

Board of Selectmen Meeting  
Minutes - August 15, 2012

**Present:** Selectmen – Carolyn Shores Ness, Elizabeth Clarke, Mark Gilmore (arrived late)  
Town Administrator – Bernie Kubiak

The meeting was called to order at 6:35 pm, at the Town Hall, 8 Conway Street.

**Minutes:** Ms. Clarke made a motion to approve the minutes of July 11 and July 18. It was seconded by Ms. Ness and unanimously voted by those present.

**Public Comment:** none

**Selectmen's Comments/Announcements:** Ms. Ness wanted to thank people for their interest in the Streetscape project. She said there are three great candidates selected by the committee. There will be another meeting on August 23<sup>rd</sup> at 5:00 pm...

**Board of Health Comments/Announcements:** West Nile Virus has been found nearby. Ms. Ness reminded people to patrol their yards and eliminate standing water. Don't forget to check everyday for ticks.

**Appearances before the Board / Hearings**

**Police Search committee:** Present: Joanne Carney, Jay Wallace, Pat O'Bryan, Marti Barrett, and Dave Gendron

The committee was present to present an update on the process of selection of a new police chief. Ms. Carney said Deerfield Police Department members had met with both candidates and will provide a report. Mr. O'Bryan and Mr. Wallace did the checks of references provided by the applicants. No in depth investigations have been conducted.

Mr. O'Bryan, who checked the references provided by Mr. Droney, reported that Droney is well liked in Enfield. It is thought he would do well in Deerfield. Mr. Wallace, who contacted Mr. Paciorek's references, reported that the Chief in Sturbridge, where Paciorek currently works, will be sorry lose him. Others he talked with gave glowing recommendations.

Ms. Carney said the 4<sup>th</sup> phase of this process is a public interview of the candidates by the Board of Selectmen. Once the Board has made a selection a more intense background check, the CORI check, and a physical aptitude test will be conducted on the selected candidate. The position will be offered contingent upon successful completion of these items. Ms. Clarke suggested that these checks be made for both candidates prior to the final selection, as there is an "elephant" in the room.

She was referring to anonymous complaints received by the Board about one of the candidates that raise questions which she felt should be investigated. Some said the unsigned letters which the Board has received should be ignored. Committee members said they had heard some of these allegations during the process, and attributed them to sour grapes. Mr. O'Bryan commented that these complaints have been investigated in the past by the AG's office. Ms. Clarke said she wanted it to be known that the allegations had not been ignored.

Mr. Gilmore asked about the plan to hold a public meeting where business people, school people, and the general public could ask questions. The Board decided that people could submit written questions that would be compiled and given to the Board to be addressed at a public meeting on Friday, August 24<sup>th</sup>, beginning at 5:30 pm. Questions should be submitted to the Town Administrator by the end of business on August 22<sup>nd</sup>; the list would be public on the 23<sup>rd</sup>. Persons submitting questions should sign their names.

The next step is for the Board to publicly deliberate and hopefully make a decision on which candidate to offer the Police Chief position to, contingent upon satisfactory completion of the remaining qualifications.

Mr. Kubiak commended this committee for the work it has done. The Board members praised the committee, as well, noting that this is an important decision for the Town.

**Deed Restriction – 46 McClelland Farm Road:** Present: Kris Warner, and Richard Calisewski

1.) Contaminated well - Mr. Calisewski reported that he had advised Mr. Warner to get a water sample that meets DEP water quality standards. The results of the most recent test meet those standards. If the deed restriction is not removed the water must be tested twice a year. Mr. Calisewski took time to explain the events that led to this. A few years ago, the property was foreclosed upon. Mr. Calisewski was called regarding water spewing from the house. Upon investigation he found that the water to the house was coming from the house next door. The well that went with the house was not being used because it was contaminated. Mr. Calisewski notified the real estate people and the bank that the situation had to be corrected before an occupancy permit could be issued.

2.) When Mr. Warner purchased the property, he purchased it with deed restriction requiring water testing twice a year. The restriction can only be removed by the Board of Health. A drilling firm was brought in, but found the well to be non-repairable. A new well would be needed. Mr. Warner was given a copy of the well regulations. He chose to dig a shallow well without obtaining any permits. Subsequently, he had another well drilled that turned out to be contaminated with arsenic and other things. A filtration system was installed. The well driller made some recommendations which there were copies of.

Discussion - Mr. Gilmore said he would like to see a lot of test results before he would be comfortable with removing the deed restriction which Mr. Warner was asking for. Testing should be done both before and after the filtering system. In response to a question from Ms. Clarke, Mr. Calisewski said he had asked DEP about the possibility of finding a spot on that property that would not be contaminated. DEP's response was that this is a common problem along the river. This is potentially the situation all along the Connecticut River. Although it is not yet a formal policy, Mr. Calisewski has begun requesting that along with TitleV inspections of homes with septic systems, testing of wells be done.

**Mr. Warner left without receiving removal of the deed restriction on his property at 46 McClelland Rd.**

**Other Items from the Health Agent** - Mr. Calisewski presented the suggestion that the Town have a policy regarding testing water on the transfer of property. He presented a draft tobacco policy for the Board's review.

Ms. Clarke asked what enforcement mechanisms the Town currently had. Some, such as doubling the fee for projects begun before a permit is issued, or treating each day a violation continues as a separate offence, were mentioned. She said this should be moved to a top priority on the Open Items list.

Mr. Calisewski gave a short update on the Chang property. The house on Sugarloaf Street has been condemned and will be demolished. He has probably spent 40 hours to date on the matter. He was asked by the Board to prepare an itemized breakdown of this time.

On a personal level Mr. Calisewski is working 40 – 50 hours per week to keep up with things; he is keeping a log. He also needs get his status clarified now that he has come out of retirement to work full-time. He felt he should have some sick and vacation time. This will be looked into.

**Right-of-Way and Access - Present:** Jonathan Lowe, Shawn Patterson, and Dick Calisewski  
Mr. Lowe owns property on Pleasant Street next to the South Deerfield Fire Station. The property faces Rts 5 & 10. Pleasant Street is not a through street and does not have an entrance onto Rts 5 & 10. Mr. Lowe would like to change that by requesting a curb cut off Rts 5 & 10 so that he can have a driveway to his property. The state refuses to grant a curb cut, due to traffic safety concerns. So Mr. Lowe was present to ask the Town to grant him entrance. Everyone present took a turn at explaining that regardless of what was done in the past, and what the concept plan prepared many years ago shows, **the Town cannot grant him entrance through property that it does not own.** He spoke about a right-of-way that appears on some plans. He was advised that if the right-of-way exists it will be recorded at the registry of deeds.

### **Discussion/Decision Items**

**Owners Project Manager (OPM)** discussion – Present: Ralph Healy, chair of the Public Works building Committee

This matter was brought before the Board to provide assurance to those who had concerns that Mr. Patterson is well qualified to serve as the OPM. For the edification of all concerned, Mr. Kubiak provided information regarding the definition of Owners Project Manager: the qualifications, and the timeframes within which the Mr. Patterson can serve as OPM. Mr. Healy said he thought it was a benefit to the Town to move forward with Mr. Patterson as the OPM. The role of OPM actually began with the signing of a contract on July 22, 2012. Mr. Patterson's credentials are available for review by anyone who wishes to see them. Mr. Healy said the bottom line is that this building is more than a garage. The goal is to make it a good safe place for people to work. He said it is going to save money and protect people.

Mr. Kubiak said that Harold Eaton "Hap" the former Highway Superintendent has graciously volunteered to join the committee. He will replace Mr. Patterson, who as OPM, has stepped aside. Mr. Eaton's knowledge is invaluable to this committee as was shown at a recent committee meeting. Mr. Healy and Ms. Ness strongly supported the move to appoint Hap to the

committee. **Ms. Ness made a motion, seconded by Ms. Clarke, and unanimously voted, to appoint Mr. Eaton to the Public works building committee.**

**Amendment to HKT Design Contract** – Mr. Kubiak reported that the project has reached the design phase. Some modifications to the agreement for a public works facility are before the Board for approval. Some design fees have changed, but they will not change the overall project price approved at annual town meeting. Ms. Clarke pointed out a missing provision in the modified agreement for approval of changes as the project progresses. She said addition of the phrase, “subject to the approval of the Building Committee” would solve the problem. Looking further along, Ms. Clarke directed attention to the rates charged for subcontractor services by R.W. Sullivan as extraordinary. Office support staff at \$75 - \$105/ per hour is just too much to Ms. Clarke. She said she could hire an attorney for less. Mr. Kubiak said he had questioned the rates and was told they were that firms published rates. He can go back to discuss, but it will be a delay in the contract. Mr. Healy said time is critical, he didn’t think the contract should be held up for work that is strictly outside the scope of the contract.

**A motion was made by Ms. Clarke, seconded by Ms. Ness, and unanimously voted, to approve the contract subject to addition in section 2 that payment for optional services be subject to approval by the Building Committee, and, an answer be found as to why the clerical rates are looking professional in scope.**

**Appointment to Frontier School Committee** – There were two persons who responded to a request for interested persons to fill a new school committee position. **Ms. Clarke made a motion, seconded by Ms. Ness, and voted, to appoint Dr. Lipp to the position, the term of which is until the next annual town meeting.**

**MMA Statewide Essay contest - A motion was made by Ms. Clarke, seconded by Ms. Ness, and voted, to support participation by the 6<sup>th</sup> grade in a statewide essay contest.**

**Revolving Account** – Mr. Kubiak explained that funds escrowed on behalf of the town from solid waste collections have been held by the Solid Waste District in an escrow account. Since this is no longer allowed the suggestion has been made by Jan Ameen that the Town establish a revolving fund to hold these monies. It is a way to track revenues. An alternative would be to let funds would go to the general fund.

Getting off the track a bit, Mr. Gilmore admitted he had been under the impression that one did not need a sticker to use the recycle facilities and had told people that. In practice, however, the policy is that to access the recycle area, which is inside the Transfer Station, a sticker is needed.

**A motion was made by Mr. Gilmore, seconded by Ms. Ness, and voted, to put an article on the next town meeting regarding establishing a revolving fund to manage the MURF funds.**

**TOD 2012-03 - A motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted , to award a contract to Grave Stone Services of New England for conservation and restoration of grave markers at two West Deerfield Cemeteries.**

**TOD 2012 -04-** A motion was made by Ms. Clark, seconded by Ms. Ness, and unanimously voted, to award the bid for sale of 33 areas of surplus property on Upper Road to David J. McCann the lone bidder, in the amount of \$12,500. Mr. Kubiak reported that the Clerk/Treasurer/ Collector has invested \$10,000 in the taking. She is satisfied with the bid.

**TOD 2012-05-** There were three bids for the property on Eastern Avenue. A motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted, to award to Mark Whitman, the high bidder at \$25,000. The other two bids were Galenski: \$21,013.13 and Southergill: \$20,000.

**One Day Liquor License – A motion was made by Mr. Gilmore, seconded by Ms. Clarke, and voted to approve a one day liquor license for the Police Benevolent Association.**

**Violation of Site Assignment -** In the most recent four months the police have received nine complaints that Mr. Romanowski's pigs have breached their fence, running loose in the area around Stillwater Road. It is clear to the Board that some action on the part of the Town needs to happen. Mr. Gilmore suggested that Mr. Romanowski and his attorney be advised of the violations and request a plan for solving the problem by the Board's next meeting, August 29<sup>th</sup>.

There was discussion of enforcement actions the Town can take. The statutes regarding loose animals need to be reviewed for any legal options. Perhaps a financial penalty at least to make whole the damage could be imposed. There are likely old fencing statutes that allow the field driver, who is called to round up loose animals to re-coop his expenses from the owner of the problem animals. The suggestion was made that Mr. Romanowski and his lawyer be summoned to a hearing at which they advise the Board of what they have done (not what they are going to do) to correct the problem.

**Open Items List-** Ms. Clarke said item #15, the fee schedule, has been completed and can now come off the list. In light of tonight's discussion of enforcement matters, she suggested that enforcement of non-criminal violations be moved to high priority on the list. To begin there needs to be a list of areas where enforcement policies are needed: they fall into three categories: Police policies, Town bylaws, and Board of Health. Any information collected for this list should be funneled to the Town Administrator.

A motion was made by Ms. Clarke, seconded by Ms. Ness, and unanimously voted, to adjourn with the signing of the warrant.

Respectfully submitted,  
Priscilla Phelps

Attachments: