

Selectboard Meeting  
November 14, 2011

Meeting opened at 7:04pm

Present: Noreen Suriner, Chair; Alan Vint, Clerk; Mitch Feldmesser  
Duane Pease, Administrative Assistant

**Noreen** advised Board members the Board of Health radios were to be re-programmed tomorrow and to bring them to the Town Hall.

**Alan** said he received an email reply from Caprice Shaw of DEP and that she had forwarded his email to her superior. This was the email that requested a meeting with DEP to discuss the pollution remediation at the former general store.

Warrants were reviewed and signed; minutes of last week's Board meeting were reviewed, some corrections made and then approved, 3-0, on a motion to approve by Alan, 2<sup>nd</sup> by Noreen and signed.

**Jay Swift** was in attendance, he is Chair of the Planning Board (PB). He requested to speak to the Board regarding Pioneer Valley Planning Commission's (PVPC) "Valley Vision". The PB reviewed the Memorandum of Agreement for Promoting Regional Action on Growth Management and Regional Land Use for the Pioneer Valley. He stated the memorandum deals more with the Connecticut River Valley than Middlefield. The 12 points deal with among other things: smart growth; preserving open space and farms; cluster housing; ways to bring cities back toward the center of the city and providing housing for all income levels. Because the PVPC has helped Middlefield on a number of issues, most recently aiding the PB on the Wind Turbine By-Law the PB voted unanimously to support this agreement even though it did not have an impact on Middlefield. Jay was asking the Selectboard to sign the agreement and forward it to PVPC.

**Mitch** wanted to delay the approval until he had a chance to read the memorandum. The Board agreed and will take it up at next week's meeting.

**Jay** also noted that the Town will have to have a Special Town Meeting (STM) regarding the Wind Turbine By-Laws. He will have to post hearings, etc and will need at least a 4 week notice prior to STM.

**Alan**, who is also a member of the PB, said the Small Wind Turbine By-Law should be ready within a month and the Large Wind Turbine By-Law should move quickly.

**Jay** said the importance of having these By-Laws in place is because the State is working to usurp local control. If you don't have a By-Law in place the State can dictate what they want, the By-Laws will give the Town a stronger case if court action ensues.

The next item discussed was the letter from the Inspector General's (IG) office that **Noreen** is handling. She spoke with the IG's office and they have not done an investigation into the allegations. She suggested they speak with other State Departments such as DOR. Noreen will request letters from the various departments that are mentioned in the complaint and draft a response.

**Mitch** felt the response should be sooner rather than later.

**Alan** will help in getting the information regarding the Highway Dept from Skip.

Noreen requested **Eleanor Doyle**, who was in attendance, respond to the Fair issues. **Tom Austin**, Police Chief, respond to the Police detail issue and **Bev Cooper**, accountant, explain the procedure for paying outstanding bills. Noreen had previously spoke with Gita Jozsef who will answer the Assessor issue and Steve Harris who will respond the to Co-op complaint.

**Alan** then informed the Board of his meeting with Attorney Alexandra Dawson; he dropped off a couple hundred pages of documents for her to review. She will review them during the week and advised of her findings.

Alan also stated the Town could discontinue the road in question by asking for a vote at a STM. He contacted Mass DOT and they are to get back to him if they find anything and also went to the UMASS archives.

**Mitch** called the Attorney General's (AG) office for help on the issue of licenses being granted by the Zoning Board of Appeals (ZBA) when they were in direct conflict with the Town By-Laws. The AG was of no help and advised him to use Town Counsel for this question.

**Alan** suggested if Mitch does call Town Counsel to have specific questions to ask. Mitch said the question is: can the Town deny a license renewal to someone the ZBA had previously granted the license to even though the By-Laws forbid it?

**Mitch** also noted there is a December 1<sup>st</sup> ZBA meeting in Pittsfield that all the ZBA members are going. The meeting is on Special Permits and variances.

Next, **Noreen** discussed a memo received from **Jackie Duda**, Health Agent; regarding research she did on permitting, placement and construction of privies so the Board could make a decision whether to allow them in Middlefield. Jackie could find no towns that had regulations and the opinion was unanimous that they were trouble. The memo is attached to the minutes.

**Bev Cooper**, Town Accountant, told the Board she had completed the Schedule A that is required by the State and she had spoke with Joe Boudreau of the DOR and she should have the Free Cash certified shortly.

**Skip Savery**, Highway Superintendent, advised the Board he had contacted Huntley Engineering and Tighe & Bond regarding testing the well located at the highway garage. Huntley no longer has anyone qualified and Tighe & Bond is to call him back after he left a message. He has erected guard rail on Reservoir Road and will be paving a portion of Cone Road. Also, the boom Mower should be in this week.

There was no further business and Mitch made a motion to adjourn, Noreen 2<sup>nd</sup> and the vote was 3-0 to adjourn. Meeting was adjourned at 9:05 pm.

Minutes respectively submitted by:

Duane Pease  
Administrative Assistant

Minutes approved with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser