

Board of Selectmen Meeting  
Minutes - August 14, 2013

**Present:** Selectmen: Mark Gilmore, Carolyn Shores Ness  
Interim Town Administrator: Wendy Foxmyn

The meeting was called to order by Mr. Gilmore at 6:30 p.m.

**Minutes:**

**Public Comment:** David Rohr presented a request that Bud Driver be appointed to DEDIC.

**Selectmen's Comments/Announcements:** Ms. Ness reminded people to sign up for CodeRed. It can be done either on the Town's website or by completing a form at Town Hall.

There is a Special Election on September 9<sup>th</sup> to fill the vacant Selectman position.

**Board of Health Comments/Announcements:** Ms. Ness reminded that mosquitoes are still around and that containers of water should be empties. Check for ticks.

This year the EDS event will be held on October 6, 2013 at the Yankee Candle Business Park. Bring the whole family to get free flu shots - "Community Immunity"

**Hearings/Appearances before the Board:**

- **Restricted Use of Senior Center:** Present- Dick Calisewski, Building Commissioner  
Mr. Calisewski reported that use of the basement of the building has been restricted due to wetness and mold. Plans for remediating the situation are being developed. He said that evaluation of the structural issues in the building needs to be done as part of the process of determining its future use. Ms. Foxmyn explained there is an agreement in process for obtaining the structural evaluation.
- **DEDIC:** Present- John Paciorek  
Without Jack Ciesla being present the planned discussion was postponed. Mr. Paciorek said there was a need for some members to be appointed to the committee.
- **Bayer Material Science, LLC:** Present- Shaun Gaus, Brian Huntley(engineer from Tighe & Bond), Gary Griswold

This was an informal meeting to present expansion plans for Bayer. The company, formerly Deerfield Urethane, is located in Whately on a site abutting the Deerfield Industrial Park. The discussion was to see if the Town might be willing to provide access to Deerfield's wastewater treatment plant and access to RT 116 by permitting creation of a connector road through the industrial park. The company currently employs around 100 people and expects to double in size. Further information will be available at a later date.

- **Housing Production Plan:** Present – John Waite (Planning Board)  
Mr. Waite gave a brief explanation of the housing plan, stressing the need for input from the Board and other groups in developing the plan. He invited participation at the next meeting August 26, 2013 at 6:00 pm. Mr. Gilmore thought a good look should be taken at the real needs of the town, not just the requirements of 40B.

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

- **Marijuana** - Present- Attorney Dick Evans, Chief Paciorek, Dick Calisewski, Jacobus Molennar

Ms. Foxmyn said the Town voted nearly 2-1 in favor of the marijuana statute recently enacted. She has been approached by interested growers. Dick Evans, a lawyer and long-time supporter of legalizing marijuana, spoke of his findings, describing some of the Mass. Dept. of Public Health regulations as “brutal” and “draconian.” He said the Town doesn’t need any more restrictive regulations than the state has already imposed. He saw no visible threat to public health.

Mr. Calisewski said he has been receiving phone calls from all over inquiring about dispensaries and growing. According to him, currently, any retail business can sell marijuana products and any residential/agricultural zoned property can be used for growing it. He recommends there be regulation by Special Permit, just as is done with any other business. This will be a major business that should be regulated. He commented that Mr. Molenaar had the perfect place for growing, as he has greenhouses for indoor cultivation.

The state will issue a maximum of 35 licenses. Licenses include both growing and dispensing. Mr. Evans said the first phase of the application process deadline is August 22. He thought it would be November or December before phase 2 would be complete and any licenses would be issued. One opinion voiced was that there might be time for the Planning Board to hold public hearings and a zoning bylaw created without the need of a moratorium. Ms. Foxmyn reported that there are no sample bylaws to use as a guide.

- **Personnel Board Items:** Ms. Foxmyn and Mr. Gilmore attended a Personnel Board meeting. Minutes of that meeting are available, but have not yet been approved. Ms. Foxmyn would like to have input on the manual from the staff. There needs to be a change in the Town’s by-law, so that the policy and the by-law agree. A town meeting is necessary to change a by-law.

- **Police – Part-time Officers:** Present – Chief Paciorek  
The Chief presented a 5 step plan to address acknowledgement of the training, experience, and education that some part-time officers have. Under his plan new part-timers would participate in a field training program. As experience and education increased their pay rate would increase. The range would be capped at \$20.00/ hr. He noted that the most experienced part-timers tend to work fewer shifts than the younger/newer officers. **A motion was made by Ms. Ness, seconded by Mr. Gilmore, and following discussion, unanimously voted, to adopt the Chief’s 5-step graduated pay scale.**

- **Highway – Monitoring wells:** Present – Shawn Patterson

Mr. Patterson reported that he recently met with Huntley Associates to advise that a new proposal for monitoring is being prepared and notification will be provided once a decision has been made.

- **Tubing :** Present: Police Chief Paciorek, Highway Superintendent Patterson, Zoning Enforcement Officer Claisweski

Chief Paciorek reported on the parking problems created by the volume of tubers on the Deerfield River. There is limited parking near the Stillwater bridge. Tubers enter the river at Bardwell's Ferry in Conway and travel the river to the bridge area where their vehicles are parked. As the numbers of tubers has increased, so have the parking problems. He has assigned police officers to the area and is receiving positive feedback from residents tired of people parking all over, jumping off the bridge, nudity, etc.

A cease and desist order has been issued by Mr. Calisewski. The business operators feel since cash exchanges hands in Conway, they are not conducting business in Deerfield. Chief Paciorek has pointed out that this is a violation of zoning, as the area is not zoned for business. If this business is going to continue, issues such as parking, monitoring the river for trash, etc. need to be resolved.

Mr. Patterson spoke of a concern about liability. His concern is that when someone gets hurt and fingers get pointed, the comment will be, "The Town lets me do it." Mr. Gilmore said there are three owners of the area: the state, the Town, and the utilities. He thought doing things, such as ticketing and towing need to be well documented to show that the Town is concerned about safety and adherence to the Town's rules and regulations.

Mr. Calisewski said there are two issues: 1) operating a business in an agricultural area, and 2) there is no place of assembly. In a meeting with the owners he suggested they file an appeal with the ZBA. He mentioned there is a sanitary issue.

- **Resignations:** A motion was made by Mr. Gilmore, seconded by Ms. Ness, and unanimously voted, to accept, with the regret, the resignation of Janet Swem. In a second motion made by Mr. Gilmore and seconded by Ms. Ness, the Board voted to accept the resignation of Bill McGoldrick from the ZBA.

- **Appointments:** A motion was made by Ms. Ness, seconded by Mr. Gilmore, and voted to approve the appointment of Paul Allis to the Cable TV advisory committee.

- **Hazardous Waste MOU:** The date for hazardous waste collection will be September 21<sup>st</sup> this year. A motion was made by Ms. Ness, seconded by Mr. Gilmore, and voted to sign the Hazardous Waste MOU. During discussion Mr. Gilmore stated that he thinks there is a major problem with the program because each year the town hosting the collection site has more participants than the other towns. He is concerned that the hazardous materials are being put in the regular waste stream.

- **Build-out map:** Ms. Foxmyn requested permission to request a build-out map of the cable network in Deerfield.

Ms. Foxmyn said she plans to have information available at the next Board meeting for moving forward with hiring an Accountant and a timeline for the other positions that will need to be filled, including that of Town Administrator.

A motion was made that the Board enter into Executive Session to discuss strategy with respect to collective bargaining as an open meeting may have a detrimental effect on the Town's bargaining position. The vote : Gilmore – Y, Ness – Y Mr. Gilmore announced the Board will not reconvene in open session.

Respectfully submitted,  
Priscilla Phelps

**Documents:** Police – part-time hourly wage steps