

Selectboard Meeting
July 25, 2001

Present: Noreen Suriner, Chair; Alan Vint; Mitch Feldmesser
Duane Pease, Admin Asst.

Meeting called to order by chair at **7pm**; meeting then adjourned to auditorium for the public discussion on the Historic Arches.

7:05pm the “Arches” meeting was called to order. Present were the Middlefield Selectboard; Chester Selectman Gene Bishop; Dave Pierce, Friends of the Arches; Chris Curtis, Pioneer Valley Planning Commission; Andrew Madden, regional manager MA Fish & Wildlife and Craig McDonnell, MA Fish & Wildlife.

There were also 20 residents and representatives of various interests in the audience.

Chris Curtis gave a re-cap of the long struggle of the joint efforts in preserving these National Treasures. The Arches are in the National Register but the group has spent over 17 years searching for the funding to restore them to their original condition. Funding was in place at one time but was then rescinded. He had a site visit last week with MA DOT and DOT considers it a “Live Project”. The westerly bridge needs base work, that will entail building a structure around the base to keep water away during the repairs. There needs to be equipment access and CSX has agreed to the use of one of their right-of-ways for the equipment. Some other issues are also settled but the funding needs to be secured. The original funding granted in 1998 was \$1.1 million but that number has increased.

Craig McDonnell spoke regarding how the work would be done; that funding exists in a series of programs but securing those funds would be difficult. The actual contract for repairs would go out to bid and then awarded but the engineering for the project would be done by Purcell Engineering as they have been involved in the project from the beginning and have the expertise needed. Permitting would be done by MA DOT and the engineer. Future maintenance should be minimal these bridges have stood for over 150 years but Fish & Wildlife would be responsible as they are in a MA Wildlife area. The area would be accessible by the Herbert Cross Rd but to restrict motorized traffic gates, bollards and large stones would be utilized to prevent access.

Andrew Madden reinforced the statements of McDonnell and that he, Madden, would be responsible for the operation and maintenance of the site.

Alan Vint questioned the enforcement of the regulations, i.e. camping, fires. The Environmental Police and State Police most likely would not be able to respond quick enough and the local police do not have the resources or equipment to continually patrol the area.

Mitch Feldmesser questioned the signage that would be used advising of proper usage. Noreen Suriner also questioned the access to the Arches, parking and vehicle access.

An audience member, Loren Johnson, had many questions regarding the CSX right-of-way as it is through his property. He did not feel he should have to spend his own money to have an attorney draw up a contract to make sure the right-of-way was used properly, maintained, absolve him of any liabilities and left in the same condition. McDonnell explained the State could not expend public funds for that but perhaps there could be some Pro-Bono work done by a local atty for him. He would be given an easement payment when the contract was awarded many in attendance agreed with Loren and felt this should not cost him money. He was also concerned, as were some of his neighbors, about the parking of the construction equipment and worker's vehicles. Loren was to have a private conversation with McDonnell about his concerns after the meeting.

It would be one construction season for the Arch repairs to be completed.

Chris Curtis, PVPC, said all accesses, environmental concerns and permits would have to be approved and in place before attempting to secure State and Federal funding.

Craig McDonnell said to take the approach "Assume we can find a way".

8:45 The Arches meeting was adjourned.

8:50 Selectboard meeting reopened with all in attendance.

Minutes were reviewed, some revisions noted on the minutes.
Mitch reviewed appointments and questioned how he was listed as appointing himself, that error corrected in minutes.
Minutes were approved by 3-0 vote.

Warrants reviewed and signed

Mitch questioned salary of Administrative Assistant.
Alan stated the position paid \$12/hr for 15/hrs a week.

Mitch also questioned salary of Town accountant
Alan relayed board had agreed to this being a salaried position

Noreen announced the BSO would be providing a free concert to Middlefield in appreciation for the hospitality shown during their run earlier this summer. The concert will be August 10th at 8pm in the Town Hall auditorium. Admin Asst to make posters to post in Post Office and Town Hall.

Kopelman & Paige bills

Alan felt the bill was excessive for the services rendered but it was decided to pay the bill.

Mitch stated they should provide better accounting in the way the bills are presented.

Alan received a \$1,000+ bill for the Green Community work that was done by K & P and felt there was no justification for the bill. Atty was asking for inappropriate material for this grant.

Mitch did not recall authorizing K&P for the Green Communities grant.

Alan explained an expedited letter was needed and they are the Town Counsel.

Alan also felt the attorneys were being switched around and questioned if we were being billed for bringing the new attorney up-to-speed. Perhaps meeting with Atty Kopelman would be beneficial.

Alan: just want to know what we are paying for. He is requesting that each task be itemized on any bill submitted going forward and that Town receives itemization of the last 2 bills.

Noreen and Mitch both agreed.

Alan made a Motion to Rescind approval of paying the \$822.50 bill that had been previously approved; there was no 2nd of the motion.

Mitch stated “one cannot undue what all have approved”

Noreen said to release the payment on that bill but hold the Green Community bill until Alan contacts K&P for itemization and possible meeting.

Letter to Peter Oligny

Noreen requested status on letter regarding the cleaning of the grease trap in the Town Hall Kitchen as the Grange uses on a regular basis.

Alan: Peter did not want the liability of cleaning the trap and felt it was the responsibility of the maintenance person. Peter also felt the Grange would not be around much longer but did not elaborate.

Mitch questioned if the trap had been cleaned in the last 2 years.

It was felt that either Peter or Skip Savery had cleaned it.

Noreen would like the letter rewritten and then sent to Peter Oligny.

Alan to rewrite the letter.

Water Tank

Emergency situation arose on a Sunday night when the water tank in the Town Hall started to leak.

Alan called a plumber Monday morning and the tank was in need of replacement. Alan was able to coordinate the replacement of the tank, obtaining an electrician to do the re-wiring necessary and maintain the function of the Town Hall with very little disruption to all.

Also, later that week on Friday, Alan and Joe Kearns took down the wood framing around the old tank and disposed of it.

There were 2 old refrigerators in the kitchen that Alan removed to the transfer station. The old tank will be removed by the Highway Dept and disposed of.

Alan also said there was one more leak in the plumbing, unrelated to the tank that had to be repaired. Also, a bill to be submitted by a prior plumber will have deductions taken as the work had to be redone.

Noreen and Mitch both commended Alan on his work during the water tank emergency.

Noreen: also thanked Alan and many others for their work in installing the new shades in the Town Hall. Alan acknowledged that Laurie LaFreniere also helped to install the shades along with the vender.

Noreen, Mitch and Alan were very grateful for the installation.

Jungle Gym

Noreen: a child was hurt on the Jungle Gym when a board broke; the child just suffered scrapes but is okay.

Noreen thanked Skip Savery very much for his quick response and repairs. Skip advised that the deck needs to be replaced and that the repairs are ongoing.

Marie Pease wanted to know the status of a complaint that Mr. Jamula had filed with the town, she was advised he sent a letter to the Board and it was forwarded to the Police Chief.

Alan read her the letter the Board had prepared to send to Mr. Jamula regarding his dispute of the road closure and right-of-way issued.

Marie requested a copy of the letter when it is sent.

Ron Radwich, new Highway hire, submitted copies of his licenses and health certificate.

He also spoke on the new radio purchase; they are going to stay with Motorola. Noreen said that was fine as long as the purchase did not exceed the \$25,000 appropriated.

Highway Dept Complaint

Skip Savery, Road Superintendent, present.

Alan took a phone call regarding a safety complaint (letter was sent by State outlining the violations), one of the Town employees, working alone, was using the wood chipper without the proper safety equipment. (hard hat, face protection, ear protection) and the lack of any communication equipment in case of an emergency.

Skip said all the protective equipment was available to the worker but he chose not to wear it. He will reiterate the importance of using all the protective equipment and if any employee does not use it he will send him home.

Noreen said to keep reinforcing the need to use this equipment.

Also, every truck is equipped with a radio, so there was a means of communicating. Skip said all of his equipment has all the safety features that are available.

The Town tractor is in need of a clutch so Skip is using his own when needed for the time being.

Alan appreciated the use of “wildlife” friendly culverts. Noreen and Mitch agreed.

Skip said he picked up the surplus truck last Friday, it needs batteries and has already registered it.

Noreen requested the status on the road plan. Skip said he has been working on it.

Skip said the removal of the old water tank in the Town Hall was going to be a “rainy day” project.

Noreen: any unfilled positions, appointments will be made at a later date.
Special Town Meeting Warrants were previously approved.
File locking policy will be addressed at a later date. Current combination locks on the cabinets all have the same combination.

Noreen: feels very strongly about the 911 Dispatch and that Pittsfield is charging the Town \$6,600 a year for the service. The police and EMT’s are okay with a change to Hampshire County dispatch. She would like to meet with both the Sheriff of Berkshire and Hampshire to County to discuss.

Mitch and Alan both agreed to her meeting with them.

Noreen discussed having the Selectboard place an ad the Middlefield Fair Booklet, a half-page ad would cost \$30 and each member would contribute \$10 from their own money, not from any Town funds. The ad would congratulate the fair and thank the townspeople.

Mitch would like to find a way to use a Town account.

Alan felt we could not spend town money for this ad as it would not be legal.

Noreen was hoping all 3 would agree to share.

Mitch said it doesn't feel right that he should pay as the Selectman expense could cover the cost.

Noreen agreed with Alan and they will pay for ad with their own money.

Administrative Assistant

Would like the hours posted in the Post Office as well as on the board on the Town Hall. Tentative posting would be for:

Monday: 5:30pm

Friday: 9:00am-3:00pm

Saturday: 8:30am-10:30am

Agenda for possible meeting next week even though it is the off week.

Green Community Grant

There is much to discuss with this grant and it will take time to go through. The grant is for \$138,000 and the Town has until August 20th to come up with an application on how to spend the grant.

Noreen

Need to discuss appointment of a Health Agent.

Alan: Andy Myers came is Saturday looking for information on a house on Chipman Road and there was no information in the file. Alan then looked for his info and it was not there. It had been in the file a couple years ago. Does not know where it is now.

Mitch brought up the previous discussion of Mr. Johnson's right-of-way that is needed for the Arch restoration and thought it would be helpful if Kopelman & Paige could review the easement for him.

Noreen said we would need the document first and see if the other 2 towns would contribute to the review but it would not be Middlefield alone.

MMIA

Noreen questioned the replacement value on the Town Hall.

Alan and Mitch felt it was appropriate for the type of construction.

Alan reviewed the MMIA vehicle listing, deleted some vehicles no longer in service and added a new one. This info was forwarded to MMIA.

Mowing

Chuck Winn had the low bid for the Town mowing; he mows with his own equipment as an employee of the Town. He does not have liability or work comp ins to cover this.

Alan stated that any private contractor would have to supply the Town with proof of insurance and the Town's insurance would not come into play.

It was agreed that any future bids for mowing would only be considered if that entity provided the necessary insurances and would not be considered an employee of the Town.

Sharon Verditti, Town resident questioned the posting of the Warrant for the Special Town Meeting and why there was no meeting to discuss the Warrant.

Noreen explained that both of the Town Constables were to be away so the Warrant was signed early so it could be posted early.

Alan stated there already had been a vote to hold the meeting on August 8th so this had to be done.

Noreen made motion to adjourn; Alan seconded. Vote 3-0 to adjourn.

Meeting adjourned at 10:40pm

Minutes respectively submitted,

Duane C. Pease
Admin. Asst.

Selectboard Meeting
August 1, 2011

Present: Noreen Suriner, Chair; Mitch Feldmesser; Alan Vint
Duane Pease, Admin. Asst.

Meeting called to order at **7pm** by chair.

Cathy Roth of Middlefield Days requested use of Town property Sept 30- Oct 2. Middlefield Days is sponsored by 5 Town Commissions. There will be more celebrations than prior events. Will have a bonfire, hikes, children's activities, talent show, pie contest and new event, the Cow Flop Contest. The event will wrap up Oct 2nd with a pancake breakfast.

Noreen said it would have to be passed by Tom Austin, police chief, he would go over it with the Committee.

Tom was in attendance and stated it was not a problem with his dept, the police are paid using the dept. funds.

Noreen made a motion to accept, Alan 2nd. Vote was 3-0 in favor.

Cathy Roth representing Middlefield Heritage Society told the board they will be updating the Middlefield Town Map. They would like to put the map up in the hallway of the Town Hall with a desk. This way residents could make corrections to the map before the final printing.

Noreen made a motion to allow, Alan 2nd. Vote was 3-0 in favor.

Cathy Roth then said the Heritage Society would like to put a bench in Starbuck Park. She will have to research to see if there are any restrictions/limitations to what may be placed in the park.

Request was made to lower the American Flag outside the Town Hall to half mast in honor of "Moe" Pease who passed away on Sunday. Moe served the Town in various capacities for a number of years. It was agreed that it would be lowered in his honor. Vote was 3-0.

Eric Weiss, Sustainability Director for the Hampshire Council of Governments and Marcos Marrero, Pioneer Valley Planning Commission were present to discuss the Green Community grant that was awarded to Middlefield.

Eric stated that the \$138,000 awarded was significant for the town and that there were 2 main issues:

- 1) Spending plan has to be submitted to the Department of Energy Resources (DOER) by 8/22
- 2) What to do with the funds.
 - A. Solar could be fitted for the Town Hall
 - B. Use funds for the townspeople.

Marcos said it was important for this public forum to discuss the issues. The Town could make energy efficient investments. \$70,000 could be used to make the highway garage more efficient.

Noreen would like to get one building done, the Town Hall, with more insulation and more efficient ceiling tiles.

Eric said it could be used for solar installation, either on the roof or in the back field and that would give the Town a direct payback.

Noreen also questioned if insulation in the Senior Center would be appropriate.

Alan wanted to know if there was some way to get a drop ceiling in the Town Hall.

Mitch questioned Marcos on additional ways to use the money. If loans to citizen for building “green” would be considered.

Marcos said there has to be a justification of each cost and that the administrative cost of running such a program may be a hindrance. That we have to get as much “bang for our buck” and that the residents would have to put the money to good use.

Marcos said that if the money were to be used on Town Buildings it would cost \$13,000 to insulate the Senior Center and install a new hot water heater; another \$30,000 to make the Fire Station more efficient and \$70,000 for the highway garage.

Eric said the money could be split in half with half for solar for the Town as it is the way to go, would be a great model, gives visible income to the Town and would be attractive to others. Then take the top 5 projects and use the balance of the grant for them.

Noreen stated we will be able to get additional information to the townspeople at our upcoming Special Town meeting, we can also get feedback.

Eric said we have to be mindful of the timeline.

Mitch stated there was not much time for the people to think about what they would like to see done with this grant.

Alan said we have to move quickly on this.

Jay Waag-Swift said it would be unwise for individual homes as there would be too much overhead involved. He felt the best payback for the town would be a solar installation, take care of the Senior Center and do “bare bones” on the Town Garage. Insulation is always a payback.

Noreen stated the process had started on the Senior Center, an engineering firm and architectural firm are doing cost estimates for the work needed.

Mitch felt the timing on the spending was important.

Eric said the proposals that will be sent to DOER can be changed later as long as the money is spent in a timely fashion.

Mitch want to know if money can be set aside for the roof and roof insulation, not the walls and then specify for walls. He was told the wall insulation is a separate item.

Eric and **Marcos** will get together and come up with a list for next week. This will be a priority list.

Alan said he wanted more understanding on our “bang for the buck” , how it will save the Town money over time and solar installation vs. Town Garage. We are relying on Eric and Marcos and their expertise to advise us.

Marcos said if all the insulation and upgrades were done, it would cost \$106,000. That would leave a balance of \$32,000.

Alan still questions the cost versus savings versus payback.

Marcos said Town could rent or lease out the solar

Mitch questioned Marcos as to how the solar would be handled by the Town. Marcos said he was just giving examples.

Eric said we should keep it all local.

Marcos said the grant money would be paid 50% up front, another 25% when the project is started and the last 25% when the project is finished.

Jay suggested Eric prioritize the list and give the costs of each.

Susan Baker-Donnelly wanted to know when the money starts, how soon does the project have to be done. Is it a use it or lose it situation?

Eric said this grant is not as tight as other project grants, just have to have a plan and keep moving forward with it.

Maureen Sullivan wanted to know if money would be available for home loans for “green” betterments. The Town and select board would not have to be involved as there already is a process in place that the Tax Collector can administer.

Eric said this money would be for new square footage only under the grant.

Maureen wanted to know how soon plans would be needed to apply for this grant money.

Mitch wanted to know how soon we needed our answer.

Eric said once it was decided he would be able to relay information.

Sherry Verdeti wanted to know if the deadline could be extended and if he has the numbers.

Eric said the estimates were done on a square footage basis.

Maureen questioned if they considered upgrading the lighting in the Town Hall.

Eric said that has the longest payback as the Town hall is not occupied enough.

Jay asked if a big solar array if the Town would need seed money.

Marcos said it was not necessary but could be used.

Eric said the Town get the most out of it if it does much of these things itself. It would get the electricity, Energy Credits and tax breaks.

Jay said the value would increase as time goes on.

Steve Harris asked if it were large scale, could some of the money be used for a feasibility study.

Eric said there is no payback on a feasibility study.

Jay stated we don't want to spend grant on speculative studies.

Noreen thanked both for their input.

Eric said that **Joe Kearns** should get a lot of credit for his knowledge and help in putting the numbers together.

Eric Weiss then spoke to the board as administrator of the Hilltown Resource Management Cooperative. He has a new handout that is being compiled. He has not received the final payment from DOER on the windows.

He also brought some additional blue household recycling bins with him.

Nancy would like to see a long range plan for the transfer station.

Kathy O'Brien came in with a list of residents who did not purchase transfer station permits last year. Unfortunately a couple of the people on last years list did purchase permits this year without paying for last years.

Alan suggested a really big sign at the transfer station.

After discussion it was agreed that letters will be sent to the scofflaws.

Kathy turns in her receipts to the treasurer, she has not been giving receipts, the dump sticker is their receipt.

The **minutes** from last weeks meeting were **approved** with a cross out on page 6 being the only correction.

Karl Barcome came in with concerns about the Arches work site and parking.

Noreen told him the Town would not allow any parking that would create a danger. That there would be no parking that would disrupt culverts or septic systems.

Mitch said the Town would protect its citizens' property during this construction project. He also would like a copy of the right-of-way proposal that Craig McDonnell is preparing for Loren Johnson.

Noreen and **Alan** will check to see if the Town can pay for a review of the proposal.

Leanne Every stated she has concerns about the Municipal Light Plant that is necessary for the Wired West initiative. It is due on 8/5 and the Special Town Meeting is on the 8th.

Noreen wanted to know what is on the certificate and that the town did hold votes prior but did not have a paper ballot vote. That is the purpose of the STM.

Leanne has concerns about her roll, **Alan** and **Mitch** have no concerns with **Noreen** dealing with Leanne on the Wired West.

Mitch made a motion to elect **Leanne** as the manager of the MLP and delegate to the Wired West. Seconded by Alan. Voted 3-0 in favor.

It was also suggested that Leanne try to get others interested in the project.

Sherri Vendetti said she has seen some Mass Broadband people in town looking at the telephone poles.

Letters to Peter Oligny were reviewed and okayed. Noreen thought the letters were accurate and appropriate. Vote 3-0 to send them out. Alan signed the letters as he had been the one in contact with Peter.

Alan's e-mail to Kopelman & Paige was reviewed, we are waiting for a response from the law firm.

Further appointments for positions are needed. Discussion centered around having any interested citizens come in, this would be a way to get more people involved. This may lead to better functioning committees/commissions. Perhaps a letter to existing appointees with a box for them to check and return if they are interested in keeping their position.

Alan said there was some confusion on events with the Recreation Committee and there events sometimes clashed with private events in town and that it basically sucked.

Noreen thought the Rec Committee should come in and provide a plan for the year.

Alan had concerns about its operation.

Joe Kearns said sending letters to each member and have them come in for a meeting.

Concerns beside the Rec Committee were the Board of Health Agent, Homeland Security and the Wiring inspector.

Also mentioned was Middlefield is one of a few towns in Massachusetts that does not have a Town Flag. There are some designs in planning. It was also suggested that a contest could be held among townspeople for a possible design.

Noreen advised a letter had been received from **Valerie Nickerson** regarding a Title V test she had witnessed.

Also, an e-mail from **Marjorie Hines** regarding her wanting a perc test but not able to have the Town's BOH agent available. Although he had not been re-appointed, he is still in the position.

Noreen responded to her e-mail.

9:20pm Alan made Motion to Adjourn, Noreen 2nd. Vote 3-0 in favor

Respectively submitted,

Duane C. Pease
Administrative Assistant

Minutes accepted with/without corrections,

Noreen Suriner, Chair

Mitch Feldmesser

Alan Vint

Selectboard Meeting
August 8, 2011

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

Meeting called to order after Special Town Meeting at **8:05pm** by chair.

Marie Pease requested the library be placed first on the agenda as a number of elderly people were in attendance specifically for the library issue. After heated exchange between **Mitch Feldmesser** and **Marie Pease**, order restored and the library was placed first on the agenda.

Susan Baker-Donnelly, chair of the Library Trustees read a letter of resignation that library director, Cyndy Oligny had submitted to the Trustees. Letter states she has had a strong difference of opinion with municipal officials regarding the library policy, cooperation between departments and use of the building and did not see the situations resolving in the near future. Her resignation is to be effective August 30th but is willing to extend her date by 2 weeks. (The letter is attached to these minutes.)

Susan Baker-Donnelly said the Board does not want to accept her resignation and there is tremendous community support for her. Cyndy has been the director for 27 years and the library has been a labor of love for her. Susan wrote a letter supporting the library. (That letter is attached to the minutes.)

Trustee Chris Bresnahan spoke of the dedication Cyndy has shown to the library and its patrons, of how she has spent 20 minutes on the phone with elders to get them the book they want. She maintains the library and only receives a \$1,000 yearly stipend. Chris then spoke of the budgets neighboring towns have for their libraries: Huntington, \$59,100; Chester, \$24,374; Becket, \$42,000 and Middlefield's library has only a \$3,000 budget.

Noreen questioned what caused the conflict and if it was any criticism by the Selectboard.

Alan questioned who was causing the conflict. He had requested the Grange to clean the grease trap and that was refused due to questions of liability. Also, he and **Joe Kearns** had removed 2 of the old refrigerators from the kitchen and brought them to the Transfer Station. The Town had also installed new shades in the library.

Marie Pease stated the Board of Trustees runs the library.

Chris said the tone has made her feel threatened and she needed permission to post signs.

Susan stated a Public Servant resigning after 27 years was not right. That Cyndy felt threatened and bullied.

Alan said anything we can do to keep Cyndy we will do.

Susan said we need to keep her.

Alan mentioned the library budget was terrible and the Trustees should ask for more money in their budget.

Susan hopes it is a misunderstanding and it can be resolved.

Alan said he can be brash, sarcastic and loud but in no way did he mean it to be directed at Cyndy.

Susan does not want this to turn into a he said/she said.

Noreen said the library board should meet with the Selectboard and Finance Committee in an attempt to obtain more funding for the library.

The Selectboard will write a letter to Cyndy stating their appreciation of her and all that she does for the library and its patrons and urging her to reconsider.

Next **Noreen** introduced **Eric Weiss and Marcos Marrero** to discuss the Green Grant the town received and possible ways to utilize the funds. A hand out had been prepared and the recommendations were to emphasize energy efficiency, showcase Middlefield's commitment to sustainability and provide incentives to residents. (Handout attached to minutes.)

Alan stated this was the time to brainstorm, get input from the townspeople and decide how to spend the grant.

Noreen said there had been a lot of planning between **Marcos and Alan** is assessing the Town's needs. **Eric** had previously been heavily involved in the roof, windows and furnace replacements.

Eric said there had been many hurdles to overcome in obtaining the grant and gaining the Green Community designation. Previously the windows, roof and furnace replacements reduced fuel consumption by 40%, thus reducing the carbon footprint.

Marcos listed several projects that comply with the Green Grant stipulations and all are a benefit to the Town. The handout shows all the options.

Eric stated that if the Town Garage did not retrofit the exterior walls all could be done on the handout including the Solar PV array on the Town Hall and providing an energy improvement fund for residents to use in making additions to their homes. Even without the retrofit in the garage there would be a good return. The Fire House is in pretty good shape and the retrofits would benefit its energy efficiency.

Maureen Sullivan questioned the Town Garage as a problem location that can't house all of the equipment and did not want to see grant money put into this building. There had been prior research on replacing or rebuilding the garage. It had been hoped the Fire Station and Highway Garage could be relocated behind the Transfer Station but the Town did not qualify for the grant.

Eric said to look at when items were last replaced in the garage, do those and pass on the walls.

Alan stated it could be 10-20 years before any money was available to replace these facilities.

Maureen relayed most money for small town building projects does come from State or Federal grants.

Alan said we need to have a plan to use this grant money by August 22nd.

Marcos noted that they do not like to waste or spend money unwisely.

Eric said this is an outline of the plan as of today:

1. Take out the walls on the Town Garage;
2. Remove the Senior Center Roof.

This will place the total grant spending at \$137,000 and will include solar on either the roof of the Town Hall or on the lawn.

Question from the rear asked about storage batteries, **Eric** responded that this is not the type of system that would use batteries but would put any excess back into the grid.

Joe Kearns mentioned the back-up generator at the Town Hall is not green.

Ray Gero questioned if the system were installed what would we lose from the handout. He was told it would be the wall retrofit on the Town Garage and the insulation in the attic of the Senior Center.

Eric said that small towns like Middlefield can do a lot with grants.

Susan Baker-Donnolly questioned why the electric bill at the Senior Center was higher.

Joe Kearns explained it was due to demand charges.

Ray Gero then said we should hold off on the walls and Senior Center.

Noreen then asked if the audience agreed and all were in agreement as were **Mitch and Alan**.

As there was still a small amount of grant money left, **Susan Baker-Donnolly** questioned if it could be used to obtain shades similar to the ones recently installed in the Town Hall. She will submit measurements for **Eric** to include in grant.

Ray Gero wants the Town to come up with a plan for “Community Use” of the Town Hall for the Grange, Fair and other entities that would like to use it. That way people would not feel out of place asking to use it.

Noreen said they just have to ask and then put it on the calendar that is in the hallway.

Alan stated they are trying to do the right thing, figure out what the costs are, etc.

Ray said there should be a set of rules and that you can use it if you apply.

There is a question of liability insurance and there is a difference if it is being used by an individual or organization.

Alan suggested he keep checking back for updates.

There was a discussion with **Noreen, Alan and Mitch with Susan Baker-Donnolly** regarding the perception of the townspeople with the town leaders.

The Warrants were signed.

Minutes of the previous Selectboard meeting on August 1st were carried over to the next meeting for approval. Likewise the minutes of the Communication Committee’s meeting with the Selectboard on July 30th were carried over to the next meeting for approval.

Respectfully submitted,

Duane C. Pease
Administrative Assistant

Selectboard Meeting
August 22, 2011

Members present: Mitch Feldmesser; Alan Vint Duane Pease, Admin. Asst.

Meeting called to order at **7pm** by Alan Vint; Noreen Suriner, Chair was not present.

Alan asked Mitch if he wanted to be Acting Chair, Mitch declined and Alan was the Acting Chair.

Warrants were reviewed; payroll \$12,262.02 and expense \$161,178.46. Both questioned Town Treasurer, **Jane Thielen**, regarding \$40,000 returned to Stabilization Fund, she explained it was the money not used for the Vocational Education expense, the money was taken from Stabilization and if not all used , it was to be returned.

Minutes of the Communication Committee meeting with the Selectboard were approved as well as the minutes from the 2 previous Selectboard meetings.

Ron Berenson, principal with firm of Berenson & Bloom, was present to speak with the Board regarding Tax Title and Tax Taking as well as foreclosure on parcels that were delinquent in paying taxes. His firm deals only with tax taking and handles this for a number of towns in the area. He explained when the Tax Collector puts the parcel into Tax Taking the interest rate is 14%, if the owners do not pay the taxes and the collector turns it over to the Treasurer for the foreclosure process the rate goes up to 16%. If the owner(s) want to clear up the tax issues, they are responsible for the interest and all costs associated with the taking. If this fails and the property is turned over to a law firm to do the actual foreclosure, all expenses associated with this are now also the responsibility of the owner.

When Ron's firm gets the property from the Treasurer, the first thing they do is send a registered letter to the delinquent taxpayer asking them to contact the firm and make arrangement to pay the taxes. He will attempt to convince then that paying the taxes is a better alternative to losing the property, the owner may obtain a mortgage, sell logging rights or sell a portion of the property to pay the outstanding taxes. He encourages owners to enter into a

payment plan to clear up the arrears. Sometimes it is best for the owner to just sell and start over. If there is already a mortgage on the property, he will contact the bank and urge them to pay the taxes if the Collector and Treasurer have been unsuccessful in convincing the lien holder to pay. Alan questioned if the taking is a type of lien and Ron said it is and after 3.5 years lapse or if the property has been conveyed to another person, the lien can possibly be defeated. With due diligence this should not occur.

Any time the owner questions the procedure, it is up to that person to prove the property is not delinquent and not up to the Town to prove it is.

If all of this fails, the property is turned over to the land court for the foreclosure process and when completed, the owner loses all rights to the property. This requires \$515 fee which is used to research the owners, send registered letters, etc. There are time when an fee is required to perform this search.

Ron stated the Town should focus on properties of value as all monies received at the auction go to the Town and the former owner has no rights to any of the funds. It also places the property back on the tax rolls. Properties of low value that may be land-locked and unbuildable can be secured by the Treasurer and completed on-line.

If possible, properties with dwellings should be considered first, especially if there are people living in these homes. A mix of newer takings can be blended with some of the older ones also.

Alan commented on environmental issues and if the Town had done its due diligence what could the repercussions be if the property were to be taken. The property being questioned was the former general store on Skyline Trail.

Mitch said the Department of Environmental Protection has said this is what has been done to clean the property, but there were no guarantees given that additional would not be necessary.

Alan felt the DEP would give no commitment as to the total removal of the contaminated soil. The wells in the area tested okay.

Ron said the Town could sell by Requests for Proposals(RFP) and steer toward a qualified buyer.

Jane and **Mary Ann Pease**, tax collector, stated that the \$5,000 budget they share for tax taking can get used up quickly in the foreclosure process.

Alan questioned **Joe Kearns**, Finance Chair, who was attending the meeting, how additional funds could be obtained for the foreclosure process to continue. After much discussion, it was agreed to put together and plan, estimate the costs and then possibly present it at a Special Town Meeting.

8:10pm Jackie Duda was interviewed regarding the position as the temporary Health Agent for the Board of Health. **Alan** explained to her that the Selectboard is also the Board of Health and the current agent is resigning effective at the end of August. Also, Noreen Suriner has been the point person for the BOH. She noted that she met Noreen while taking part in the Emergency Planning Regionalization meetings.

Mitch stated the current Selectboard is relatively new, with the longest serving member being 1.5 years.

Jackie stated she would be able to take everything off their hands and would witness perc tests, inspect restaurants, etc. She got into soil science from her background in natural resources. She currently works for the Foothills Health District that consists of 3 towns (Goshen, Williamsburg and Whately) and pretty much does it all for them. She also looks to take any training that is offered. There is no overall certification for a Health Agent.

She said it has to be a “good fit” for it to work for both parties. She feels she is tough but fair, not a bureaucrat but responsible and reasonable. Every situation is different, exceptions have to be made but within the spirit of the regulation. She can be seen as harsh sometimes.

Alan said there has been some frustration in the past with communication and there needs to be someone that is available to see to these duties on a consistent basis. Appeared record keeping was sloppy.

Mitch relayed when septic plans were reviewed on scene the system was not where the plan showed it. Former agent did the best he could. Jackie wanted to know if she would be considered a Town employee or sub-contractor as she does not have liability insurance. She is covered by Foothills in her other job. If she was considered part-time she would be covered under the Town’s liability policy.

Joe Kearns explained that the current agent has a small expense account and is paid under a revolving account in which he receives 905 of the fee generated. The Dept of Revenue recommends the Town pay as a salary account and not a revolving account.

Alan stated the current situation is uncomfortable and they know the BOH has to do something else. He asked Jackie if she would be interested in the position.

Mitch asked **Joe** if there was a problem as no money has been allocated for this account.

Joe said there is no money now but a BOH agent account could be set up and \$1,000 could be used from the reserve account.

Mitch questioned the use of the current revolving account and was told it would be used as currently set up.

Jackie said it appeared there was not enough work for a salaried agent and that hourly would make more sense. Most of her work is done between May and Thanksgiving and involves septic systems and perc tests. She said she charges the homeowner \$150 for a new system, \$100 for repairs to existing system and \$50 for a Title V inspection. The checks would be made payable to the Town. She would charge the Town \$25 per hour plus mileage from the Town Hall. All records would be kept locally and locked in the Town Hall. She is available on Fridays and is also willing to work on Saturdays.

She submitted her resume, **Mitch** told her he certainly appreciated her coming. Jackie then left

Alan said it is so nice to have a strong, technically knowledgeable person to handle the Health Agent issues.

Alan questioned if there were any compelling issues that needed to be discussed.

Mitch: Kopelman & Paige still has not responded to request to meet with Board.

Alan said they are just going to charge \$5,000 for the work they did during the year and will not bill for the additional fees and the face-to-face meeting request has been ignored. We just want the charges listed per item. They have a representative in Lenox and that person has had problems with other towns.

Discussion regarding the appointment of Jackie Duda as temporary Health Agent:

Mitch felt she was very qualified and reasonable.

Alan: I can't speak for Noreen but she arranged for the meeting.

Mitch didn't see any problem except for paying her.

Joe Kearns said to pay out of Selectman's expense and review fee schedule with her.

Alan: Motion to hire, temporarily, as a Town Employee, Jackie Duda as the Health Agent for the Town, as needed, at \$25 per hour plus mileage calculated at the Federal rate from the Middlefield Town Hall.

Mitch seconded the motion.

Vote was 2-0 in favor.

Mitch: motion to adjourn

Alan seconded

Vote 2-0

Meeting adjourned at 9:40pm.

Minutes respectively submitted,

Duane Pease
Administrative Assistant

Approved by:

Noreen Suriner, Chair

Alan Vint

Mitch Feldmesser

Selectboard Meeting
September 6, 2011

Present: Noreen Suriner, Chair; Alan Vint
Duane Pease, Admin. Asst

Meeting called to order by chair at **7:01pm**; Mitch Feldmesser arrived at 7:03pm

Jackie Duda, newly appointed Temporary Health Agent was present with former Health Agent **Charlie Hunter**. **Noreen** welcomed her to the meeting. Jackie had met with Charlie previously and he turned over his equipment to her. Board received a list of the equipment. Jackie stated Charlie had been very helpful to her. She is going meet with the highway, police and fire departments. She will come back to the Board after she gets acclimated to the Town's operations. She said she has seen much worse and would like to get the files organized by street rather than name as the names of homeowners change but the street listings do not.

Alan mentioned there was missing information regarding septic systems, etc.

Mitch said it was getting a little better and to keep improving it.

Jackie said after speaking with Charlie she will have many things to discuss with the Board and she will email her list and follow up with a meeting. Date of October 17th was set to meet with Jackie regarding her recommendations.

Noreen stated there were no pressing issues at this time and the fall and winter are the slow seasons.

Mitch said he was looking forward to her recommendations.

Leanne Every and **Steve Harris** of the Communications Committee next asked to speak with the Board.

Steve requested the DSL line be ordered from Verizon. He said the newer interface will split the line and avoid the need for filters on the phone line as each line has 4 wires.

Leanne said one pair of the lines is used for the DSL while the other is for the voice.

Alan wanted to know if Verizon could do an evaluation of the Town's phone system at the same time.

It was said that the DSL line and evaluation were two different departments within Verizon and the business office would have to be contacted for the evaluation.

Joe Kearns mentioned that a Verizon repair man had come to the Town Hall when there was a problem with the alarm system and found a few other problems that he repaired while he was there.

Steve and Alan had a discussion and review of the existing lines and which would be appropriate for the DSL line.

Noreen made a motion to authorize the Communication Committee to contact Verizon and arrange for the installation of the DSL line. Motion **seconded by Alan**. **Vote 3-0 in favor.**

Next, the CommComm presented the proposals they received for the wiring and networking of the system.

For the wiring, 3 proposals were received: Amenitek's was for \$3,900, Ascentek's was \$3,800 and Alarms of Berkshire County's was for \$4,136. The CommComm preferred Amenitek's proposal. **Noreen made a motion** to accept the Amenitek proposal, **seconded by Mitch**. Vote 3-0 in favor.

The Networking was the next item, 2 proposals were received. Ascentek's was for \$2,178.96 and a proposal from Kurt Zinnack, who is the Gateway Regional School District's network manager, for \$2,238.09.

Leanne preferred Zinnack's proposal as he thought "outside the box" and was using a Mini Mac and was easy to work with. Steve agreed and he felt this was a reliable, secure installation.

Noreen made a motion to accept Kurt Zinnack's proposal, **seconded by Alan**. Vote was **3-0 in favor**.

Warrants were signed, payroll: \$8,546.76; expenses: \$12,776.59

Board requests a follow up meeting with the Treasurer and Tax Collector on 10/24 for a status on the tax takings.

Also, the Board was extremely pleased with **Skip Savory and the highway crew** for the installation of the sign in front of the Town Hall.

Next item was the responsibilities of the Selectboard in dealing with various departments in Town.

Alan thought it a good idea to designate each member to be the lead on specific duties.

Noreen said she is very involved with the Board of Health and Emergency

Management. **Alan** said he had been dealing with the highway department.

Mitch felt his best way was to support Noreen and Alan. He would be interested in working on the “brown fields” in town.

Alan said it would be who deals with whatever, i.e. Kopelman & Paige billing situation.

Mitch felt there would need to be a consensus of the Board.

Noreen said designations would allow the Board to move forward and share their information with each other.

Alan said some decision making would have to be made as an individual and then advise the Board.

Noreen then said there are many issues that need addressing such as appointments, personnel policy and revising the by-laws. The assigning of responsibilities will help speed up the process.

Alan said this way the individual can take the lead, do the research and then report back to the Board and get the ball rolling.

Mitch felt the need to establish a committee regarding the revision of the by-

laws. **Noreen** asked if he was willing to take the lead in that regard.

Mitch said he would think about it.

Alan stated they need to have trust in each other and move forward.

Noreen said she is already attending the regional BOH and DIG (District Incentive Grants) meetings. There are 60 areas the BOH has involvement and Middlefield may do 3. She would like Mitch to think about other duties he could accept.

All agreed to support each other in the area they take the lead in.

Town Counsel was the next item of discussion.

Noreen was disappointed Kopelman & Paige has not provided any specifics on their billings to the Town.

Alan felt the Green Grant bill was sort of justified for the research but the requests for information were excessive. The bill has not been paid to date as there was no itemization of the charges.

Mitch said there was \$5,000 appropriated for the 2011 fiscal year.

Alan said in his discussion with Kopelman & Paige, they agreed to accept the balance of the Town's legal appropriation as payment in full of their 2 outstanding bills. He is not dissatisfied with their work but they need to be more responsive.

All agreed to continue being careful in the use of Town Counsel. **Noreen** needs to clarify what has been paid. Also, the Board may want to look into other options for counsel.

Administrative Assistant offered to research other firms.

Noreen motioned, Alan 2nd, vote 3-0 to have Administrative Assistant research other firms that do Municipal legal work.

Noreen noted that she had spoken with **Suzanne** regarding the file clean-up and Suzanne was not interested. It was decided the Admin. Asst. would continue with the file clean-up and keep track of his hours so it could be billed to that account. Alan volunteered to help with the clean-up. Noreen said she would attempt to find another person to help with the project.

Skip Savory, road superintendent, brought in his Chapter 90 paperwork for the Board to sign. He said Cone Road lost pavement and he was not sure if FEMA funds would be available.

Alan will fax the paperwork to the State in the morning.

Noreen thanked Skip and the highway crew for all they did during the bad weather.

Mitch told him the sign out front looked good.

Open Forum

Joe Kearns said the Board should consider a local resident for the temporary position to aid in the file clean-up. He also went to Worcester for a seminar sponsored by the Lt. Governor "Innovation in Green Communities".

Alan advised Joe he was having trouble getting in touch with the Temporary building inspector. He has tried calling and had not call back, he also tried speaking with someone in the Hampshire Council to no avail.

Joe told him to call Todd's cell directly as he is not happy with the current situation either. He finds it frustrating.

Noreen also has had frustrations with the building inspector.

Noreen has called Northampton dispatch regarding the 911 services and they are willing to make a proposal to the Town. She also has a call into Berkshire County Sheriff, Tom Bowler, regarding the current 911 service but has not had a return call.

Courtesy information

Alan wanted to know if, in a situation where a complaint has been lodged against another citizen, should we advise that person of the complaint.

Mitch felt we don't have any authority except as Board of Health and should direct it to the proper person. Otherwise, we may give the wrong impression of being able to help.

Alan then asked, if it's not within the Town's jurisdiction, should we give a "heads up"?

Mitch feared it may end up escalating the situation.

Alan said it could be a situation similar to the "trailer situation" and then all 3 Selectmen get phone calls.

Noreen said there was no official offense there. And if she inadvertently offended someone, she would like to know.

Mitch asked to think of a fabricated report and how it can be unnecessarily upsetting about the false accusations.

Personnel Policy

Mitch said he feels Alan's frustration on the Personnel Policy and the Board may need many weeks to go through it.

Alan said there was not much success in getting volunteers to help.

Noreen felt it could be worked on a little each meeting starting with the next Board meeting.

Noreen also said the By-Law revision would come after the Personnel Policy is completed.

Appointments

Noreen spoke with **Eric Main** regarding his re-appointment as the wire inspector, he is interested. It was agreed to have him come in on 10/17 as well as having the plumbing inspector come in on that date.

Other appointments still to be made are the Civil Defense Warden, smoke alarm and oil burner inspector and road superintendent.

Alan also mentioned the wood stove inspections are now under the jurisdiction of the building inspector and no longer under the fire chief.

Final item for discussion was the Regional Selectboard Barbecue, all three are going.

Noreen made a motion to adjourn, **Alan** 2nd. Vote 3-0 in favor.

Meeting adjourned at 9:45pm.

Minutes respectively submitted,

Duane Pease
Administrative Assistant

Minutes accepted with/without changes.

Noreen Suriner, Chair

Alan Vint

Mitch Feldmesser

Selectboard Meeting

September 12, 2011

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

Meeting called to order by chair at **7:03pm**

General discussion with **Marge Batorski**, Town Clerk, regarding appointments and term length for various Town Positions.

Letter to be sent to **Leanne Every** confirming her appointment as the Plant Manager and delegate to Wired West.

Noreen advised she had met with the Gateway Emergency Management regarding the recent hurricane and that the Gateway School can be used as an emergency shelter by the residents of the school district. In case of flooding, shelters in hilltowns should be used because of GRHS location.

Larry Pease, Fire Chief, in attendance to discuss the response of his department to the hurricane. He received a call from resident concerned with the rising water and advised person he should go somewhere and stay with family or friends. He checked on East River Road as the Westfield River runs along it. Larry also was in contact with **Tom Austin**, Police Chief, during the entire period. **Skip Savery**, Road Superintendent, was also available. Larry had attempted to travel down Cone Rd to East River but the road was impassable and eventually they used the Army truck because of the water depth and road conditions to check on the residents. They went to every house on East River and offered to evacuate them to the Town Hall. They would have brought them out to an area where they could have been transported by either the police cruiser or pick-up truck to the Town Hall. One family was evacuated from River Road and brought to the Town Hall.

Jack Guyette, resident of 96 East River Road, spoke and thanked Larry, Tom, Skip and the highway crew for their response and all they did during the storm. He was concerned because when water like this occurs and both Cone Rd and Clark Wright Road wash out there is no way for residents of East River to get out. He said the phones in his area were out and they need a way to communicate with the town. He would like to have a town radio in his area. Also, some sand bags and a pile of sand to fill them. He said just before the rain stopped, the river rose 3 feet in a very short time. He also spoke of how the river had changed its course by 20-40 feet after the storm. That trees along the riverbank were uprooted and went downstream leaving the banks raw with nothing but rocks to protect them from further erosion. After the '55 flood the Army Corp of Engineers came in and bermed the river back and one more storm like this and much of the road will be washed away if nothing is done.

Larry and Skip were asked what worked and what didn't work. Larry felt most worked okay, he had 3-4 of the firemen with him and did not want to tone out for more men as many were having their own problems with the storm. Skip said he was able to keep in touch on the radios with Larry and Tom. Biggest concern was lack of a command center; Kathy Radwich did much of this in the past and was missed during this storm. She had been in the Fire Dept for years and was familiar with the town's operations. There needs to be a central location where the radios can be heard as there are "dead spots" and communications between vehicles is not possible.

Jack Guyette reiterated how the guys' response was great and appreciated and that something needs to be done sooner rather than later.

Steve Baker stopped in regarding a building permit for his garage; he needed the Conservation Commission to sign off on the permit. He spoke with Alan and Alan told him he would be out to inspect in a couple of days.

Alan said we need to move forward on East River Rd as it is an emergency situation and that communications seem to be a real problem.

Mitch was concerned that a number of people in town are in the same boat when it comes to phones going down and how do we determine who would get a radio and who wouldn't.

Alan felt the residents living on East River Rd were more trapped than the other residents.

Noreen was going to be at the FEMA meeting tomorrow and would see what relief would be available in regard to the issues brought up in tonight's meeting.

Warrant was reviewed and approved in amount of \$3,995.21. Minutes of 9/6/11 meeting were approved with changes.

Skip spoke of the need for a sizable machine for any restoration that was going to be done on East River as he can not put machinery in the river bed. He said Cone Rd is open and passable; all of the other roads are okay but for a few minor problems. He is hopeful the equipment he rented, the overtime and temporary help costs will be covered by FEMA or MEMA. As far as the water problem on Clark Wright Rd, Skip felt replacing the current culvert with an arch culvert would solve the flooding problem and thus giving the residents of East River Rd a way of escape in a time of flooding. He could use his Chapter 90 money for this as he did not feel FEMA or MEMA would pay for remediation. He had one other issue and that was a large tree that was split in front of the Barcome residence on Town Hill Rd, he would have to hire the removal out as the tree is close to power lines. That will be dealt with later in hopes that Western Mass Electric

will remove it as the Town will be questioning WMECO regarding polls erected on Chester Rd that weren't in compliance with a previous agreement.

Alan brought up the "neighborly response" issue and **Mitch** felt the best approach would be to advise the other party that the issue of some trailers on your property has come to our attention and to find out what the intended use was to be. Depending on the answer would lead to next decision to be made about the trailers.

Noreen said since the departure of Paul Tacy as building inspector, Hampshire Council is going to use Franklin Regional to service Middlefield and we can see what that inspection reveals about the trailers.

Discussion on **Personnel Policy**: it was agreed policy can't be reviewed at meeting and that set number of pages should be done outside the meeting and then discussed at next meeting. It was felt 9 pages could be read and then discussed. **Alan** made a motion to read 9 pages, **Mitch** 2nd, vote **3-0 in favor**.

Alan received communication from **Jim Barry**, Dept of Energy Resources, and he would like to use Criteria #4 in our Green Community Grant Application as an example for others to follow. Neither Noreen nor Mitch had any objections.

Appointments: Motioned, seconded and vote was 3-0 for the following:

Conservation Commission: Kim Baker and Wayne Main, terms expiring 2014

Cultural Council: Sarah Foley, Sam Cummings, Charlene Gero Tracy Gero, Judy Hoag, Crystal Main and Maureen Suriner, terms expiring 2012

Historical Commission: Marge Batorski and John Savery, terms expiring 2014; Howard Knickerbocker and Rita Doktor, alternate, terms expiring 2013

Registrar of Voters: Marge Batorski, Anita Myers, Cynthia Oligny and Tamarin Laurel-Paine, terms expiring 2012

Police Department: Curt Robie, Michael Pensivy and Matt Radwich, all one year appointments

Road Superintendent and Tree Warden: Skip Savery, one year appointment

Plumbing Inspector: William Zeitler, one year appointment.

Discussion regarding the Hampshire Council of Government's quarterly billing for the Building Inspector as there has not been a replacement named for Paul Tacy. **Alan** will contact and hopefully secure a reduction in the next billing.

Motion to adjourn made and seconded. Vote 3-0, meeting adjourned 9:44pm.

Selectboard Meeting
September 19, 2011

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

Meeting called to order at 7:10pm

Warrants were approved and signed; Payroll: \$12,652.08;
Expenses: \$31,107.21

Erica Johnson of Pioneer Valley Planning Commission was present and spoke to the Board. She reviewed the Community Assistance Programs from Fiscal Year 2010, there were 4 beneficiaries for Housing Rehab including one in Middlefield. Also, the assessment of the Middlefield Senior Center roof is to be completed by November of this year. PVPC focuses the grant application on 1) solid infrastructure; 2) Housing and 3) Social Services. She felt FY '10 is going to be the last of the million dollar grants for a while based on the current economy.

The revised 2011 project budget was reduced but PVPC will still attempt to provide Housing Rehab to 4 residences, one in each town. A new program, Hilltown Elder Network, is being funded at the requested \$10,000. This will help seniors to remain living safely in their own homes. Services include chores, meal preparing, yard work, snow removal and transportation.

Johnson is currently working on the application for FY 2012 as is it due 12/26/11. This application will include the roof work needed on the Senior Center. PVPC will receive the results of their requests sometime in either May or June. The Senior Center is the infrastructure improvement in the budget request.

The minutes of the September 12th meeting were reviewed and approved 2-0 with some changes.

Susan Baker-Donnelly reported the septic pump alarm at the Senior Center was going off and she had not been able to find the plans for the system. **Noreen** referred her to **Jackie Duda**, the new Health Agent, for additional assistance.

Noreen attended a meeting of the Public Health Emergency Preparedness

(PHEP) on Thursday night, PHEP is made up of big and small towns. It seems the needs of the small towns are going unnoticed as the Board is made up of members from the larger towns. The meetings are usually held during the day and small towns are not always able to attend as most officials have regular employment. The larger towns have a lesser need for some of the services as they have employees that fill that need whereas the small towns rely on PHEP for the expertise. The current executive committee was voted out and **Noreen** is chairing the sub-committee to bring equal representation to PHEP.

Noreen also related the recent equipment the Town received, including the TV, DVD player, sandwich boards and stanchions will have to be returned as there was a miscalculation in the funds available. She would like to keep one of the sandwich boards but it will be dependant on the cost.

Mutual Aid: there will be a meeting on October 4th with Berkshire County Sheriff Tom Bowler at the jail at 11:30am to discuss the 911 system. The Board is inviting all of the responders, including police, fire, e.m.s. and highway, to attend. That way there will be no misinformation about what transpires.

Also, on October 11th, Blair Sullivan of Northampton 911 will make a presentation to the Board at the Town Hall. Again, all will be invited.

Police Chief, **Tom Austin**, is interested in setting up an emergency command center in the Town Hall for any crises that may arise, such as the recent hurricane. That way there will be organization for the people in the field and residents will be have a central location to contact for information.

Personnel Policy was discussed; all had reviewed the first 9 pages of the template. **Mitch** felt it precise but not so complicated. **Noreen** was also in agreement. Selectman **Alan Vint** was not able to attend the meeting but sent an e-mail stating he had no problems with the first 9 pages.

Mitch and Noreen agreed to review pages 10-17 prior to the next meeting and then discuss.

Mitch also felt when the Personnel Policy has been completed, it should be posted so the residents may review it and provide feedback.

There was no further discussion and Mitch made a Motion to Adjourn at

8:22, Noreen seconded. **Vote was 2-0 to adjourn.** Minutes respectively submitted

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Mitch Feldmesser

Selectboard Meeting
September 26, 2011

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

Meeting called to order at 7:02pm.

Diana Schindler, Director of Regional Services, and **Todd Ford**, Executive Director, of Hampshire Council of Government (HCOG) were present to speak to the Board.

Diana wanted to touch base regarding the building inspection program that Middlefield belongs to. HCG currently has an interim inspector that will handle the inspections in Middlefield. **Jim Hawkins** is a certified building commissioner that has been contracted from Franklin County Council to do the inspections. Since he is being paid on a contract basis, she is trying to bundle as many inspections as possible into one day.

Alan wanted to make sure HGOC was aware the Conservation Commission has to sign off on any new building permit. In the past, the Commission would get a “heads up” from the Paul Tacy, former inspector.

The building inspector’s office now has as assistant in on Tuesday and Thursday mornings and Monday evenings according to Diana. This will make contact with the office more convenient. The fees have not changed and are based on actual hours spent in the community.

Todd said the fees charged are uniform as they are trying to get a consistent and high level of service. HCOG is also looking at the possibility of providing plumbing, electric and gas inspectors for the towns.

Noreen said she felt she had an advocate with Paul Tacy when she was building her house.

Diana stated Paul was the consummate professional and the HCG is working to get all in order and smoothed out. They do have a database of all permits ever issued and have mail merged them to all departments. This info is available to the member communities.

Alan questioned the Zoning issues that don't seem to go away and some are from 5-10 years ago and that the inspector has to be responsive and cooperative to several persons needs and he also needs to be fiscally responsible.

Diana asked that they be given another month to see how it goes and she understood there was a lag between inspectors and they are trying to get everything back to normal.

Alan said he had called the prior interim inspector and for 2 weeks he did not get a response. Generally, there had been good results in dealing the HCG.

Todd asked that the Board continue with HCG and he would consider a "stick it out" discount, he will look at the fees and see what he can offer in line of a discount for the services Middlefield did not receive in the time between Paul and the current inspector. And, there could be another service he could offer to the Town.

Alan felt the fee should be reduced by one month.

The District Incentive Grant (DIG) was discussed next.

Todd stated there is no regional Board of Health (BOH) and that all towns have their own. DIG would allow HCG to look at a regionalized system for the towns. The grant being pursued if for \$325,000 spread over 4 years (100k, 100k, 75k & 50k). This would bring the towns together.

Mitch wondered if HCG would be considered one Board of Health district.

Todd said it could be one or an umbrella and that would allow the towns to retain their BOH structure. Benefit would be a high level of expertise.

Diana said at this time they are not sure what the makeup would be, initially.

Todd said the small towns rely of State funds in an emergency such as the recent hurricane and this would provide structure for emergencies.

Noreen questioned how the functions would be arranged so the small towns have a voice in decisions.

Todd said the towns that participate will run the program.

The last discussions were concerning the Solar Survey sent by **Eric Weiss**. He is putting out a RFP for the entire HCG to try to keep any solar applications as local as possible. Towns can submit sites and all could go out to bid at once.

Also, the Council is investigating the possibility of a regionalized IT program for the HCG.

Alan said Middlefield currently has a Communications Committee that is doing a great job but will see what HCG has to offer.

Todd says he sees stronger and stronger programs and the HCG goal is to serve its members.

Board thanked Diana and Todd for their information and time.

Next item discussed was the location for the bonfire that will be held Friday night as part of the Middlefield Days celebration. It will be needed to be run by the Fire Chief. **Skip Savery**, Highway Superintendent, said he would bring some stones in to help delineate the fire pit.

Skip told the Board he met with FEMA last Friday and they viewed the sites that received damage. FEMA will be back on 10/7 and will be bringing another person to view and discuss the sites that may receive mitigation money.

Alan and Skip discussed the highway payroll; Skip said it was high due to the hurricane and subsequent storm. FEMA should reimburse a large portion of the overtime required.

Also, **Skip** needs to have the septic tank at the Senior Center pumped so he can ascertain why the alarm continues to go off. He is not sure what the cause is but it could be a burnt out pump. He will have this done prior to Middlefield Days so the system will function.

Finally, **Skip** informed the board of problems with the loader. It is a 1990 year model and has in excess of 16,000 hours on it. It needs a head gasket and he fears once he gets into the repairs, the cost will continue to rise. Right now, he estimates the cost at least \$10,000. He is able to obtain a John Deere loader through the State bid list on the lease to own program. He would use some of his Chapter 90 money to pay for the lease and at the end of the lease the Town would own it. He prefers the John Deere as the Town currently has a John Deere grader and having both the same would make it easier for repairs and parts.

Alan asked **Joe Kearns**, Finance Chair, if this had to go out to bid. Joe advised it did not have to go to bid as the State had already placed this bid out for towns to use when purchasing equipment.

Skip will come back to the Board for approval when he has gathered all the information.

Next was the appointment of a Police Officer, Michael Pensivy was previously appointed but he refused the appointment. It appears this has been an ongoing misunderstanding over the past years. The appointment of Officer Jenny Austin Dion was to have been made at the time.

Mitch motioned to appoint her, **Alan** 2nd; **vote was 3-0 in favor**.

Personnel policy discussion was moved to next week.

Mail was received from **Jamula's** attorney regarding Harry Pease Road, discussion on how to handle the legal aspect and negotiations will be discussed next week in Executive Session.

Alan received request for additional information from the Mass Dept of Energy Resources. DOER does not have enough information on the siting of the proposed solar installation. **Eric Weiss**, HCG, and **Marcos Marrero** of Pioneer Valley Planning Commission are looking into it. It has to be determined if the solar will be a roof mount on the Town Hall or a ground mount.

Mitch said they will need to come back to the Board for approval for the final site approval.

According to **Alan** there are still some problems with the new e-mail system and that anyone reading them remotely should not delete them as that may cause them to be deleted from the main system. It seems the number of e-mails has declined. I will see if the e-mails sent to the previous address are being forwarded or just being dropped.

Noreen said we need to get a building usage policy in place as soon as possible to avoid any problems or confusion among the residents. That will be discussed at next week's meeting.

Halloween: discussion on what night to have trick or treating. The 31st is Monday, a school night, so it may be best to have it either Friday or Saturday. Decision will be made at next meeting.

Motion was made by Alan to adjourn, seconded by Noreen, **vote 3-0** in favor and meeting was adjourned at 9:28pm.

Minutes respectively submitted

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Mitch Feldmesser

Alan Vint

Selectboard Meeting
October 3, 2011

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

Meeting called to order at 7:03pm

Communication Committee, Steve Harris and Leanne Every, met with Board regarding increase in wiring costs. Increase is result of adding data and voice ports to network. This way ports would be available if and when computers and phones were moved to different locations in office. Increase in wiring is \$1,200 and this would be for 38 ports in the building. The separate data and voice ports would give “cleaner” use to the computer system.

Noreen questioned what the effect of fiber optic services coming into the building would be and if it would be wiser to install a fiber optic network in the building now and spend additional costs up front for fiber optic rather than have to do it later.

Mitch agreed it would be better to install fiber optic now.

Noreen also questioned the life of DSL versus fiber optic.

Steve Harris will check to see what needs to be done when fiber optic becomes available and will discuss present cost of service against future cost of the fiber optic network.

Also, Comm/Comm said that wireless will be available throughout the building on the current network but the office network will be hard-wired and offer greater security.

It was agreed the additional information will be presented at next week’s Selectboard meeting.

There was also an increase in the costs of the network equipment of \$350; this represents an upgrade in the equipment. **Steve Harris** had done some comparison shopping to find the best price available. The board authorized

Steve to use his personal credit card to purchase the equipment and then be reimbursed.

The Board thanked the Communication Committee for their work on this project.

Warrants were approved: Payroll, \$6,562.26; Expenses, \$6,247.65; Hurricane Irene, \$9,980.31

Noreen motioned to accept **minutes** of 9/26/11 minutes with some changes, **Mitch** seconded. Vote 3-0 in favor.

Hampshire Council of Government had sent sample letter of support for the DIG program for Selectboard and Board of Health to review and sign. **Noreen** motioned to accept the letters as written, **Mitch** seconded and vote was 3-0 in favor.

Administrative Assistant to put letters on Town letterhead, have chair sign and mail to HCOG.

Town has to send letter to **Dept of Revenue** seeking permission to overspend for the damages caused by Hurricane Irene.

Noreen motioned to approve sending a letter regarding the deficit spending caused by Hurricane Irene, **Mitch** seconded. Vote was 3-0.

Joe Kearns, Finance Committee Chair, was present and explained it was an emergency situation with the hurricane and that Free Cash was available and could be used to cover the deficit.

Next item for discussion was **Halloween**; **Noreen** spoke with **Charlene Gero**, who had previously been on the Recreation Sub-Committee, and she was not interested in being involved.

Trick or treating will be held on Saturday, October 29th from 4-6pm. **Noreen** submitted a schedule of events to be held at the Town Hall including hay wagon, covered wagon rides for trick or treating, dinner, games, pumpkin contest and concluding with a Bon Fire.

Alan motioned in favor of the date and time and that Noreen be reimbursed for her costs from the Recreation Committee budget. **Mitch seconded**; vote 3-0 in favor.

Noreen said Middlefield can be part of the Statewide Public Safety Mutual Aid. Middlefield would have to sign the Mutual Aid “Opt-In” and send it back to MEMA. Noreen motioned to accept, Mitch seconded; vote 3-0 in favor. “Opt-In” was signed and will be sent to MEMA.

Alan said he had a conversation with the board of Health agent, Jackie Duda, last Friday and she told him there were some sanitation issues with the Town Hall kitchen. She suggested she meet with all the kitchen users and janitor and go over some cleaning suggestions.

Also, **Alan** said there was going to be a pole hearing being held by the Conservation Committee on Wednesday night regarding pole installations the WMECO did on Chester Road. This is because what WEMCO showed on their plan was not what was actually installed.

Mitch added that the Conservation Committee and Selectboard have to have separate hearing regarding the poles.

Alan will set up the hearing for the Selectboard and it will be posted on the web-site as well as the Town Hall and Post Office.

Alan questioned **Joe Kearns** regarding a bill from the plumber for work done in the Town Hall. Joe advised it was for work to correct a unit that was initially installed wrong.

Alan then requested **Skip Savery**, road superintendent, clear the trap in the janitor’s sink. Skip said he will get it done and he will also remove the old water tank from the boiler room.

Skip said as a result of Hurricane Irene he spent most of the monies repairing Cone and Upper Chipman roads. Also, the paving of the parking lot at the old store was completed last week.

D.E.P. has requested additional testing wells at the Town Garage, this is due to the fact the garage had floor drains in it at one time. The septic system at the Senior Center has been repaired and a new pump installed.

Skip also advised he would not be going to the meeting regarding the Berkshire dispatch as it does not affect him and he is currently very busy repairing the damaged road.

Joe Kearns said Northeast Solar had sent in a proposal for the solar installation and it is under review.

9:07pm: Motion to go into Executive Session to discuss strategy and possible negotiations on matter that has come before the Board. Board will not reconvene.

Vote 3-0 in favor.

Minutes respectively submitted,

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Mitch Feldmesser

Alan Vint

Selectboard Meeting
October 11, 2011

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

Meeting called to order at 7:01pm

Alan questioned the deficit spending for Hurricane Irene. Town has already spent \$16,000+ and another warrant for \$9,980.31 is pending.

Joe Kearns, Finance Committee Chair, explained funds would be taken from Free Cash (available funds). There is approximately \$100,000 in that account.

Noreen and Alan both asked that the accountant be questioned regarding the certifying of the Free Cash.

Steve Harris of Communication Committee was present to answer question presented last week regarding the speed of new network and the upcoming fiber optic network that will be in the area in a few years. According to information provided by Steve, the system that will be installed in the Town Hall will be able to handle the fiber optic that will be run to the router. There will be no need to update or do any rewiring. The cable being installed is a 6 wire data cable

Noreen still questioned the additional \$1,200 that was approved at last week's Selectboard meeting for the additional ports.

Mitch, Noreen and Steve had discussion on the installation and Mitch felt it was cost effective to install them now and have them available for future use.

Noreen was weighing the additional expense versus the benefits.

Alan said each time the Comm/Comm comes to a meeting, the costs seem to go up.

Steve stated the first proposal the Comm/Comm received was for \$13,000 and they have been constantly working to keep costs to minimum and did not present anything to the Board until the committee felt they had the best proposal for the town. Also, the wiring is going to start on Friday, October 14.

Mitch motioned to approve the additional \$1,200; **Noreen** 2nd; vote 3-0 in favor.

Noreen said **Blair Sutherland** from Northampton Dispatch was supposed to be present and she had not heard any reason why he has not shown.

Next, **Noreen** said she has received several complaints regarding private cars parking at the intersection of Alderman and Chester Roads. It is her belief that these cars all belong to the family that lives across Chester Road from the intersection.

Mitch asked if the Town By-Laws addressed the situation.

Alan asked **Tom Austin**, Police Chief, about the parking.

Tom said he had sent a letter to the residents, but it has had no effect on the parking and the Town does not have a by-law. The State Police have also stopped and spoke with the residents.

Resident, **Wally Smith**, who lives on Alderman Road, was present and he has voiced his concerns several times over the parking. Even when the cars are parked off the road it makes seeing traffic coming on Chester Road difficult. Also, during a late winter snow storm, the highway plow could not push the snow off the road.

Chief Austin said since the town has no by-law or parking authority he could not issue tickets but if the cars present a safety hazard they can be towed.

Alan made a motion to send the residents a letter warning them of the parking. **Noreen** 2nd and the vote was 3-0 in favor.

Alan asked **Tom** to give it 7-14 days and see what happens with the parking and to find out from **Skip Savery**, Highway Superintendent, what the right-of-way was.

The Selectboard does not have a clerk and **Noreen** could find no provisions in the by-laws for one. The clerk is needed to sign the deficit spending request that is being sent to the Department of Revenue.

Joe Kearns, also a former Selectman, stated the Board could elect a clerk and most towns have done that on a regular basis.

Noreen made a motion to elect Alan as the clerk, **Mitch** 2nd and the vote was 2-0 in favor with **Alan** abstaining.

Alan then asked Joe about the parking situation in the Town and was told the Selectboard can draw up an ordinance and the means to enforce it.

Mitch thought there was a Middlefield law not allowing parking on Town roads.

Request made to Administrative Assistant to compile parking enforcement by-laws from other communities and draw one up for Middlefield.

Alan also provided a pole hearing update; the Conservation Commission had sent an enforcement letter to WMECO and finally made contact with a representative. They are going to set up a meeting to discuss the poles that were installed on Chester Road.

Also, **Alan** has had no response from the Building Commissioner regarding the trailers he had looked at a couple weeks ago. Alan said he was willing to send an e-mail to the owner of the property to see if they were aware the trailers were there.

Mitch has been disappointed in the way the HCOG inspection program has been going but sometimes it takes time for things to work out since the hiring of the new person.

Alan said he is a proponent of regionalization but it may be time to look for an independent building commissioner for the Town as HCOG has not

solved the problems facing Middlefield. He feels the Town has been upgrading itself in its new hires.

Next item discussed was possible position of an Assistant Town Clerk, **Noreen** has concerns since the Clerk has been out for a number of weeks following surgery.

Marge Batorski, Town Clerk, had come to the prior Selectboard and requested help in the past according to **Mitch**.

Noreen said it is too much to ask of one person and she had spoken with some townspeople who are interested in being the assistant clerk.

Alan also said the Town could be set back if something happened to the clerk and that person were unable to perform the duties.

Joe Kearns suggested a check with other towns to see how they handle the assistant position.

Mitch questioned if an interim assistant clerk could be appointed.

Administrative Assistant to check with Secretary of State regarding position.

Skip Savery, Highway Superintendent, was present and said the extra cost of Hurricane Irene was about \$60,000 and he hopes to be reimbursed a large portion from FEMA.

Alan then asked Skip about the cars parking at the intersection of Chester and Alderman Road.

Skip said they were a definite hazard when he is plowing snow and also they block the driver's view of traffic when pulling out from Alderman onto Chester in all cases. The Town right-of-way varies by road and he was not sure what is right-of-ways were for these roads. He will also check with Gary Herman a Mass State Trooper regarding anything that can be done to these vehicles.

Also, they will be setting some big stones along the riverbank on River Rd. and he has hired an excavator as the Town has no equipment that can handle the job. He has the John Deere loader on demo for the week and has been pleased with its capabilities.

