with the training process. She had kits for everyone.

Ms. Clarke said it was nice that efforts were being made to comply with the law, but since whatever is being done is not working something needed to be changed. It bothered her that her sixteen-year-old daughter might be able to make an illegal purchase.

Ms. Fulmer said the Memorandum of Understanding calls for a progressive penalty structure. After a first offence a warning along with a written report should be issued to the license holder within 30 days.

At the time of the offense, the notice of violation is given to the clerk who has committed the offense. The clerk is asked to give a copy to the owner. A copy is forwarded to the Town that should, in turn, send the license holder notice of a hearing to be conducted by the Town. Mr. Sharma said when he received the warning letter after the first offense, he called ABCC and was told he would hear from the Town; that did not happen. This time the letter was followed with a notice to attend a hearing.

Mr. Gilmore said some follow-up investigation of this offense has been done; people who conducted it have been spoken to. Even if what Mr. Sharma said is found to be true and efforts to be proactive have been increased, the process still has to be followed to be sure people understand there are consequences. He said it helps the employees to understand that this is an offence that must be taken seriously.

Ms. Ness suggested that since an effort was being made to correct the problem, she was willing to compromise and instead of shutting down the sale of alcoholic beverages for 3 days, as is required for a second offense, a donation toward the cost of increased compliance checks might be acceptable. She felt this would be more constructive. Ms. Clarke was emphatic about

treating this as a second offense. Mr. Gilmore thought the location of the store lent itself to less vigilance. He said he passes the place everyday and sees cars there that belong to high school age kids. There's so much opportunity at that location for negative compliance that he feels more needs to be done.

Ms. Fulmer countered that the purpose of the agreement was to make practices, procedures and penalties consistent throughout the region and she hoped that the decision would fit within the intent of the guidelines.

Ms. Clarke made a motion that this be accepted as a second violation and acknowledge that the Town didn't fully notice the first hearing, and therefore wave either one or two days of the three days closing and make sure practices are in order. Mr. Gilmore made a friendly amendment to just say one day. Ms. Ness seconded the original motion.

During discussion Mr. Gilmore said he felt there was still a gap. Ms. Clarke reminded a third violation would mean a two week shutdown. Mr. Gilmore said it doesn't stop the friends from letting friends drive drunk, so he's going to talk to the Police Chief about increased participation. He would like to have something to stop the attitude that "this is the go to place for booze." Ms. Clarke would like to see a manager on duty from after school until closing. Mr. Sharma said there is always a second person on duty after 6 PM, but not necessarily an older person. The motion to treat this as a second violation and impose a one day suspension of liquor sales was unanimously voted. The day selected, Wednesday, August 17th, which was agreeable to all.

FCAT – Location of server in municipal offices: Present: Joyce Palmer Fortune

Mr. Gilmore announced that there had been an issue that DCTV didn't feel that it was being supported. He wanted to be sure everyone understood that this plan is very supportive of what DCTV is, and the fact is that it will save a considerable amount of money and goes a long way to support DCTV.

Ms. Fortune had been meeting with Comcast to originate all the Channel 15's at FCAT on 8 Elm Street (in South Deerfield) so that all four channels on the server could be put to use. It became obvious to her that what was really needed was to move the server to the place where the optic fiber ends, which is town hall. She said it's a cost effective way to make good on a promise made last year. The real physical issue is the temperature in the room to be used. It is warm now; when all the equipment is added there will be too much heat. There was discussion about how this could be resolved. Mr. Kubiak will look into getting some expert advice on the best way to accomplish this.

The next item is a dedicated broadband line. Good high-speed access is important.

Discussion / Decision Items

Cultural Council – A motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted to appoint Rachel Blain to a two year term on the Cultural Council.

Deerfield Economic Development and Industrial Corporation Appointment – A motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted to appoint John Paciorek to the DEDIC Board. Mr. Scanlon, the auditor of the town's financial books, has been asked to do an audit on the DEDIC books.

Peabody ANR – Mr. Kubiak said that when the Town acquired the Oxford property it was discovered that the property line came right up to the steps of the house owned by Scott Peabody. There is also an easement on the property. An arrangement was made to carve out a lot to transfer to the landowner in exchange for the easement. In doing this, the remaining 108 feet of frontage will allow for creation of an entrance to the Oxford property and Mr. Peabody will receive a 20 ft side yard. This plan will be presented to the Planning Board as an ANR for its approval. Ms. Ness made a motion seconded by Ms. Clarke, and unanimously voted to approve the plan.

Lion's Club Antique Auto Show – A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted, to waive the transient vendor's license fee for the Lions Club. Mr. Gilmore recused himself from this item. The purpose of this is to relieve the Lions from having to obtain licenses from the vendors who participate in the show. Mr. Gilmore said the inspections are made, but the fees are waived. The Board would like to recognize the Lions for having provided 65 years of service to the community. The vote was two in favor, none opposed. (2-0-1) Mr. Kubiak said there is a plan to present a plaque to the Lions.

Cooling Centers – A suggestion was made that declaration by MEMA of a heat emergency should trigger the opening of the cooling center. A calling tree could be established to let people know. Hours of operation are usually 10:00 AM to 5:00 PM. A suggestion was made that there be weekend backup of persons to open the shelter. Mr. Kubiak said it takes an hour and a half to cool the building. Last time he came on a Saturday to open the building and turn on the air conditioners. Volunteers should be recruited from the other towns to participate as well. Mr. Gilmore commented that he's pleased that things are coming together. He commented the next step will be cold emergencies.

Ms. Ness expressed thanks to Mr. Calisewski for volunteering to assist in the disaster relief following the tornados.

Central Corridor Coalition – Mr. Kubiak reported that Blake Lamothe of Palmer is asking the Town to endorse a central corridor rail coalition resolution regarding rail service to the area. Mr. Kubiak would like to know more about how this would impact Deerfield. He has not received a response to his request for information and recommended that the Board take no action at this time.. No action was taken.

Green Communities grant process – Mr. Kubiak said the folks from Zero Draft will be in tomorrow to give prices on insulating and air-sealing the attic at the elementary school. They will also give some direction on replacing some windows in this building (town hall) with walls. Bob Lesco, building manager for the elementary school, is getting prices on replacing lights in the parking lots at the elementary school.

The Energy Committee is working on the street light plan, which he hopes to have on his desk on the 17th. Ms. Ness said Energy Committee voted to thank Mr. Kubiak for all the work he has done. She meant for this to be included in the minutes of the Board's last meeting. Mr. Kubiak responded that the Green Energy Committee was more capable than some of getting things done. He said the work was done in time available. He was pleased that the quality of the plan was as good as that put together by professionals. He thanked persons from the FRCOG who assisted in the process.

Concrete building – Mr. Kubiak reported there is space that can be leased in the building at the Oxford site. At least one business interested. The Board has to first make a declaration that there is space available. A determination of rental value needs to be made. Mr. Kubiak says rental space in the area is roughly \$1.50 - \$2.00 per square foot. The standard term of a lease is three years. If the total fee for three years is calculated to be under \$25,000, the Town needs only to exercise sound business practices. If the total lease amount is over \$25,000 it would have to be advertized. Council would need to prepare a lease. Mr. Kubiak said he could have this ready for the next meeting, if the Board was interested in doing this. The Highway Superintendent is okay with this.

A motion to adjourn with signing of warrant was made, seconded, and voted

Respectfully submitted,
Priscilla Phelps.