

Board of Selectmen  
Meeting – October 12, 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** of the meeting held on September 23<sup>rd</sup> were reviewed and accepted as revised in a motion made Ms. Clarke, and seconded by Ms. Ness. Minutes of September 28<sup>th</sup> were approved as corrected in a motion made by Ms. Clarke, seconded by Mr. Gilmore. Ms. Ness abstained, as she was not present at that meeting.

**Public Comments:** None

**Selectmen's Comments:** Ms. Clarke reminded that she has a Facebook page called Deerfield Selectman. She said it's a nice place to discuss local issues. Check it out.

**Board of Health Comments:** Ms. Ness reported today's flu clinic was very successful with 145 people receiving flu shots. The next clinic is October 22 at Town Hall from 9 – noon. Another will be held on October 26 at Frontier Regional School from 2 – 4 pm. There will be clinics at two sites in Conway: Friday, November 4<sup>th</sup> at the Town Hall and Saturday, November 5<sup>th</sup> at the Conway Elementary School. Ms. Ness wanted to remind people that we haven't had a killing frost so the mosquitoes are still out. Please take precautions.

**Appearances Before the Board:**

**Police Department:** Present: Chief Wozniakewicz

On September 20<sup>th</sup> the Chief and Mr. Kubiak interviewed Curt Wilkins, a 23 year old from Colrain. He's a graduate of the Academy at Charlemont, holds a BS in Criminal Justice from UMASS – Dartmouth, and has Reserve Intermittent Academy. He has some experience as a seasonal officer in Eastham. **A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted to appoint Curt H. Wilkins as a part-time police officer.** The appointment is until June 30, 2012 (the end of the fiscal year).

Upcoming activities: On October 31<sup>st</sup> the Police Association will hold a hayride which starts at the Deerfield Elementary School. It will also assist with activities in Deerfield Village. On the 29<sup>th</sup> the Department will work with TRIAD with a "Drug Take back", the collection of old prescription drugs. There will be a set-up out front of Town Hall so people can drop off their unwanted drugs without even leaving their cars. The time is from 10: am to 2: pm. Any dry prescription drug may be dropped off. There will be a sharps container available, as well.

**Energy Resources Committee:** Present: Amy Gazin-Schwartz

Ms. Gazin-Schwartz, the new chair of the committee, read a letter of commendation, which said in part, that the Committee would like "to commend Bernie Kubiak for his help and support during the entire process of applying for a Green Communities designation. He was always available to answer our questions and provide expert advice. We could not have done it without him." Mr. Kubiak responded that it was a wonderful committee to work with. He said formal notification of approval of the spending plan for \$142,000 has not been received.

**Fuel storage:** Present: Jaap Molenaar, Pioneer Gardens, LLC

Mr. Molenaar stated that he is requesting a license to store up to 10,000 gallons of propane on his property for use in his greenhouses. He currently has two 1,000 gallon tanks and wishes to increase his storage capacity. Mr. Kubiak explained that to increase his storage capacity beyond the 2,000 limit, a site assignment will be required. It was suggested that he apply for the maximum he could, rather than come back several times, as his needs increased. Chet Yazwinski, the Old Deerfield Fire Chief explained that additional storage capacity beyond 10,000 gallons licensing must go through the state. He said Mr. Molenaar has a safe, well established area, not accessible to the public, which has been in existence for several years. Mr. Yazwinski further explained that the license, if granted, would go with the land, as per CMR code. However, if the license were unused for a period of time it would expire.

**A motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted to grant the license for storage of up to 10,000 gallons of propane.**

**Discussion of Flood Issues:** Mr. Yazwinski said that 30 years ago the Town installed a sewer line from Main St. to the sewer plant. In the process, someone miscalculated the elevations resulting in a need to raise the level of the ground by three feet to accommodate the pipe. Drains were installed along the way so the water could pass through. The drains have to be cleaned to function properly. Otherwise there is freezing, lifting, and ponding. He said ponds are an issue as once you have ponds you can't get rid of them.

Ms. Ness asked him to talk about the ditches along Rt's 5 & 10. He said starting at Main Street in Old Deerfield, there's a brook that goes all the way along 5 & 10. He said along the deer head piece is the swamp that drains the whole north end of the brook. It has not been maintained. There are now eleven beaver dams that hold back the water. He has pictures that show this area used to be field where crops were grown; there was just a little ribbon of water along the edge. Now groundwater is saturating the area. Right now the Town's water pipes are in water where they never were before. The whole thing is farmers used to maintain the ditches. Now that non-farmers own the land none of that is being done. It's affecting the water table. He said that today he had a backhoe come in and dig one section of the brook lowering the pond down to the culvert (a foot and a half). There was further discussion about ditches, some of which are on state property and some on privately owned land. One area of concern runs behind Richardson's Candy Kitchen and Savages Market, where culverts that go under Rt's 5& 10 are collapsed and clogged.

Questions were raised about what might be done. Mr. Yazwinski pointed out what he had described is not limited to just that section of Town. As he put it, it's the nature of the beast. There's no way to keep the silt from coming down the hill and filling the brook. This led to a discussion of possible solutions and regulations that sometimes stood in the way of resolving drainage problems. Mr. Yazwinski said in one instance he could fix a problem, except it would involve working on a town road, which he was not allowed to do.

Ms. Clarke said at the very least we ought to get bureaucracy out of the way for private citizens who are willing to do the work. She thought it absurd, given the clean-up that needs to be done, that there are obstacles in place. If the equipment is available right now, and Mr. Yazwinski is willing to do the work, why can't we work something out so this can happen?

Mr. Kubiak suggested that he could ask Dan Lawrence of Weston & Sampson to take a look at the over-all situation and make some recommendations. Mr. Lawrence would be aware of what permits might be required. If Mr. Lawrence isn't available, perhaps Mickie Markus, an environmentalist, could do it. It would be a good place to start.

Mr. Gilmore agreed that this would be helpful. He said previously there had been a lot of conversation, resulting in nothing happening. He suggested that it would be helpful to get all of the parties involved to sit down together to discuss the situation. He would not want people to come away feeling that the Board of Selectmen was asking people to do something that was illegal. [He said a number of other things as part of this discussion, but without a mike near him, most of what he said was unclear.]

Mr. Yazwinski said the part that we're really watching is EPA. Pasiecnik in Whately paid a huge fine for draining a swamp. Mr. Gilmore noted that at one point in time that land may not have been a wetland, but because someone didn't clear out the ditches, over time it had become wetland.

Ms. Clarke suggested a to-do list of things that could be done. Mr. Kubiak said there's probably stuff that can be done right-a-way with cooperation between land owners and the Town, some under Ag. Exemption, etc. He will talk to HAP on Friday and set something up for next week.

The sewer line construction project will begin next week. Mr. Yazwinski cautioned about the possibility of unearthing artifacts. However, Mr. Kubiak said the area was already disturbed ground stemming from a previous project.

#### **Discussion/Decision Items**

Life Support Agreement - Ms. Ness made a motion, seconded by Ms. Clarke, and voted, that the Chair be authorized to sign the Advance Life Support Agreement with BayState Health System, as amended.

Contract for Library roof replacement: Mr. Kubiak said the contract was not available at the moment. He suggested that Ms. Clarke review it, and that if found acceptable, Board members could come in and sign. Ms. Clarke made the motion, seconded by Ms. Ness, and voted to sign the contract when it becomes available.

Municipal Aggregation Agreement: Ms. Ness made a motion, seconded by Ms. Clarke, and voted, to authorize the Board of Selectmen Chair to sign the Municipal Aggregation of Electricity Agreement.

Annual Transfer Station Inspectors Agreement: Jan Ameen does the annual inspection for \$50.00. A motion was made by Ms. Ness, seconded by Mr. Gilmore, and voted, to sign the agreement. Mr. Kubiak explained what the inspection entailed. Ms. Clarke said in general she didn't like contracts that indemnified the firm doing the work.

Personnel Board: Mr. Kubiak reported that Counsel recommends that in the absence of a Personnel Board, the Board appoint itself to fill the role, temporarily. When reappointments were being made, there were only two members remaining on the Board (not enough for a quorum) and they were not reappointed. One member of the Board is a Finance Committee member. One regulation is that no paid Town employee can be on the Board. The regulations also prohibit Officials from serving. That seemed to eliminate the Board of Selectmen. There was discussion of finding qualified, interested persons to serve on the Board, hopefully by November. Mr. Gilmore said the town is changing and it may be time to make some changes. He is open to any suggestions, possibly bringing in professional people. He doesn't think there is a defined charge for the Board. The Board took no action to appoint itself as the Personnel Board.

ZBA Appointment: Ms. Ness made a motion, seconded by Ms. Clarke, to appoint Mr. Ed Wise to the ZBA. Ms. Ness said she'd talked to him and he seemed very interested and committed to putting the

effort into the position. The term of appointment would be until June 30<sup>th</sup>. Mr. Kubiak asked who would train him. A person should have some orientation and understanding of Chapter 40A. There is information available from the Citizen Planning and Training site on-line. Mr. Gilmore would like to see some sort of program to train people for positions such as ZBA. The vote was unanimous in favor of the appointment of Mr. Wise to the ZBA.

Screening and Interview Process: Superintendent of Streets and Sewers: Mr. Kubiak reported on the application announcements. He reported that to date there are three applicants and he is aware of two or three more that are expected. He said Hap has agreed to make himself available to review applications after November 1<sup>st</sup>. He asked the Board how it wished to proceed. Mr. Gilmore thought it would be best to wait until more applications are in before starting to cull them into categories. He suggested that the initial screening committee be composed of Hap (Harold Eaton), Mr. Kubiak, Ms. Clarke, and possibly Jay Wallace. If apparent suitable applicants are found, then interviews could be conducted. There was conversation about the job title not being representative of the responsibilities. It really is a Director of DPW position. Mr. Gilmore felt that out of this process might come some changes, such as splitting off solid waste management, etc., that might be beneficial and cost effective. Ms. Clarke spoke to the process of changing job titles. During discussion it was revealed that in order to do that some Town bylaws would need to be changed, as well.

Resignation: A motion was made by Ms. Ness to accept Pam Oakes resignation from the Tilton Library Trustees with appreciation for her many years of outstanding service. There now needs to be a joint meeting of the Library Trustees and the Board of Selectmen to appoint a replacement. A suggested date is October 24<sup>th</sup> at 2:30 pm.

Fluvial Geomorphologist: Ms. Ness reported that emergency repairs are being made all along rivers in the area. In the process the velocity of water flow is increasing. Recognizing that work along the rivers before they reach Deerfield has an affect on work being done in Town, she has been working to raise funds to finance a review of the Deerfield watershed area as a whole. In the process she has learned that Kevin Moody from the Federal Highway Commission is putting together a Disaster Resistant Communities Initiative, a holistic view of the entire working river and its tributaries from Vermont on down. If accepted, many agencies would be involved including: FEMA, EPA, and Army Corp of Engineers.

NRCS letter: Mr. Kubiak reported that Rita Thibideau wrote suggesting that Deerfield might let Ms. Clark of NRCS know that the Town might be interested in receiving NRCS money for projects on Little Meadow and Mill River Roads. Following discussion, the Board agreed that Mr. Kubiak send a letter of interest.

Award cordwood bid: Between three and four cords of wood accumulated from projects on River Road was put out to bid. The highest bid of \$401 was awarded to Frederick Korenewsky, Jr., of Conway in a motion made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted.

Forestry Grant: Ms. Ness reported that she has learned from Lynn Rose that the Town has received a grant for preparation of a forestry management plan for the Town's forests.

CDBG Hearing: With the Board's approval a hearing will be held at 7:00 pm on the Town's participation in an application through the Franklin County Regional Housing Authority for housing funding.

One-day liquor license: The Board approved a request from The Franklin County Chamber of Commerce for a one day wine and malt license on November 5<sup>th</sup> for the annual celebration of Apples and Cider at the Pocumtuck Valley Memorial Association. This was approved in a motion made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted.

A motion was made and unanimously voted to adjourn with the signing of the warrant.

Respectfully submitted,  
Priscilla Phelps