

Board of Selectmen Minutes
August 17, 2011

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

Present: Selectmen: Carolyn Shores-Ness, Elizabeth Clarke, Mark Gilmore arrived during the meeting

Town Administrator: Bernie Kubiak

Minutes: A motion was made by Ms. Clarke, seconded by Ms. Ness, and voted, to approve the minutes of the August 3rd meeting, as corrected.

Public Comment: Present: Bob Ogrodnik

“This is directed toward Mark (Mr. Gilmore), but he’s not here. I watched the last selectman’s meeting when you talked about putting air conditioning in the room. A couple of years ago, name slips my mind. Mark, John Paciorek, Hal Wrisley, and I went into the catacombs and found where all the heating and air conditioning ductwork was. My suggestion was to cut a hole in the line and run a line into the roof for air conditioning. Nothing was done. We then had a proposal to have the work done. Nothing was done. We then found out that if they don’t touch the thermostat in the corner room, because it gets too cold in there, we could put a baffle in the line, stop all the cold air from going in the corner room, and there would be more cold air in here. Nothing was done. Now Joyce comes along, shakes her tail and everybody runs around like keystone cops going to get an engineer to look into this. Two years ago it could have been done. You’re sucking money out and using it foolishly.”

Ms. Clarke asked, “You’re saying there’s a way to do it without knocking a hole in the outside wall?” Ms. Ness wanted to know if the Building Inspector had been consulted and whether it would meet code, as this is a public building. Mr. Ogrodnik replied, “I guess you have to get an engineer and spend money.” Ms. Clarke said, “If there’s an option that seems feasible, let’s explore it.”

Mr. Kubiak said he didn’t think anyone was intending on hiring an engineer. A quote had been obtained from a local HVAC contractor who looked at using the existing system from the inside. There were several options, but people couldn’t agree on which to follow. As he understands it, he is authorized to get air conditioning. He will try to do it in a frugal way. Mr. Kubiak added that he would not want a baffle put into the other room, as it happens to be his office. Sound travels. He would prefer not to have his conversations overheard by anyone using that room or any other room. At the time, the room was the Building Inspector’s office and he wasn’t in favor of this plan either.

Mr. Kubiak said he can get the air conditioning people back; he simply hasn’t had time to do it. It shouldn’t be difficult. There is ductwork in the closet in back of the office that can be accessed. Someone who’s a tin worker could extend it into that office. He said, “We’ll try to make it work in a frugal manner.” Ms. Ness said she was sure the Building Inspector was

involved then and would be again. She assured Mr. Ogrodnik that it would be done frugally. He replied that he was just trying to make a point and thanked the Board for hearing him.

Announcements:

Deerfield Lions Club 20th Antique Auto show is August 27th at 10:00 am to 3:00 pm, with a rain date for the next day, August 28th. The show will be held at Channing Bete.

Board of Health Announcements:

Right now the Senior flu clinic is tentatively scheduled for September 24th. There will be updates as more is learned about the vaccine.

Appearances before the Board:

Chief of Police: Present: Police Chief Michael Wozniakewicz

New officer: The Chief was present to request appointment of Joshua Hoffman for the part-time staff. Mr. Hoffman is a 32 yr old graduate of Frontier Regional. He served in both Iraq and Afghanistan while in the US Army. He recently graduated from the Intermittent Police Academy and has experience from the Montague Police Dept. where he's a special officer. His current full-time position is as a carpenter-contractor. Mr. Hoffman's goal is to pursue law enforcement full time. The Chief and Mr. Kubiak interviewed him yesterday. He is highly recommended and has a strong work ethic. A motion was made by Ms. Clarke, seconded by Ms. Ness, and amended by Mr. Kubiak, to approve the hiring of Joshua Hoffman as a Special Police Officer for the Town of Deerfield for the period through June 30, 2012. The vote was unanimous. (2-0-0)

Mutual Aid Agreement: The subject of a mutual aid agreement with the University of Massachusetts and Amherst Police Department was discussed. Deerfield would be joining Amherst, Belchertown, and Hadley in this mutual aid agreement. The Chief said a mutual interest already exists, as UMASS owns over 350 acres of property here in Deerfield. Ms. Clarke asked for clarification that the agreement was with the UMASS police department and not with each of the other towns. The Chief said each of those towns would have separate agreements. Deerfield does work with the UMASS; they're a big part of the regional drug task force. Recently, the UMASS police dog was in town to assist in apprehension of an armed suspect. Ms. Ness interrupted to comment that she thought the Town already had an agreement. He said the Town had accepted the M.G.L. C. 40G language, but does not have a specific mutual aid agreement with anybody. The Town of Hadley has a similar agreement, which works out well.

The financial part of this is that "they" pay their own staff and expenses even if they're helping us. Ms. Clarke asked, "Is there any reimbursement back and forth or is this a 'you help us, we'll help you arrangement'?" The latter is the case. With this agreement, the UMASS Police could come in to town to assist, if requested, without "our being here." The Chief explained that years ago (in the 1980's) officers would be sworn in abutting towns, so they could assist as needed in those communities. He said that just this weekend there was an assault, with information that there was an armed individual. Deerfield had the assistance of UMASS, Sunderland, Montague, and State Police. The subject was taken into custody; a Tazer was used, no officers were injured,

the subject has appeared in court and was released. The Chief had no further comment on the outcome. Ms. Clarke made a motion, seconded by Ms. Ness, and voted, to approve the agreement with the University of Massachusetts for mutual support between the two entities. (2-0-0)

Advisory comments: The Chief said the department has been busy with car break-ins, burglaries, etc. He advised people to lock their cars in their driveways. If using the pool in the backyard, lock the doors to the house, as thieves know that when people are occupied in the backyard, the house probably isn't. When you're mowing the lawn, people know lawn mowers are noisy and you're not going to hear anything. People away on vacation can have the Police check their houses. He spoke of several activities that have occurred in the area, including a situation where a person who was involved in a bank robbery in Keene was discovered in the Red Roof Inn with a large amount of drugs. All towns are experiencing higher levels of crime. The rise in house break-ins is concerning. He advises people to be vigilant.

Energy Committee: Present: M.A. Swedlund

Ms. Swedlund began by saying that Deerfield was designated as a Green Community in late June and was awarded a grant of \$143,000. She was present to describe a statement on how the money would be spent, assuming it's approved. The items on the list:

Upgrades to the school: "Cooltrols (on refrigerators and freezers in the kitchen); variable frequency drives to the HVAC system for energy efficiency; replacement of the parking lot lights; install light sensors in the classrooms. There should be a \$10,000 savings in energy cost. Ms. Swedlund said Bob Lesko had come up with these suggestions. Ms. Ness thought the energy savings estimate based upon current rates was probably conservative. The cost to implement these items is expected to be \$75,000.

Town Hall – This building was a school with big single pane windows. The plan is to replace windows with smaller windows and insulated walls. There will be more wall space.

Street lights – The street light committee has traveled through the town and determined that there are 326 lights in town of varying lumens distributed randomly. The next step is to run the findings by the Police Chief for safety considerations. It appears that 104 lights could be shut off, which would reduce the street lighting budget by a third. (\$1,500). There is an option of the midnight shut-off which could reduce cost further. Mr. Kubiak mentioned the policy which is being followed is to acknowledge lighting of thickly settled areas, as defined by state statute, lighting on curves and at intersections. He said WMECO has to come up with costs. As there will be a cost associated with changing lights to either increase or decrease lumens. As Ms. Swedlund explained it, you can't reduce a light to lower lumens and keep the same ballast. The anticipated cost is \$14,000.

A question was asked about there being a time limit on using the money. Mr. Kubiak said there isn't a firm deadline. He said there needed to be firm commitments on planned use, but things such as rebates of some items might free up funds. There would then be an opportunity to go back and say, "We have this much left, we'd like to try this."

Ms. Ness asked how the reduced electrical cost for street lighting will be reflected; would it reduce the WMECO bill? Mr. Kubiak explained that the Town rents the light; a smaller light means a lower charge from WMECO. The Town buys its electricity from Hampshire Power; therefore the reduction in energy use will show up on the Hampshire Power statements.

Ms. Clarke said she recalls a discussion, that's in the cobwebs of her brain, about WMECO not stopping charges for lights that were burned out. Is it the rental fee they're not stopping? Mr. Kubiak replied, "That's right." Ms. Clarke wondered if the power company is accurately metering the power that the lights use when it provides the energy use statement to Hampshire Power. She wanted to know if WMECO meters the use of each light. Mr. Kubiak didn't have that information. She suggested that perhaps some public education might be needed to get people to report burned out street lights. According to Mr. Kubiak, WMECO has been involved in law suites over accuracy of billing. It was, he said, sufficient motivation for them to take a look at their entire service territory. That's why we began to get increasingly more accurate inventories.

The final piece of the grant is to do an energy reduction campaign. It'll be called 12 – 12 Reduce your energy by 12 % in 2012. It'll be a year long campaign. Ms. Swedlund said the idea was not original, but she thought it was good. The plan is to involve many groups. One idea is to come up with some sort of sign that compares current electrical energy use to last year. WMECO can provide the information. She noted that energy use in town since 2005 has been reduced by 12%. There's \$7,000 in the budget for this. [Mr. Gilmore arrived during this discussion.]

Ms. Clarke made a motion, seconded by Ms. Ness, to authorize Mr. Kubiak, on behalf of the energy committee, to submit the proposed list of improvements using Green Community Grant money. The motion was amended by Mr. Gilmore to authorize Mr. Kubiak to sign the application. The amended motion was seconded by Ms. Ness. The vote was unanimous.

Discussion/Decision Items:

Proposed sale of property: Mr. and Mrs. Southergill were present to talk about a town-owned 0.31 acre parcel on Eastern Avenue (Map 169, lot 147) which they would like to purchase. Mr. Kubiak presented several items: a locus plan, assessor's card, plot plan showing original conveyance in 1965, a deed, and the town meeting vote in March of 1965 accepting a gift for highway purposes, noting there is no record of it being laid out as a road.

The Southergill's recently moved back into town. They would like to build a two car garage with living space above. But their lot, #146 is too small. The way it is now, they cannot enlarge the garage. They would like to purchase the 0.31 acre parcel of town owned land that abuts it. Mr. Gilmore said that the property would have to be declared surplus property. He warned that all of the abutters and anybody else that wanted could bid on it. Ms. Clarke noted the obvious others that might be interested in buying would be the Galenskis. Mr. Southergill said he has talked to the Galenskis and was willing to continue to permit access through the lot. Ideally, he'd like to buy the land behind the house as well. A motion was made by Ms. Ness, seconded by Ms. Clarke, to declare the property surplus and direct Mr. Kubiak to prepare a warrant article for the Town's approval. The vote was unanimous.

Lion's Club Day: A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted, to declare August 27, 2011 as Lion's Club Day in Deerfield. This is the 65th year of the club. (2-0-1) Mr. Gilmore abstained as he is a member of the Lion's Club.

Special Town Meeting: Mr. Kubiak suggested that a Special Town Meeting be called for September 28, 2011 at 7:00 PM in the main meeting room of the town's municipal offices. He has 6 potential articles. 1) to resolve a revenue shortfall in state aid (\$48,000), 2) to resolve an FY'11 account deficit – overspent highway account by \$11,100, 3) to change the personnel bylaw expression of vacation time from weeks to days, 4) to seek permission to sell 0.31 acres of land, 5) to transfer APR land to make the Al Dray/ Pioneer Gardens swap, 6) to add funds to the veterans' services account. A veteran has moved into town, we expect to provide for him for six months.

Ms. Clarke asked for an explanation of how the veteran's benefits system works. The Veteran's agent has met with the gentleman, assessed his needs, and determined what his level of assistance is. The Town provides the funds which are repaid from the federal government, via the state, usually within a year at 75% of the assessment. Mr. Kubiak said this is a program that's unique to Massachusetts.

Ms. Ness announced there is a flu clinic on Sept. 28th; people will have the opportunity to get their flu shot and stay to vote.

Ms. Clarke asked if notice of the Special Town Meeting could be more widely publicized. She suggested it could be something like the Recreation department does, in the town common where everybody drives by it. Several other places were suggested: the Post Office, banks, and especially at the transfer station.

Ms. Ness made a motion, seconded by Ms. Clarke, and unanimously voted to have a Special Town Meeting on September 28th as discussed.

Veterans' Services: Ms. Clarke said she'd read about the plans Greenfield has for a regional veterans' service agency. Greenfield would provide the facility and assess the towns for the services provided. Mr. Gilmore said the services provided through Veterans' Agent, Leo Parent, have been excellent. Well before Mr. Parent announced plans to retire, the Mayor of Greenfield let it be known that Greenfield would like to host a Veteran's service center somewhere in Greenfield. With Mr. Parent retiring there will be changes; the Town needs to keep informed about ideas that are being considered. The FRCOG has a consultant looking at how veterans' services might be reconfigured regionally. It's important that, whatever decision the Town eventually makes, the current level of services for veterans be maintained.

Sewer Commitment: Mr. Kubiak reported that Sewer commitment #2 for Eaglebrook is ready for approval. He went on to explain that Eaglebrook has its own public water source which is not metered by the water district, yet it uses the Town's sewer system. In order to determine what the sewer use fee should be Eaglebrook provides data on water consumption. A separate

sewer billing is prepared based upon the data. A motion was made, seconded, and voted to accept the commitment (\$16,940).

Greenfield grant support: The City of Greenfield is applying for an infrastructure improvement grant for the design and construction of the Olive Street parking garage, with the assistance of FRCOG. It is felt that chances of success will be greater if the neighboring communities endorse the project. Ms. Ness made a motion, seconded by Ms. Clarke, and voted, to authorize the Chair to sign a letter of endorsement of the project.

Hazardous Waste Collection: A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted, to sign the Hazardous Waste Memorandum of Understanding with the Solid Waste District. The anticipated cost is up to \$4,500.

Leasing of building: Mr. Kubiak reported that the party interested in the concrete block building, is not interested in leasing, he is interested in owning it and leasing a portion back to the Town until there is a town garage. Mr. Gilmore said he would like to have some prices on a self sustaining balloon structure that would be large enough to meet the Town's equipment storage needs until such time as a highway garage is built. Ms. Clarke said she'd like to see Mr. Kubiak and HAP come back with a proposal that would work. Mr. Gilmore felt he would like it be driven by the Town of Deerfield's thought process rather than from somebody who was interested in buying the property then leasing it back to the Town.

Multi-Hazard Mitigation Plan: Pat Smith, from FRCOG, is ready to produce the final version of the Multi-Hazard Mitigation Plan; so she would like the Board to set a time and date for a Public Involvement Hearing. Mr. Kubiak suggested the hearing be set for Sept. 20, at 7:00 PM. This plan is a requirement to be eligible for optional FEMA funds. FRCOG has a contract with FEMA to prepare this plan. Ms. Clarke took exception to Ms. Ness saying, "We've been working on it for a while." She said she was asking questions because she didn't understand. Ms. Ness apologized and went on to explain that this is similar to one that was done five or so years ago. Mr. Gilmore said this process is a way of looking into the Town's infrastructure, what the Town's vulnerabilities are, and what type of events could create situations, so that the Town can plan on what it might need to be prepared to do.

Ms. Ness asked if it could be done at a regular Board meeting. Mr. Kubiak said it would be better to make it a separate meeting, as it is apt to be lengthy and FEMA prefers it to be a discrete separate meeting. A lot of responders, such as the residential schools, rail road, and others who might be impacted by a disaster are involved. After discussion a motion was made by Ms. Clarke, seconded by Ms. Ness, and voted, to call a hearing for public input on the hazardous mitigation plan on September 20, 2011 at 7:00PM.

Franklin County Selectman's Association: The quarterly meeting will be held on September 22nd. It will be held at the Polish Club, here in South Deerfield. Mr. Gilmore said this would be a good opportunity to meet legislative persons.

Agricultural Issues: Mr. Kubiak said representatives from the Department of Agricultural Resources, including Bob Richie, have offered to sit down with folks along North Main Street to

discuss farm and issues there. This would be an opportunity for a civil discussion about concerns in that neighborhood. Mr. Gilmore described it as a peacekeeping mission. They will be available Aug 22nd in the afternoon or Aug 25th in the morning at their offices in Amherst. Mr. Kubiak said he would be willing to invite everybody. He asked if the Board would like to join in. Ms. Clarke indicated she would and Mr. Gilmore thought he could be available. Mr. Kubiak has set up the meeting for the morning of August 25th. The Board would like the meeting to be in Deerfield, if possible.

Disclosure The last item on the agenda is to accept Steve Barrett's disclosure of an appearance of a conflict of interest in regard to his anticipated participation in a ZBA hearing and a CC hearing on the Yankee Candle /Berkshire East petition. Mr. Barrett's company sells bags and packaging material to Yankee Candle. Mr. Barrett is on both boards. There may be a problem making a quorum; Mr. Barrett felt that it would be best to disclose that he sells to Yankee Candle. If the Board accepts this disclosure, then he would be free to sit on those hearings.

Ms. Clarke said she thought this was an actual conflict of interest, not just an appearance on one. She would like more information about whether a quorum is impossible without him or whether this is a contingency plan. She said maybe he's already decided to approve it because he likes the idea of a zip line. But if he decides there's a problem with it, he's in a bad position. She went on to say if possible "we should save him from being in that position." Mr. Gilmore agreed there was a monetary conflict. Mr. Kubiak suggested Mr. Barrett could get an opinion from the Ethics Commission. Mr. Kubiak will ask Mr. Bohonowitz to pole his members to be sure there will be a quorum. Ms. Clarke noted that the quorum rule is that if you are present at a meeting you can be counted toward quorum. If you abstain from voting it doesn't negate your position as part of the quorum. Other board members said where there is a conflict; the conflicted person leaves the room, which could mean a quorum might not be present. The suggestion was that council be consulted.

A motion was made, seconded, and voted to adjourn the meeting.

Respectfully submitted,
Priscilla Phelps

