

Board of Selectmen Meeting
November 20, 2013 Minutes

Present: Selectmen – Mark Gilmore, Carolyn Shores Ness, David Wolfram
Interim Town Administrator – Wendy Foxmyn

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

Hearing/Appearances before the Board:

MassDOT Railroad Crossing designs: Present: Tim Doherty (MassDOT), Ron Oblenis (HDR)
Mr. Doherty was present to update the Board on plans for upgrading 49 miles of rail way from Springfield to Vermont to accommodate a fast moving passenger train. Two of the 24 crossings of concern at this meeting are at Elm Street and Pleasant Street. He said he thought he had an elegant solution to making the crossings as safe as possible. Mr. Wolfram inquired about the possibility of closing Pleasant St. and re-opening Conway St. Doherty said the time and expense of replacing the bridge at Conway St. was outside the scope of this project. Noting that ironically, the Conway St. crossing was closed due to the presence of the school; now the school is located on Pleasant St. but the same safety issues aren't a concern. Ms. Ness made a formal request for this issue to be reconsidered. She was supported by a number of interested persons, including the school principal and superintendent, who spoke of concerns largely relating to the safety of children crossing the track on foot and distracted parents/drivers transporting school children at the Pleasant Street crossing. Improvements including sidewalks were discussed. It was acknowledged that the Town has some responsibility for fixing some problems.

Plans for changes to the Elm Street crossing were discussed. An important part of the plan was to better define the roadway with sidewalks, raised islands, and the like.

HCOG Electrical Aggregation Agreement: Present - Ken Elstein
Mr. Elstein was present to explain the electrical aggregation program opportunity for residential customers in Deerfield. Interested towns had originally applied as a group, however the Department of Public Utilities has now decided that each of the 38 towns need to file separate petitions, necessitating an amendment to the agreement. The policy of HCOG is that the rate offered will be less than the existing rate offered by the utility companies. Once a rate has been decided, a mailer will go out to residents, who have 30 days to accept or decline the offer. **Ms. Ness made a motion, seconded by Mr. Wolfram, and unanimously voted, to approve the request to sign the amended agreement.**

Bayer Sewer Permit: Gary Griswold and Michael Petrin (Tighe & Bond)
Shawn Patterson (Highway Superintendent) and Dick Calisewski (Building Commissioner)
Mr. Petrin stated that this was a second meeting to discuss Bayer's request to be connected to the S. Deerfield wastewater system. Bayer is located in Whately. Mr. Wolfram disclosed, per direction of the State Ethics Commission, that he has filed a letter with the Town Clerk that he has a potential conflict of interest as his company does business with Bayer. Mr. Petrin summarized the current facility has a septic system that can handle 1,500 gallons per day. The desire is to abandon the septic system and connect to the Deerfield system. The facility expects to expand, doubling in size. A larger structure will create site constraint impacting how the facility will be expanded.

Mr. Calisewski presented plans he has obtained for the existing septic system at the Bayer site. He said the soils at the site were suitable for expansion of the current system. To check information provided, he wished to obtain permission to enter the facility to check for things like floor drains, manholes. He questioned the request for an 8" line which he described as being too large, contributing to clogging an issue that was clarified during discussion.

Mr. Calisewski said more time is needed to research what is really going to happen at the Bayer site. Fees need to be determined. DEP has determined that a municipal agreement is needed that spells out a maximum volume as well as a disconnect procedure. A meeting to include Mr. Patterson, Mr. Calisewski, and Don Chappell, the Chief Operator and Bayer people to better understand what is being requested was suggested.

Mr. Bilodeau, sitting in the audience, spoke of the possible needs for businesses that may move into Rule Industries and other vacant locations. Plus he and others on RT 5 & 10 who have been waiting 30 years to be serviced by the sewer should be given priority over a business from another town. Another businessman reported that he and several other business owners along Rt 5 & 10 have offered to pay for a sewer line and been turned down by the Board of Health. A point was made that at one point the state put a moratorium on the system; there were and continue to be infiltration problems which reduce capacity. The meeting concluded with plans to meet again after additional information has been obtained.

PUBLIC HEARING: Walter's Propane Storage Permit

Present: Richard Strycharz, Sr., owner

Ms. Ness read the Notice of the hearing. Mr. Strycharz explained his plan to house three trucks for delivering propane inside a fenced in area that would also contain empty cylinders. The trucks would hold 3400, 2400, 800 gallons of propane. The fencing will have two 12 foot sliding entrances. The Planning Board supports the site plan and the Fire Chief has given approval. Questions were asked about light pollution which the owner agreed to take care of. Hours of operation were expected to be normal daytime with the exception of possible emergencies. No additional training will be required of firefighters. **A motion was made by Ms. Ness, seconded by Mr. Wolfram, and unanimously voted, to support the storage permit request.**

Tax Classification Hearing: Present – Bruce St. Peters and David Rohrs, Board of Assessors

Mr. Gilmore read the notice of hearing. Mr. St Peters presented information which lead to the Assessors' recommendation that the Town continue taxation at a single tax rate rather than a split rate. With 12% of the tax base being commercial and personal property, splitting the rate would result in a fifty four cent per thousand decrease in the residential rate and increase of the commercial/personal property rate by \$1.65 per thousand. A single rate to cover the result of annual town meeting is proposed to be \$13.71/per \$1,000 up from last year's rate of \$13.44. **A motion was made by Ms. Ness, seconded by Mr. Wolfram, and unanimously voted to close the hearing.** A second motion was made **by Ms. Ness, seconded by Mr. Wolfram, and unanimously voted, to adopt a single tax rate for residential, commercial, and personal property.**

Minutes: A motion was made by Mr. Gilmore that the minutes of October 9, and 23 meetings be approved. Mr. Wolfram and Ms. Ness, who were present at those meetings voted in favor of the motion.

Public Comment: John Baronas, spoke of his concerns about issuing letters of support for medical marijuana distribution. He wanted: 1) all state, federal, and local laws be adhered to; and 2) the person who signs the permit assume all liability for any resulting problems (injury, accidents). Mr. Gilmore got a round of applause when he commented that 800,000 people get killed from legal medications. Mr. Wolfram spoke of his experiences with marijuana and other drugs and Ms. Ness assured Mr. Baronas that the Board of Health is working to educate itself in order to provide the best guidance possible in formulation of Town policies.

Jim Pasiecnik was present to ask for a letter of support for a medical marijuana facility at 10 Greenfield Road. He brought with him Nick Spagnola, one of the partners who discussed the lease arrangements and costs associated with preparing the facility. A gentleman from Denver, acting as a consultant with experience in the industry, spoke of the ways in which he would be guiding this new venture.

When Ms. Ness suggested that in theory the Board could write a letter of support, Ms. Foxmyn stated that counsel has advised that the Board not write letters of support. The reason is that as the permitting/ licensing authority it is a potential conflict of interest for the Board to do so. The request then turned to a letter of non-opposition. Mr. Wolfram noted that the Town has already shown non-opposition by not setting a moratorium and establishing an overlay district where a facility could be located. Mr. Rohrs, an Assessor, suggested provision of a copy of the Town's vote could satisfy the request. Ms. Foxmyn reminded the Board once again of the potential conflict. With that she said she was done. After stating that she wanted to have a dispensary in Deerfield, **Ms. Ness made a motion that a letter of non-opposition to a medical marijuana dispensary being located in Deerfield within a designated area with a copy of the Town's vote attached be prepared.** Mr. Gilmore seconded the motion so that there could be discussion. Mr. Wolfram cautioned this was heading down a slippery slope. Mr. Gilmore said it came down to points on applicant(s)' check list. **The vote was unanimous.**

Later in the meeting a draft of the proposed letter was discussed. **A motion was made, seconded, and unanimously voted, that the Board of Selectmen supports the siting of a medical marijuana dispensary in the district as voted at the Special Town Meeting on October 28, 2013.**

Selectmen's Comments/Announcements: none

Board of Health Comments/Announcements: none

Discussion /Decision Items:

- **Home Business Permit** - A motion was made to approve the renewal of a home business permit for Julie Lord.
- **SCSC Feasibility Study** – A motion was made by Ms. Ness, seconded by Mr. Gilmore, and unanimously voted, to award a contract for a Historic Preservation and Structural

Analysis feasibility study of the Senior Center to Gregory Farmer to be paid from available CPA funds.

- **Municipal Agreement for Ambulance** – Ms. Ness made a motion, seconded by Mr. Gilmore, that the Board approve an agreement among Deerfield, Sunderland, and Whately for South County Emergency Medical Services Operation, including deletion of the words non-voting at the end of the sentence. And Item 2 authorize signature of the agreement upon approval of the agreement by the other participating towns and satisfactory completion of: 1) the terms of related building lease agreements for the primary building in S. Deerfield and reserve building in S. Deerfield, and 2) a master inventory list of equipment. The vote was unanimous.
- **Landfill Contract (Weston & Sampson)**– An agreement with Weston & Sampson for installation of wells was placed before the Board for signing. Mr. Gilmore wanted to go on record asking, “Why are we going to put in deep wells to monitor something that’s not there anymore?” He refused to sign the contract. Mr. Calisewski said the wells in question, on private property (Melnik), tested at the lowest possible level; retesting was being done to be sure the result is not a fluke. It will be another week before the results are available. Since it appears that the need for the additional test wells at the landfill may have changed, Ms. Ness suggested another meeting with DEP before progressing further with the project.

During discussion that followed, it was revealed that Huntley Associates, the engineering firm that had been monitoring landfill wells, had apparently fallen down on the job, not providing results of testing for a prolonged period. When testing results were finally available there was a change which concerned DEP enough that it was requiring additional testing wells to be installed. The Town was in the process of hiring Weston & Sampson to do the work. However, the latest tests appeared to show no further evidence of contamination, thus additional wells might not be necessary.

- **Community Innovative Challenge grant forms**
 - 1) Mr. Calisewski reported on grant applications for funding to purchase on-line Permitting services from Full Circle Technologies. The program under consideration is being used successfully by FRCOG, Berkshire County, and Hampshire County for building, electrical, and plumbing permits. The grant applications will provide \$11,297 for the Building program and \$10,917 for the Board of Health portion. There is an annual maintenance fee.

He explained that the recent audit by ISO, an insurance rating company, resulted in the Town being downgraded, which means that homeowners will find their insurance rates will rise. Items of concern leading to the downgrading include lack of proof of continuing education of the inspectors and a policy of allowing some inspectors to keep permits at their homes. On-line permitting would correct some of this.

Ms. Ness made a motion, seconded by Mr. Gilmore, to support and sign a CIC grant application for the Berkshire Regional on-line permitting program. The vote was 2-1-0. Mr. Wolfram said he thought it was too expensive.

2) Ms. Ness made a motion, seconded by Mr. Gilmore, and unanimously voted, to support a CIC grant application for the purchase of equipment for South County Emergency Medical Services.

3) Ms. Ness made a motion, seconded by Mr. Gilmore, and unanimously voted, to sign a CIC grant application for the Franklin County Solid Waste Agricultural Plastic Recycling Program.

- **Sewer commitment - A motion was made by Ms. Ness, seconded by Mr. Wolfram, and unanimously voted, to sign the FY' 14 Sewer commitment in the amount of \$279,970.52. A motion was made by Ms. Ness, seconded by Mr. Wolfram, and unanimously voted to abate residential bills that are 125% above the winter consumption for FY'14 - a total of \$25,161.87. A message about items that should not be flushed will be included in the billing statement.**
- **Appointments/Openings/Resignations - A motion was made by Ms. Ness, seconded by Mr. Wolfram, and unanimously voted, to offer the position of Town Clerk/ Treasurer/ Collector to Barbara Hancock at grade 6, step 1 of the employee classification form. The position is effective December 21, 2013.**
- **Ms. Foxmyn asked the Board to appoint a second person to represent the Town on the Regional EMS committee. Mr. Wolfram made a motion to affirm Mr. Gilmore as a representative to the Regional EMS transition committee and to appoint Matt Russo as the second representative, with the Town Administrator as the non-voting fiscal agent representative. The vote was unanimous.**

A motion was made by Mr. Gilmore, seconded by Mr. Wolfram, to adjourn the meeting.

Respectfully submitted,

Priscilla Phelps

