

Board of Selectmen Meeting  
August 29, 2012

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

The meeting was called to order at 6:30 pm.

**Minutes:** A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted, to accept the minutes of the August 1, 2012 meeting. Mr. Gilmore abstained, as he had not been present.  
(2-0-1)

**Public Comments:** none

**Selectmen's Comments/ Announcements:**

Ms. Ness commented with pleasure about signs that are being posted on the streets where veterans who were killed in action formerly lived. She wanted to thank Betty Hollingsworth, Doug Tierney, their committee and Shawn Patterson for this tribute to these fallen heroes.

**Board of Health Comments/ Announcements:** Ms. Ness reported there continues to be a lot of mosquito activity. She said people should try to avoid them by using repellents and wearing long sleeves during dusk to dawn time.

She reported that EDS had a good meeting today in preparation for a drive-through event to be held on October 21<sup>st</sup> at the Yankee Candle Corporate Headquarters parking lot. It will be held from 10am to 1pm. Registration forms will be on the website soon.

**Appearances before the Board/ Hearings:**

**CDBG Revolving Loan Fund:** Present: Robin Sherman (FCRHA&RDA)

Ms. Sherman introduced herself as the Executive Director of the Franklin County Regional Housing and Redevelopment Authority. The authority has been providing assistance with economic development, block grant programs, and housing rehabilitation for nearly 40 years.

She went on to say the funds are federal (HUD) which are distributed to states, for distribution to eligible communities. Eligibility for participation in the CDBG programs is based upon the income level of the population, which needs to be low to moderate. Communities are ranked by need. Deerfield is not one of the needier communities; however, it has received block grant money in the past.

For housing rehabilitation, typically the intent is to bring the home up to code. Testing for lead is part of the program, especially if there is a child under the age of 6 in the home. She explained the process which the homeowner follows. These loans are at zero interest and are repaid at the time the home is sold. Since the change in policy in 2009, half of the loan is forgiven after 15 years. Currently, Deerfield has \$75,000 in outstanding loans out there that will eventually be repaid.

When the loans are paid back, the money comes to the Town and may be either unrestricted, or restricted to eligible CDBG purposes. One option is a revolving fund which makes money available for reuse by other residents of the same town. Residents who wish to take advantage of this program can apply to the housing authority anytime. If qualified, they will be placed on a waiting list. As funds become available, projects can move forward. Currently 4 Deerfield people are on the waiting list.

Ms. Sherman referred to the 24-page document which she would like the Board to review. Its purpose is to advise the housing authority on how the Town would like to have its funds (those being returned) handled. As mentioned, a choice could be to establish a revolving fund. Recently, a loan in the amount of \$6,734 was repaid. She would like to take 2% of that back as a loan servicing fee. Her second request is for the Board to advise her on what should happen to the remaining balance; should it come back to the Town or recycled into a revolving fund?

A number of thoughts and questions were discussed. Ms. Ness leaned toward having any unrestricted monies come back to the Town. When she suggested a use for such funds might be when the Town Clerk came to the Board looking for assistance to get someone a ramp, her fellow board members were quick to remind her that public funds can not be used for a private individual. Ms. Clarke and Mr. Gilmore were interested in the reuse of the monies for its original purpose, i.e. rehabilitating homes. Mr. Kubiak would like to see a revolving fund established. It was agreed that a lot of information had been presented that members needed some time to consider prior to making any decision. The Board will put this on the agenda for further discussion at the next meeting.

Ms. Sherman spoke briefly about the difficult funding environment for senior housing that is affordable. With the cost \$150,000 to \$200,000 per unit to build, finding private parties interested in investing that kind of money is difficult. With the senior population increasing, the need is there, but the funding to build housing that these people can afford is just not available. Mr. Kubiak, speaking from experience, said many times helping people so they can stay in their own homes is far more cost effective. Partnerships between housing authorities and senior services can work.

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

**Police chief hiring process:** Mr. Kubiak reported that he anticipates all of the background checks will be completed by the next Board meeting. He asked if the contract negotiations should begin now, or wait for everything to be complete. Ms. Ness wanted to move forward. Ms. Clarke said there is a DA investigation that was never closed; she wants this to be a thorough and complete investigation.

Mr. Kubiak said the Board can meet in executive session to discuss a salary and benefits offer. He asked the Board to set a date to do this. The Town has a salary scale and benefits package already in place. He said Mr. Paciorek has sent along a sample contract that he would find acceptable. After discussion of possible dates, the general consensus was that an executive session will be called for September 12<sup>th</sup>, either prior to or following the regular board meeting.

**Complete Streets/Downtown Livability Project** - Mr. Kubiak reported that five responses were received to a request for proposals. The committee narrowed this down to three: Nelson/Nygaard Group, Waterfield, and VHB. When the price proposals were opened, Nelson/Nygaard, Cecil & Doucet was under the \$60,000 stipulated. Therefore the committee recommends that firm. Ms. Ness, who participated in this process, said the proposals were all good ones. The project to improve a portion of South Deerfield from Elm Street to Sugarloaf Street is funded by \$40,000 from HUD and \$20,000 from the Town. In the completed design will be recommendations of things that the Town can do itself. **A motion was made by Ms. Clarke, seconded by Ms. Ness, and unanimously voted, to accept the proposal of Nelson/Nygaard, Cecil, & Doucet.**

**Open Space & Recreation Plan development** – Mr. Kubiak reported that the Open Space and Recreation committees are committed to working with the FRCOG staff to update the plan. Due to limited time availability, the FRCOG staff will handle the work (preparing mailings, etc), but the committees will be in charge of the content. The exciting part is that this time the Rec. Committee will be participating. This is important as monies such as CPA funds can be allocated to development for recreational activities, once there is a plan in place. It is helpful to know what the Recreation needs are. Completion of this plan will make the Town eligible for other grants. **A motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted, to endorse this contract, as presented.**

**Piggery** – 97 Stillwater Road - present: Several persons from the Condo Association across the street from the Romanowski place.

Mr. Gilmore reported that he has asked Mr. Kubiak to review the letter from Mr. Romanowski's attorney, Mr. DeHerdt. Mr. Kubiak's reaction was that in essence the letter said nothing. Ms. Clarke's view was the letter essentially suggested that if the police didn't see it, it didn't happen. However, there is plenty of evidence of what happened. Ms. Ness said she was witness on one occasion. The number of phone calls indicate that pigs have been outside a contained area.

The fact that the pigs are getting out on a regular basis can't be denied. If they have food, and water and the fences are in good repair, this shouldn't be happening. Other farmers don't have livestock wandering around on a regular basis.

Possible courses of action – Persons who have damage can take their complaint to small claims court to re-coupe damages. The health agent can be sent out to document the violations. Police can be directed to respond and document what they find. Officers need to write reports including taking statements from witnesses. The Board can hold a hearing and revoke the site assessment permit. Ms. Clarke suggested that since water was used as an excuse for the pigs getting out, the matter of an adequate water source be verified.

Mr. Kubiak will draft a response to the letter from Mr. DeHerdt, which Ms. Clarke would like to review. As the condo people were standing to leave, Ms. Clarke invited them to participate in a project to review and revise the Town's bylaws. One of the matters to be addressed in that process is establishing appropriate fines, penalties, or other means of addressing violations such as the one they have concerns about.

**Memorandum of Understanding regarding well locations** - Speaking for the Board, Mr. Gilmore said the Town would not participate in the proposal at this time.

**Memorandum of Understanding – Hazardous Waste Day – A motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted, to authorize participation in the Household Hazardous waste Day on September 22<sup>nd</sup>.** The cost will be taken from escrow funds. Information about participating is available on the website.

**Reappoint Constable** – At the request of Ms. Stokarski, **Sharyn Paciorek was appointed Constable to serve from August 30, 2012 – May 6, 2013 to fill a vacancy in a motion made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted.**

**Pouring License for Deerfield Craft Fair – A motion was made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted, to approve a pouring license for the Deerfield Craft Fairs on September 15 and 16, 2012.**

**Proclamation** - The Food bank of Western Mass has requested that September be declared Hunger Action Month. **A motion was made by Ms. Clarke, seconded by Ms. Ness, and voted to adopt September as Hunger Action Month.** It is also National Preparedness Month.

**Town-wide tag sale** - Once again Max Hartshorne/ Deerfield Attractions requests permission to hold the town-wide tag sale on October 6, 2012. **A motion was made by Ms. Clarke, seconded by Ms. Ness, and voted to approve the request.**

**Comcast Contract Meeting** - On October 1, 2012 at 7:30 PM there will be a three town meeting regarding the Comcast contract renewal. It is also time for persons to be appointed/ reappointed to

the advisory board for cable TV. Mr. Kubiak said the EMS report will be ready for presentation, as well. A town representative is still needed for FCAT.

**Open Item Tracking List** - The fee schedule is complete and can now be removed from the list. Mr. Gilmore requests that when an item is complete it remain on the list for one generation so everyone has a chance to see that it done.

Public Works – The OPM matter is settled. The next step is review of the schematic design which is expected to be ready in November. In the meantime, there are things happening. They should appear on the chart.

CodeRed – The 5 keys are: Police Chief, Emergency Medical Director, Town Administrator, Fire Chief – OD, Fire Chief – SD Ads need to go out for people who want to receive messages on their cell phones. A banner for the website should happen (Bernie will ask Pat Kroll to help with this.). Training will be done once the new Chief is on board. Mr. Gilmore knows how to run the system and can do it from anywhere. He said Bob Stranahan from Greenfield can walk key people through the process, if needed. At the moment, the “Administrator” the person who can change information on the system is Mr. Kubiak. A signed affidavit from the BOS is needed to change that.

Personnel Evaluation – Everyone will have been through the initial evaluation process by September 14. This will serve as the baseline for the next evaluation time. Mr. Kubiak said Matt Russo and the Librarian are the only department heads who have not begun the process. Mr. Jacobs has met with Assessors to get process started. Ms. Clarke pressed for a date by which the final evaluation for the first year will be complete. She had questions about how the process of handling bonuses will work. Funds for potential bonuses will be included in the next (FY’14) budget.

Mr. Gilmore explained how regular wage raises would work based upon the evaluations. Each person would be compared to him/her self as to performance. An employee has to meet goals to move to the next increment on the scale. The details of how this will be handled and how it relates to bonuses has not been worked out. Mr. Gilmore said the Personnel Board is charged with this portion of the process. Mr. Kubiak’s charge was to make sure that the performance application process is done. There appears to be a disconnect between the Personnel Board and Mr. Jacobs, who is the consultant hired to get this program in place. Mr. Kubiak will attend the next Personnel Board meeting, scheduled for Sept. 11<sup>th</sup>, to learn where that board is in terms of the process and extend an invitation to attend a meeting with the BOS.

Committee processes and procedures – Ms. Warren has sent notices to committee heads with suggested meeting dates and a request for a response.

Oxford Property – Mr. Kubiak recommended contacting Ann Burke regarding information/ plans she has about the property. He said an RFP to find out how interested parties would develop the property might be the next step. Mr. Gilmore suggested a meeting including the streetscape people, realtors, and other interested people to brainstorm together.

Internal policies – A revised draft needs to come back to the Board.

Town Bylaws – High priority. Ms. Clarke has it on her list. Civil enforcement will be a big piece.

DEDIC – Mr. Kubiak said that there are statutory regulations that have not been met for years. He needs to be involved, but he doesn’t have time to immerse himself at this time. He will get Mr. Gilmore a list of the members.

Senior Housing - Move this down on list for the time being.

Highway Infrastructure/ data collection – Mr. Kubiak hasn't had a chance to talk to Mr. Patterson. He knows the data collecting is going forward. Ms. Ness said he is using the ACAM program and should be getting some help from Homeland Security.

Tobacco regulations – A draft has been distributed. Ms. Ness is anxious to hold a hearing and adopt the regulations prior to the start of school.

Transfer station – Mr. Kubiak reported that Jan Ameen is getting quotes on the compactor. A recommendation will be made on whether to buy one new compactor or two used ones.

Non-criminal dispositions – Combine this with the bylaw revisions.

Inventory of town-owned property – Mr. Kubiak reported there are several forested areas owned by the Town. There are a couple of small parcels that could be sold.

Policy Manual – Move this to #4 & 6. It belongs with committee processes and internal policies.

A motion was made to adjourn the meeting with the signing of the warrant.

Respectfully submitted,  
Priscilla Phelps