

Board of Selectmen Minutes
Meeting – September 26, 2012

The meeting was called to order at 6:30 pm at the Town Hall located at 8 Conway Street.

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

Minutes: A motion was made by Ms. Clarke, seconded by Ms. Ness, and voted, to approve the minutes of meetings held on August 29 and September 12, 2012.

Public Comments: none

Selectmen's Comments/ Announcements: Ms. Ness reported there will be a ham radio drill this Saturday. She wished to thank the Highway and Police Departments for cooperation.

Board of Health Comments/ Announcements: Pay attention to mosquitoes.

Appearances before the Board/ Hearings:

Police Department: Present – Chief John Paciorek, Jr.

Chief Paciorek began by saying his has been an eventful week. He has checked the department budget and feels it's right on target. Several officers will be attending training in different areas to update themselves and train other officers. A number of things are happening: beginning the process of clearing out evidence, determining what to do about failing terminals in the cruisers, and internal re-organizing of the way the calendar is managed, etc.

When Ms. Ness began talking about a Shelburne Control program, Mr. Kubiak reminded that with regard to IT services, the Chief will prepare the layout of a technology plan for the department. The current system, which appears to have been put together in a piece-meal fashion, presents a number of issues. The Chief said his priority is to address the laptops for cruisers which are unreliable. There is about \$4,800 available in cruiser funds that could be repurposed toward that expense.

He discussed plans for the new cruiser. A Crown Vic has been reserved, but he is interested in the Ford Interceptor which has been available for about five months. The Board urged him to complete his research, but left the decision up to him.

Ms. Clarke raised the matter of the planned revision of the non-criminal enforcement policy. Mr. Kubiak said the Town has a bylaw that is defective and difficult to enforce. The Chief's input into the process will be helpful.

Tilton Library: Present – Sara Woodbury

Ms. Woodbury discussed the many services that the library has available for townspeople. She talked about books that are available for use on kindle and other readers, as well as activities such as movies and sing-a-longs. There are computers available for public use with access to the

internet. Wireless access is also available. She reported that the library's strategic plan has been completed.

Mr. Gilmore suggested that it might be useful for Ms. Woodbury to attend meetings of the Board of Oversight for the Senior Center to partner with the seniors on some activities. Ms. Woodbury said she had been discussing this idea with the Senior Center director.

Discussion/Decision Items:

Sale of Property: Present – Mary Stokarski, Town Clerk

The Board signed the deed for town owned property located on Upper Road that was recently put up for sale by the Town. A motion was then made by Ms. Clarke, seconded by Ms. Ness, and unanimously voted, **to authorize the Chair to execute and enter into all documents to effectuate the sale of property located on map 75, lot 1, off Upper Road, Franklin County, Commonwealth of Massachusetts to David J. McKayen, and to accept on behalf of the Town any and all proceeds from the transaction which will take place prior to October 15, 2012.** Ms. Stokarski notarized their signatures.

Tobacco regulations: Present – Dick Calisewski, Health Agent

Following a previous presentation, a redraft of the policy by Ms. Clarke, was before the Board for review and discussion. Additional revisions were discussed; the policy will come back to the Board one more time for approval.

A possible provision, working its way through the state legislature, that no business providing health care services, including pharmacies, be allowed to sell tobacco products was discussed. The Board saw no reason to put a cap on the number of businesses that can sell tobacco products, as long as it is being done legally. The licensing period will be Jan 1 – Dec 31, renewal to be done during December. Displaying of products was discussed.

Recommended penalties for violation included: Suspension of permit to sell: 1st offense 3 days, 2nd offense – 15 days, 3rd offense – 1 year. Persons could impose the fine/suspension would be the BOH, Health Agent, and Police. The aggrieved party would have 10 days to file a request for a hearing.

Mr. Calisewski provided an example of a sting that was conducted by the coalition where the wrong Irving store was ticketed. This led Ms. Clarke to comment that she thought if the coalition caught a violation, it should be reported to the BOH, who would issue the ticket. Just as is the case with the sale of alcoholic beverages, underage employees should not be permitted to sell tobacco products.

Mr. Kubiak explained that with the alcohol stings, the PD is notified, informed, and usually present when a sting is to be held. The tobacco coalition should be doing something similar, by notifying the Health Agent in advance.

The final revised policy will be reviewed by counsel and shared with the tobacco coalition.

Authorization to work paid details: A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted, to authorize Chief Paciorek to accept paid details, as has been the practice with the previous chief.

Special Town Meeting (STM): A motion was made by Ms. Clarke, seconded by Ms. Ness, and voted to set the date of November 7, 2012 for a STM to authorize moving funds around within the Police budget and to cover the cost of vocational school for two students. Free cash will be used to cover the projected costs.

Complete Streets Project: A motion was made by Mr. Gilmore, seconded by Ms. Clarke, and voted to authorize the Town Administrator to sign a contract with Nelson/Nygaard for planning services. Mr. Kubiak said the tentative start date for the project is October 9th. On that day there will be a meeting at 2:00pm and a second meeting at 7:00pm with the steering committee.

One day liquor license: A motion was made by Ms. Ness, seconded by Ms. Clarke, and voted, to approve a one day liquor license for the Pocumtuck Valley Memorial Association on October 12, 2012. The fee will be waived.

Open Items list: Mr. Gilmore requested that the list be put on hold for this meeting and that it be rearranged to focus on the priorities.

Following a reminder by Ms. Ness of a meeting in Sunderland on Monday regarding cable TV and ambulance service, the meeting adjourned.

Respectfully submitted,
Priscilla Phelps