Noreen asked about obtaining some wood for the Halloween bonfire and Skip will help with that.

Tom Austin, Police Chief, came in to speak to the Board regarding the portable radios they received as members of the Board of Health. He will help them set the radios up, show them how to operate them and when the frequencies change all the town radios will have to be re-set. He will advise when that will be necessary.

Also, there will be **EMT training** conducted in Becket for anyone interested in becoming an EMT. The bulletin is posted on the bulletin Board.

Noreen motioned to adjourn, Mitch 2nd, vote was 3-0 to adjourn. Meeting was adjourned at 9pm.

Minutes respectfully submitted,

Duane Pease
Administrative Assistant

Minutes accepted with/without changes:

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
October 17, 2011

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

Meeting called to order at 7pm.

Jackie Duda, Health Agent, was present to discuss items she had submitted to board prior to meeting. She also had questions regarding what to do with checks she received and how to obtain tax forms needed for her pay. She was advised checks were to be given to treasurer and tax forms could also be obtained from treasurer.

Terry Crean was in attendance to discuss long-standing issue he has with a neighbor's privy that is literally on his property line. He had discussed this issue with his neighbor when the neighbor first moved in 3 years ago and nothing has been done to correct the situation. He also brought this issue before the prior Selectboard and received no solution. He feels this diminishes the value of his land as the outhouse is very visible on his property line. He also worries that it may have standing if it is there long enough with no action taken against it.

Jackie stated that per Title V, the board of Health can approve or disapprove of privies in the Town.

Wally Smith was also spoke to the issue; he said the previous owners went through the Zoning board of Appeals seeking to build a garage/barn to house equipment needed for them to operate their tree farm. They were a local couple and had no intentions of ever converting the building into a residence. Once the property was sold to the current owners and converted into a "weekend" retreat, the privy was built. There has never been an occupancy permit issued for the building and there is no water source on site.

Jackie said she can speak with the owners or send them a certified letter with a "cease and desist" order. Any action she takes has to be a Title V issue for her to act. If the issue concerns the building, that would be under the building commissioner's jurisdiction.

Noreen said there are many privies in town as a number of people own land and only use it sporadically and perhaps the Town should have some regulations on privies.

Terry said the owner did not need a building permit to construct it as it is less than 125 square feet.

Jackie asked Terry if the privy met set-back regulations if that would satisfy him.

Terry said it would and that the owner was up yesterday and he had a conversation with him about moving the privy and it went well. Terry told the owner he would be happy if he could move the privy and gave him a year to move it.

Alan said this is a town-wide issue and the BOH needs to deal with issues as they come up and not put it off.

Jackie suggested the BOH establish regulations and installation rules regarding privies.

Alan added they would have to also consider the set-backs in the Zoning By-Laws.

Mitch felt Jackie should send a letter to the owner outlining Terry's conversation the previous day with the owner.

Alan said that anything that is done needs to apply universally to all the privies in town.

Noreen added that the BOH should decide on what the policy is and then send the letter.

Maureen Sullivan, who was in attendance, said the by-law regarding camping was revised in 2002 and limited it to 21 days per year.

The Board will review the By-Law to see how it may apply to this situation.

Jackie next brought up the issue of the kitchen; she had never made a statement that she was going to close the kitchen. And she does not have the

power to do something like that. That authority is with the BOH. She stated the kitchen needs improvement, it can be upgraded by proper cleaning and sanitation, providing and labeling sanitizing cleaners and blocking mouse access. She is willing to give Serve-Safe training to the users and also meet with the users to provide proper cleaning methods.

Noreen said the functions depend a lot on volunteers and there needs to be better cleaning of the kitchen after the event.

Jackie would like the Board to review her memo and she will come back at a later date to further discuss. Also, she has organized all the files according to road listings and the ones that had no names or numbers are filed in the front of that particular road.

Erica Johnson of Pioneer Valley Planning Commission (PVPC) came in to speak to the Board regarding the 2012 Block Grant strategy and provided a handout with the priorities for Middlefield. This application is has to be sent to Boston by December 16th. The highest priority item is the roof at the Senior Center; the architect has already inspected it and found the building to be in good shape, he also did some minor repairs to the roof to keep water from entering the building.

Noreen requested the Transfer Station be moved to the very high priority category.

Erica said the projects listed in the very high are the ones being pushed for funding in the next round of funding.

Maureen Sullivan said a number of grants don't seem to fit Middlefield or Middlefield does not qualify due to income average.

Erica explained that Middlefield is part of the 4 town group that makes one application for funding; this benefits Middlefield as the average income in town is high and the other towns help to bring the average down. 51% have to be in the low to moderate income to obtain grant funds.

The Board will review the project list and make recommendations to PVPC, Erica will then e-mail the new document back to the Board.

She said there needs to be some “pie-in-the-sky” projects when she submits here request. She also added, others in her office may do it different as they write for different types of grants.

Alan asked if it would be better if the list were condensed to 5 or 6 projects.

Erica responded that she has seen lists with as many as 30 items and some with as few as 6 and both have obtained grant money.

The next person to speak with the Board was **Leanne Every** of the Communication Committee. She gave a brief update on the progress of the wiring for the computers, it is going well and the panel has been installed. All the equipment has been received and will be installed once the wiring is completed.

Highway Superintendent, **Skip Savory**, said he spoke with the State Police about the parking at the intersection of Alderman and Chester Roads and they can issue tickets to any vehicle parking within 20’ of an intersection. The State Police would be the ones to ticket vehicles as Middlefield does not a means in place to collect fines.

Also, **Skip** advised the river bank on River Road has been repaired in the 2 most critical areas and the highway crew has set 2 more basins. He also plans on paving portions of River and Cone Roads before the asphalt plants close for the winter.

Skip has been running the loader without a thermostat as the head gasket needs to be replaced. He is afraid once he starts to tear down the engine he will keep finding additional repairs will be needed. The loader is a 1993 with 16,000 hours on it. He would like to replace it this year with a John Deere loader that can be obtained using the State bid. He could use some of his Chapter 90 monies to pay for the loader under the lease to own program over 2 or 3 years.

Mitch questioned the finance rate of the lease and Skip advised it was 3% through John Deere Credit.

Alan asked **Joe Kearns**, Finance Chair, if he had an opinion on which would be best, 2 or 3 years. Joe said he would let Skip decide as he is the one who knows what can be afforded and still maintain the road..

All Board members were in agreement that Skip will obtain the Chapter 90 figures from the State and come back to next week's meeting to further discuss.

Skip also said he had arranged for the oil burner at the Senior Center to be cleaned and wanted to know if the Board wanted all the burners cleaned. This is usually done on a yearly basis to keep them as efficient as possible. The Board agreed all the burners should be cleaned in an effort to conserve as much fuel as possible.

Warrants were reviewed and approved; Expenses: \$14,505.03 and Payroll: \$11,790.18.

Minutes of the 10/3 and 10/11 Selectboard meeting were approved 3-0.

Last item discussed was a certified letter received from Janine Savoy regarding health and building issues with a neighbor. This letter will be referred to the BOH Health Agent and the Hampshire Council of Government building commissioner for then to address the complaints.

Alan brought up the road/driveway right-of-way issue involving these neighbors; he has not seen documentation that the right-of-way is not through the Savoy property but to the right of it. Also, the Town voted in 1984 to accept a list of roads and only .81 of a mile of Harry Pease Road was accepted starting at Town Hill Road.

Mitch felt the blanket vote may not be legal.

Maureen Sullivan suggested the Board contact the PVPC as they have the expertise and may be able to help the Town in this situation with Harry Pease Road.

Also, the Board requested the Administrative Assistant prepare a letter for the attorney representing Mr. Jamula in his pursuit of declaring the road a Town road.

Noreen motioned to adjourn the meeting, Mitch 2nd; vote was 3-0 in favor. Meeting adjourned at 9:45pm.

Minutes respectively
submitted, Duane Pease
Administrative Assistant

Minutes accepted with/without changes:

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
October 24, 2011

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

Meeting called to order at 7pm

Jane Thielen, Treasurer, was present to discuss the properties in Tax Title. She has \$1,300 left in her budget to proceed with the takings of the properties which include some land parcel of low value that can be taken by the Town without going through Land Court.

Alan told her he has talked to the Town's Tax Title attorney and for her to send them all to him. She should note the parcels of low value. The attorney will keep the Board informed as to the progress of the takings. The attorney will send letters to the current owners to see if he can set up a payment plan and, if that fails, would they be willing to sign the property over to the Town.

Noreen was concerned as to where the money would come from once Jane depleted her budget.

Alan said the return to the Town could be greater than the costs of taking the properties.

Jane reviewed the list of properties and noted some payments have been made since her meeting with the Board earlier. She will send the list to the attorney with the priorities being the property with homes on them.

Mitch questioned how long the process takes for the Town to take the property.

Jane said it depends on the status of the owner and property owned by a deceased owner takes longer as all of the heirs have to be notified.

Sherry Venditti, who was observing the meeting, wanted to know if the town could report the delinquent owners to the credit bureaus.

Jane advised the takings are regulated by State laws and she cannot report to the bureaus but liens are filed against the property in the Hampshire County Registry of Deeds.

Steve Harris, Communication Committee, spoke to the Board next to provide an update on the installation of the new DSL line. All the Town computers are now wired into the secure second line and the new wireless system should be ready in a few days. The wireless will be available throughout the Town Hall. The company that did the wiring will be back to remove all the old wiring and to move one connection and add another for the Treasurer's computer and phone.

Noreen then read Resolution requesting the Commonwealth move its primary to an earlier date; this will improve the military voting as the State Primary occurs 6 weeks before the General Election and it is very difficult to have the ballots sent to the troops and get them returned within the statutory time limit.

Alan motioned to accept, **Wally Smith** (meeting observer) 2nd, Board voted 3-0 in favor.

Skip Savery, Highway Superintendent, advised he was going to pave about 2,500' of River Road and the lower end of Cone Road using his Chapter 90 money and that Lane Construction will do the paving. Lane is the low bid that was submitted to the HCOG. Skip will be meeting with the Lane representative later in the week to review the scope of these jobs. He also wants to install new guard rail along the river bank on River Road. This was not possible before but since the hurricane and subsequent repairs the shoulder was built out and now it will support the guard rail.

Mitch motioned to approve the River Road work, Alan 2nd; vote was 3-0 in favor.

Alan told the Board he had contacted Pioneer Valley Planning Commission and spoke with Erica Johnson regarding any information PVPC may have on the status of the disputed Harry Pease Road in Middlefield. She was going to pass the request onto the proper person and they were going to get back him in a few days. And, also, the Historical Committee may have some information on the history of roads in Middlefield.

Noreen said she would be willing to contact the Historical Commission but noted it is very mixed as to what is meant by “shut up” in the closing or discontinuing of a road.

Mitch said it could cost the town either way.

Sherry Venditti said if one person is claiming it a public road and another adjacent landowner claims it is not a public road, why does the Town have to defend.

Alan told her the ramification to the Town not to defend is that the outcome may affect the Town and require the Town to spend money on a road that may or may not be a public road.

Noreen said the dispute is between two neighbors and should be settled between them.

Alan said it may not be that way, it may be deemed a road.

Noreen asked if the Board had seen a deed that shows Jamula has a right-of-way.

Alan said he has seen no documents that show a right-of-way. He has seen a 1982 Hampshire County map that shows Harry Pease Road as only being .81 miles long.

Noreen stated the 10/21/11 letter from Kopelman & Paige said that the Town Clerk should look through the road records for any additional information.

Maureen Sullivan, meeting attendee, said the Board still needs the information from PVPC.

Noreen also questioned if the Jamula’s had ever been asked for a copy of a deeded right-of-way.

Joe Kearns, Finance Chair and former Selectman, said the Town Meeting in 1984 voted to accept a list of the Town roads and prior to the meeting there was a tremendous amount of research done on the roads. That research may be with the Town Clerk and could help greatly.

Joe Kearns said there had been 2 actions subsequent to 1984 to abandon roads.

Alan noted the 1984 Town Meeting vote was 24-1 in favor of the list presented.

Joe Kearns also said the Registry of Deed has deeds of roads and that is also another place to look.

The Board received a letter from the State regarding the Cultural Council grant. **Noreen** motioned to accept the grant, Mitch 2nd; vote 3-0 in favor.

Joe Kearns said he has asked **Eric Weiss**, HMRC to come up with plans for the transfer station.

The next item discussed was the **privy issue**. **Alan** was not pleased with HCOG's interim Building Commissioner for Middlefield. HCOG still has not hired a full-time replacement for Paul Tacy and he feels the temporary hire is not going to work. The Town needs to act as there are ongoing code issues including this privy. He also noted the Town still hasn't paid its assessment.

Maureen Sullivan said the by-law definitions of a camp are very weak and if the language is not supported by a definition it is very hard to enforce. A request should be made to the Town Clerk for a copy of the 2002 by-law update.

Noreen felt HCOG should be given time to get its act together.

Mitch agreed with Noreen to give HCOG more time but suggested to only pay 1/2 of the assessment.

Noreen said she attended a Board of Health training program on Saturday.

A question arose on the indemnification of Town Officials and **Joe Kearns** said it must be voted on at a Town Meeting.

Finally, the Board authorized the Administrative Assistant to contact potential law firms for the possibility of hiring new Town Counsel.

Alan motioned to adjourn, Noreen 2nd; vote 3-0 to adjourn. Meeting adjourned at 9:20pm.

Minutes respectively submitted,

Duane Pease
Administrative Assistants

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

October 31, 2011 Minutes of Selectboard meeting at Highway Garage

Meeting called to order at 5:30pm

Present: Noreen Suriner, Chair; Alan Vint, Clerk; Mitch Feldmesser
Skip Savery, Highway Superintendent; Joe Kearns, Finance Chair; Duane Pease
Administrative Assistant

Purpose of the meeting was to review status on 1995 Autocar truck purchased for exclusive snow plowing, 2012 Project Plan for 2012, equipment needs for 2012 and the current short-term work plan for the remainder of 2011.

Skip explained this truck was purchased as a cab and chassis for \$29,900, had been a “Southern” truck with no rust on the body or frame, had no snow plowing equipment installed on it and replaces the 1978 International wing truck.

The highway workers have built a removable plow frame and modified the wing tower from the old truck to fit this vehicle. Some parts of the wing tower were sent out to be rebuilt. The sander body was taken from the old truck and installed on this one. There are still additional items that need to be done to the truck to make it road worthy and Skip estimates it will take approximately 200 more man hours for this work. He also noted that all work that has been done on the truck has been done “in-house” and the funds have come from his annual Machinery Account.

The Project Plan for 2012 includes rebuilding Chester Road if he receives a STRAP Grant; reconstruction of the last section of River Road near the Worthington line using Chapter 90 Funds; repaving lower end of Chipman Road with Chapter 90 Funds and also installing some guardrail on River Road.

Equipment needs for next year include consideration of replacing the 1985 Ford dump truck, the 2000 Ford F550 that has 90,000 miles on it, installing a dump body on the military truck that was purchased this year and either lengthening the sander body on the 1995 Autocar or installing an All-Season body on it so it could be used year round.

The short term work includes completing the 1995 Autocar, changing the front axle on the 1972 Mack, installing a new clutch in the tractor, paving sections of Cone and River Roads, putting the Boom Mower into service, siding and finishing the interior of the Transfer Station attendant’s building, changing the side door on the Senior Center Building and removal of the water tank from the Town Hall. Also, servicing all the plow trucks for winter and ordering and stocking the sand and salt needed for winter use.

The highway employees are also building an office in a portion of the upstairs of the garage with parts storage across from the office. The current office would be used for a tool crib.

Skip was questioned by the Board about the total expected cost of putting the Autocar truck on the road and said the total cost of the vehicle purchase and work to make it snow worthy would be about \$70,000. When asked what it would have cost to purchase the truck “ready-to-go” the price would have been in excess of \$225,000 for a new truck.

There was a general discussion about the week’s previous unexpected snow storm and how the equipment held up.

Noreen motioned to adjourn, Mitch 2nd, vote was 3-0. Meeting was adjourned at 6:20pm.

Minutes respectively submitted,

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
October 31, 2011

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

Meeting called to order at 7:05pm

Steve Harris of the Communication Committee provided a quick update that the network has been completed and if a 3rd wireless transmitter is needed, it can be added.

Alan presented a letter showing **Kim Baker** of the Conservation Committee has completed the MACC “Fundamentals for Conservation Commissioner” training course. He is the third member to complete this course.

Town Clerk, Marge Batorski, was present and the Board requested a copy of the “camping” by-law that was amended in 2002 which she provided.

The minutes of the last meeting were accepted with some changes.

The warrants were approved with a question of **Police Chief Tom Austin’s** payment for his private contractor duty during the repairs after Hurricane Irene. It was learned the Town had already been paid by the contractor and Tom was now asking for his pay. Admin. Asst. will request Treasurer to attach photocopy of check to warrant in the future.

Expense warrant was for \$174,016.31.

Payroll warrant was for \$12,143.24.

Noreen questioned the policy on resident’s use of sand and salt during the winter.

Joe Kearns, Finance Chair, said the policy has been to allow residents to take away material in 5 gallon pails for their private use.

The Privy issue was discussed next with **Alan** asking if the set back issue was properly handled by the Zoning Board or does the Board of Health or Selectboard make the rules.

Joe Kearns said the health issue is something the BOH needs to set the regulation as the Selectboard is also the BOH.

Noreen was concerned about any contaminants leaching from the privy site.

Mitch felt the BOH should look to the Health Agent, Jackie Duda, for guidance and Alan agreed the BOH needs to obtain regulations and email them to Jackie for her review.

Wally Smith, meeting observer, suggested the use of portable toilets like those used at construction sites.

Discussion on restricting use to port-a-potties as there are many privies on other properties, proper wording of any regulation, planning or zoning issue on building used as privy.

Alan said the question is: are we going to allow privies or not. If the Town is going to accept privies then standards are going to be needed.

All agreed in general and **Noreen** will request Jackie look into the State regulations on privies.

Mitch also brought up the issue of paying the Health Agent as there is no line item in the budget for her pay. The prior agent was paid out of a revolving account for the work he performed.

Joe Kearns said that could continue but the fund is most likely to run out of money. Currently the fees the agent collects go into the General Fund. The salary account request will have to go before the Town as an article for a Special Town Meeting. The Town will have its Free Cash certified shortly and there will be sufficient funds for this item.

There was discussion regarding Jackie and the need to have her prepare a projected budget and update her report for the Selectboard.

Alan has been accumulating documentation regarding the Harry Pease Road and will be going to the Hampshire Registry of Deeds to do further research.

Also, an EMT course is going to be offered in Becket and Alan is considering taking the course. There will be a meeting in Middlefield to see if any other people are interested.

With the Town Clerk's recent illness, she is considering requesting an assistant. She would appoint that person and the position could be funded from her salary account, not funded or placed as an article for a Special Town Meeting funding.

Alan spoke with Caprice Shaw of the Dept of Environmental Protections about the default letter she sent concerning the lack of testing at the Highway Garage. He also asked if she would be willing to meet with the Board to explain the current situation at the old General Store. The Board agreed to request she attend a meeting to address the Store situation.

Skip Savery, highway superintendent, was questioned regarding the DEP default letter concerning the testing well at the Town Garage. He has been paying the yearly \$800 fee to the DEP but has not had any testing done. He will obtain quotes from 3 engineering firms that are qualified to do the water testing. There is only one well on the property.

Also, **Alan** stated the HCOG building inspection service is not working in any sense and it is time for the Town to look for their own building commissioner for these services.

The **Building Usage Policy** was reviewed and some changes were made, the Board will continue to review for further comment at the next meeting. Also, the maximum capacity for the auditorium must be obtained.

The last discussion concerned the renewal of licenses due at the beginning of the calendar year. Some of the licenses were approved by the Zoning Board of Appeals and not the Selectboard and the board needs to be careful if it refuses to renew those licenses.

Mitch said the ZBA has two different functions: 1) hear appeals on zoning issues and 2) and is the special permit granting authority.

Alan suggested contacting the Town Attorney or Attorney General for guidance.

Mitch felt the Attorney General needed to be contacted if the ZBA granted an illegal permit.

The church requested use of the Town Hall auditorium for their Penny Social on 11/19. Noreen motioned to allow the use, Mitch 2nd, vote 3-0 in favor.

Noreen motioned to adjourn the meeting, Mitch 2nd, vote 3-0 to adjourn.

Meeting was adjourned at 9:30pm.

Minutes respectfully submitted,

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmnesser

Selectboard Meeting
November 7, 2012

Meeting opened at 7:05pm

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

Review of letter from Office of the Inspector General listing complaints brought against various functions of the Town.

Alan has sent an email to Caprice Shaw, Mass DEP, requesting she come before the Board to discuss the former General Store. She had not responded by meeting time.

Noreen has a call into Blair Sutherland regarding the Northampton dispatch Service. He has not returned her call.

Minutes of the last meeting were approved with changes.

General discussion regarding the license renewal process and further information is needed.

Town Clerk, **Marge Batorski**, introduced **Eleanor Doyle** as a potential Assistant Town Clerk. The Board was pleased with her selection. Marge is showing her some of the functions of the Clerk.

Alan continues to gather information regarding the Harry Pease Road situation and he has a meeting on November 14th with Attorney **Alexandra Dawson**. She very well versed on the statutes of roads and their closings.

Joe Kearns, Finance Chair, has met Ms. Dawson and heard her speak. He also noted the Board may not appreciate what she has to say.

It is hoped that Ms. Dawson will have provided the Board with her opinion and perhaps provide a written summary.

Attorney Lynch, who represents Mr. Jamula, has accepted the Board's invitation to meet. A letter will be sent to him giving him the option of December 5th or 12th for the meeting.

Attorney Lynch has been copying Kopelman & Paige (K&P) on the correspondence he has been sending to the Town. However, K&P has been advised not to take any further actions on behalf of the Town at this time. In previous correspondence K&P advised the burden of proof is on the private party to prove Harry Pease Road is a public way.

Alan stated the Board may end up dealing with them or some other firm in the future. In his review, Alan said that both sides have occasionally used the same documents in an attempt to prove their point.

Alan also stated a Special Town Meeting could be called for a vote on discontinuing the road.

Noreen was not recommending the STM and said the Town may have to pay for the devaluation of property if the road was discontinued.

Sherry Venditti, who was in attendance, questioned what the repercussions would be if Harry Pease Road was deemed to be a town road.

Alan stated the cost of bringing it up to current standards would be quite significant but had no firm dollar amount.

Marge Batorski noted a person had been in her office looking through old records and she believes it may have been the person assisting Attorney Lynch.

The Inspector General's letter was discussed next. First was the use of the Town Hall by a Co-op that has its food delivered to it. The Co-op does make in-kind donations and makes cash donations to various Town entities. The complaint regarding excessive use of fuel by the highway department will need more specifics. **Skip Savery**, highway superintendent, said the new grader does use much more fuel but without specifics he could not respond. The diesel storage tank is outside but the pump is shut off from inside the garage so no one would be able to take the fuel. He also addressed the timekeeping, he does all the time cards and writes in the time the employees get to and end work. It is not feasible to install a time clock for 2 employees.

The allegations regarding the photocopier and Police details for private events (Middlefield Fair & Heritage Days) were addressed. There is a cost for private use of the photocopier and the fee is posted at the copier machine that is located in the Selectmen's Office. Heritage Days is a town function that is sponsored by various town committees and commissions. In the past the Hampshire County Sheriff's Office has also donated officers to the Fair.

The property assessment in 2008 not being completed is an issue for the Assessors to respond to. But **Joe Kearns** suggested a call to Jeff Reynolds of the Department of Revenue could probably resolve the issue.

The issue of the board of Health agent not turning over fees as required was questioned as the prior Health Agent was paid from a revolving account and if the funds were not turned over, he would not be paid. Currently the BOH agent is paid on an hourly basis.

A Planning Board member does have the laptop computer in her home but it is used only for Board work. However, she uses her own computer for personal use.

The complaint stating that Town policies and procedures allow invoices to be paid without proper documentation was something the Board was not aware of. They review all bills prior to signing the warrant for payment and do not approve if there is no invoice.

Joe Kearns suggested the Board plan to place an article on the Annual Town Meeting Warrant requesting funds for a 2012 audit.

Alan Vint left the meeting at 8:20pm.

A response letter to Attorney Lynch was drafted and revised and signed by Noreen Suriner, Chair.

Motion to adjourn was made by Noreen, Mitch 2nd, vote 2-0 to adjourn. Meeting was adjourned at 9:05pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

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, 2nd 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 1st 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 2nd 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

Selectboard Meeting Nov 21, 2011

The meeting was called to order at 7:00 PM, present: Noreen Suriner (Chair), Alan Vint (Clerk), and Mitch Feldmesser.

Administrative Assistant, Duane Pease, was on vacation.

Phone messages (presented by Alan, taken by Marge Batorski):

- Atty. Lynch confirmed his attendance at the 12/5/11 Selectboard meeting.
- Theresa Peterson of Gannett Fleming (Engineering Consultants) requires access to the Town Hall for evaluation with regard to Green Communities grant photo voltaic project. Alan will meet with her on Monday, Nov 28.
- Mike Whittaker from G4S Technologies called to introduce himself and the company. They have been contracted for the design and build of the broadband system so we will start seeing their trucks around town in the near future.

Mail:

- Letter received from MA DOT regarding bridge inspection. Referred to Skip.
- Received MA DOT documents to be completed for Chapter 90 reimbursement. Referred to Skip.
- Notice of next Selectmen's Association dinner to be held on 12/7/11 in Northampton. All Selectboard members are planning to attend.
- Letter from Comm. of MA re: services available and to be provided to veterans. Referred to Ray Gero, Veterans Agent.

Warrant #WP9A dated 11/2/11 in the amount of \$12,476.58 reviewed, approved, and signed by Noreen, Alan, and Mitch.

Minutes for Selectboard meeting of 11/14/11 approved with changes and signed.

Alan moved to accept the "Valley Vision" plan provided by PVPC and endorsed by the Planning Board. Mitch seconded, voted: all in favor.

Open Forum:

A variety of concerns related to the status of Harry Pease Rd were conveyed by numerous property owners in attendance.

- Marie Pease - Expressed concern about who is looking after the town's interest in this matter and whether it's wise for the Selectboard to meet with a property owner's attorney in the absence of town counsel.
- Tim Pease - Suggested town counsel should be present to prevent the Selectboard from inadvertently compromising the town's position in such a meeting.
- Mitch advised that he'd spoken with town counsel that day and they had voiced a similar concern. It was suggested that the Board listen, but not engage in discussion.

- Alan advised that the Board had decided to invite the property owner's attorney and surveyor to attend a Selectboard meeting as the Board was in receipt of a follow-up request for response prior to the attorney filing in court. Alan estimates the expense for town counsel to address the road issue could run tens of thousands of dollars so the Board has been trying to be judicious in their use.
- Paul Richardson - Thought the status of Harry Pease Rd was settled in 1983.
- Marie Pease and Noreen both advised that was not factual.
- Ray Gero - Believes litigation already started.
- Larry Pease - Thought the matter had been settled by prior Selectboard but the property owner is trying to force a change.
- Alan responded that the matter had not been settled as the last letter from town counsel to the prior Board states that she couldn't make a final determination based upon the material provided.
- John Williams - Made note of the fact that many residents of Harry Pease Rd were in attendance and concerned. He asked whether the Selectboard had the power to close the road?
- Alan and Noreen answered that the Board could not make the decision to close a road, by state law roads can only be discontinued by a public vote at a town meeting.
- Carol Varsano - Thought Harry Pease Rd was voted discontinued [beyond their property] in 1984.
- Alan responded that the 1984 town meeting intended to discontinue but it is unclear whether the format used would stand up in court and the 1886 vote was to "shut up", not discontinue.
- Stephen Salvini of Chester, professional Land Surveyor - Stated there is a good case that it's a road and suggested the town review its zoning bylaws related to development as it is the responsibility of the developer to make upgrades consistent with state and local codes.
- Ray Gero - Related his experience with road issues in Peru in the '70s.
- Howard Knickerbocker - Questioned the town's liability to landowners if we vote to discontinue.
- Noreen responded that is one of the aspects the Board is investigating.
- Alan responded that his understanding is that there aren't statutory damages.
- Maureen Sullivan - Asked about the possibility of a 'middle ground' solution that would allow limited access.
- Alan responded that a "Statutory Private Way" may offer that kind of approach.
- Tim Pease - Stated that the Jamula property is not landlocked, it has frontage on Alderman Rd and Chester Rd.
- Steve Salvini - Stated it should be noted that when the town discontinues a road it discontinues public access but the abutting property owners retain their access via the road.
- Larry Pease - Questioned whether Mr. Jamula has proven it's a public road?
- Alan responded that documents have been submitted in support of both positions.
- Marie Pease - Expressed concern that the current situation puts property owners in limbo.
- Alan responded that the Board is trying to resolve the issue properly so it's done forever.

- Mitch - Stated it might make sense for the town to 'sit out' and let the parties go to court.
- Alan feels it would be folly not to have representation.
- Marin Laurel-Paine - Stated that the way to make it go away permanently is to do it right this time.
- Noreen responded - That is the Board's goal so they've been trying to exhaust all avenues and be as informed as possible before going forward.
- Marie Pease - Wants to note that we're talking about two different roads, one being Harry Pease and the other having been called by various names including Meacham, Coombs, Meeker's, Old Rd, etc.
- Tim Pease - Noted that the only thing referring to the disputed portion as Harry Pease Rd is the Assessor's map which isn't binding. No documents refer to the "old road" as "Harry Pease Rd".
- Howard Knickerbocker - Offered that in the 1920 census, what is now called Harry Pease Rd was referred to as Center St.
- Ray Gero - Said it's important to address all similar roads in town so as not to single out one property owner.
- Alan - Reported input from Alexandra Dawson, a retired attorney with particular expertise in road matters. Based on the documents provided her, a road was laid out in 1805 but she doesn't see conclusive documentation of it being accepted as a public way. The term "shut up" used in the 1886 vote is not relevant and should not be part of the discussion. She emphasized that this is not a Selectboard decision to make and recommends that the matter now be referred to town counsel.
- Alan suggests contact K&P and request they provide a cost estimate, as well as their input on attending the BOS meeting on 12/5/11. Mitch and Noreen agreed, Alan will contact Jean McKnight.
- Tim Pease stated there are several "roads" in town that could raise issues in the future.
- Marie Pease - Reiterated the need to look into all "roads" that may be problematic.
- Marie Pease - Will provide the Board with a copy of Mr. Jamula's letter where potential sub-division of his property is mentioned.
- Carol Varsano - Asked why bother to meet with the property owner's attorney if the town's intent is to discontinue the road?
- Steve Salvini - Re-iterated his certainty that the person who wants to develop is responsible for bringing the road and utilities up to standard, or the town could possibly do the work and assess the beneficiary with a use tax to cover the expense.

End Open Forum

Update on responses to the questions contained in the letter previously received from the Investigator General's office.

- Maureen Sullivan gave the Selectboard a letter regarding the Planning Board computer.
- Noreen received an email from Charlie Hunter, former BOH Agent, with his response to the relevant item. Alan suggests that the final response come from Charlie and that the Board not edit it in any way. Noreen will request a formal letter from Charlie.

- Noreen has received written responses from the Board of Assessors and the Highland Agricultural Society. She will mail the complete response package to the IG's office when she has received the letters from Charlie Hunter and the Middlefield Food Coop.

The proposed building use policy was posted for comment on the town website. Alan suggests it be posted in hard copy at the usual sites. All agreed, Alan will post copies.

Email received from Ron Berenson, Deputy Tax Collector, updating the status of his collection efforts. He would like the Board's input on next steps to be taken in light of consequent expenditures. Also noted that he is awaiting receipt of a "Petition to Foreclose" from the Treasurer. Copy of email put in Treasurer's box for follow-up.

Discussion of HCCOG invoices for membership and inspections. Alan feels bills should not be paid as we're not getting service.

- Alan moved to approve payment of 1/2 of \$3185 (half of the invoice amount) on the July-Sept invoice and include a note with the payment stating that there was poor service for two of the three months covered by the bill. Seconded by Mitch. Voted: Alan and Mitch in favor, Noreen opposed, motion passed.
- Discussion of HCCOG's invoice for the Oct-Dec quarter tabled.

Mitch spoke with Atty Silverstein at K&P re: business permits and zoning. Counsel advised that an activity is not "grandfathered" unless it was ongoing prior to enactment of a by-law governing it. Counsel further advised that state law establishes a number of parameters for used car dealers, including a requirement that parties have a Class 2 license granted by the town and renewed annually, that a bond be posted, etc. Counsel suggests the Board send letters along with Class 2 license application forms to anyone known to engage in the sale of used vehicles in town. Mitch will draft a letter for Board approval.

Alan moved to adjourn. Mitch seconded, all in favor. Meeting adjourned at 9:25 PM.

Respectfully submitted,

Sherri Venditti

Selectboard Meeting
November 28, 2011

Meeting called to order at 7:00pm by Chair

Present: Noreen Suriner, Chair; Alan Vint, Clerk; Mitch Feldmesser

Duane Pease, Administrative Assistant

First item was the Real Estate Classification: **Gita Jozsef**, Chair of the Board of Assessors (BOA) and **Laura Lafreniere**, assessor were present to present their recommendation to the Board. The unanimous recommendation of the BOA was to continue with the single tax rate for Fiscal Year 2012. This was recommended as there is less than 10% of the total assessed property that is business, industrial and personal property and shifting the tax burden to them would do relatively little to lower the residential property tax rate. The tax rate will be \$15.78.

Noreen motioned to accept the single tax rate, Alan 2nd and the vote was 3-0 in favor.

Eric Weiss, Director, Sustainability Program, Hampshire Council of Governments (HCOG), address the Board on the Green Grant. The Dept of Energy Resources has accepted the town's plan and all items were approved. Eric said the solar installation at the Town Hall has to move forward before 12/31 as many of the Federal "percs" expire at that time. His role will be as the administrator of the grant and the fee will be between 5-10%. He hopes to keep it well under the 10% allowed by the grant.

Noreen questioned if the solar needed to go on the roof or could be installed on the ground behind the Town Hall. **Mitch** also discussed the siting of the installation. **Alan** felt there should be flexibility if it is justified. Eric explained when he puts out the Requests for Proposals (RFP) he will include both the roof and ground mounts in the RFP.

Eric also stated he is preparing a regional Solar PV bid for HCOG and that Middlefield should include all possible sites for a solar PV installation on the RFP as once this is submitted, no new sites will be allowed. There is no commitment needed at this time, just submit the sites.

Mitch questioned if the solar would be tied to the grid and what the electrical needs for each would be. Eric explained that Massachusetts allows net metering and this allows credits to be applied to other buildings. The cost of this project will depend on the bids, tax credits available, etc. there will be no cost to the Town.

Eric next spoke as Administrator of Hilltown Resource Management Cooperative (HRMC) and address the needs at the Transfer Station. He feels the Town should consider erecting a 2nd shed to allow for more storage. The lower area where the open top box is located is wet and muddy and a larger concrete pad should be poured. It should be

long enough to accommodate 2 open top boxes. The Town currently rents it boxes from Wickle's Trucking and may want to consider purchasing the boxes. The current rent is \$2-3 a day.

Kathy O'Brien, transfer station attendant, said it was best to have 2 boxes, that way metal and debris could be handled at the same time. She has sold 181 stickers for the transfer station.

Eric was questioned about fees for use of the transfer station; he said they vary by town. Some towns charge a bag fee or use a punch card system; this relieves some of the burden off the taxpayer and encourages recycling.

Eric said that with Northampton closing its landfill the hauling fees may go higher, he is going to put out a regional bid for waste disposal and additional towns may be interested in joining the effort.

Maureen Sullivan questioned Eric on the Green Community Grant regarding listing additional town buildings and if they would be tied to a specific site. Eric said they would be and can't be switched at a later date.

Mitch wanted to know if undeveloped land could be included, and Eric responded it could be put on the list and if it didn't work out it could be taken off the list.

Maureen also wanted to know if the betterment funding to promote and fund efficiency was still part of the grant, Eric said the \$10,000 was still part of the grant.

Eric will meet with Alan and Joe Kearns to go over the solar as well as other aspects of the grant.

Warrants: expenses, \$10,806.47 and payroll, \$13,078.87 were approved and signed. **Minutes** of last meeting were approved with changes, 3-0.

Skip Savery, Highway Superintendent, told the Board Cone Road had been paved and that he met with FEMA representatives last week. He reviewed the Bridge report the State has sent.

Police Chief, **Tom Austin**, reported all of his officers had completed the CPR course and the State Ethics training. The First Responders course will be completed in the next few weeks.

Also, a break-in occurred in the last 2 weeks on Chipman Road and the house was ransacked. It was unknown what was taken.

Health Agent, **Jackie Duda**, is obtaining additional information from an individual that wants to be buried on his own private property.

Alan received a reply from **Caprice Shaw**, DEP, and they will not be able to attend a meeting regarding the General Store but requested the Town send a list of questions they have about the site for her to answer. The Town web-site may be a way for residents to submit their questions.

Noreen said a grant of up to \$850 from the Hampshire Public Health Preparedness Coalition is available and she has until 12/22 to submit a list of ways to utilize the grant monies. Alan and Mitch agreed to have Noreen submit her recommendations as she has been very involved in this matter.

Noreen also has compiled the responses from the individual entities involved for the Inspector General's letter and a cover letter to send along with the responses.

Alan met with the Mass Broadband person who was in the Town Hall to assess the location of the fiber optic installation. Also, he found the front door unlocked one day last week and also the Selectboard office door not locked. He also posted the Building Usage Policy at the Post Office and the Town Hall bulletin board for residents to review and make comments.

Skip Savery will prepare a list of winter road closings, post it in the paper and place signs on the affected road. He has received the boom mower but is waiting on the paperwork before he can register it. He has been in contact with Tighe & Bond regarding the testing of the well at the Town Garage; there will have to be 3 tests under the limit before DEP will sign off.

The Harry Pease Road issue was discussed, Town Counsel, **Len Kopelman**, said it was okay to meet with Attorney Lynch and that the meeting should be taped. The 90 pages of information will be submitted to Town Counsel so they can give the Board a cost estimate for this matter.

Mitch suggested that any member that speaks with counsel keep a log of the time spent discussing the issue and that perhaps the cost of defending this should be presented at a Town Meeting. A majority of the people may not want to appropriate the money need to defend this issue. Also, he said that not all who showed up at last week's meeting were registered voters and we should not respond to whoever shouts the loudest.

Noreen said last week's audience had a vested interest. She wanted to know if the Town has a position, what's best for the Town and what the consequences are.

Alan said it is a complex situation and could involve many roads in town that have been discontinued and we can't make a call on this without legal counsel. Kopelman & Paige (K&P) needs to give a more definitive conclusion than the one given 2 years ago.

Maureen Sullivan felt K&P will want to know what the Town wants and make their argument accordingly. The prior opinion was based on one side of the facts only.

Alan felt the 1984 Town Meeting vote attempted to discontinue the road with a 24-1 vote and the position of the Town is the road is discontinued

Noreen added there have been 2 efforts to discontinue the road; the first was to “shut up” and then the 1984 vote.

Sherri Venditti said the 1984 meeting warrant address in Article 26 to discontinue a specific road and that Article 27 was to accept as roads and not a vote to discontinue.

Permits and licenses were discussed next and **Mitch** felt a check should be made to make sure their property taxes are paid prior to issuing any license. Personal property tax should be assessed on their business equipment and the easiest way to do this would be to check last years license holders. The Selectboard should be allowed to put limitations on the licenses. Any holder of a used car license needs a Class 2 license and post a \$25,000 bond. To hold a Class 2 license, it has to be the main source of income. Any permit has to be affixed to the deed and is transferable if there is no caveat.

Noreen said not everyone in town is universally dealt with, the Board issues licenses to businesses and the Town Clerk issues permits to dba’s.

Maureen Sullivan felt all applicants should go through the Zoning Board officer. It was agreed that Paul Tacy was under utilized in this position while he was the building commissioner.

Alan motioned to adjourn, Noreen 2nd, vote 3-0. Meeting adjourned at 9:50

Minutes respectfully submitted by:

Duane Pease
Administrative Assistant

Minutes approved with/without changes:

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
December 5, 2011

Meeting opened at 7:00pm

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

Attorney Jeffrey Lynch was present to address the Board regarding the Harry Pease Road issue. Attorney Lynch represents Mr. Jamula and Steve Harris. James Smith, Professional Surveyor and Engineer, who did most of the research on the road status for Lynch, was also present.

Both Lynch and Smith went through an extensive history on the road, starting with its inception while still part of the Town of Becket in 1780. Smith's research had him researching from Colonial times, reading through Town Reports and reviewing maps in Becket and Middlefield. He also referred to the History of Middlefield written by E.C. Smith. Lynch also referred to a Land Court case in 1984 regarding Harry Pease Road. There were 2 sections of Harry Pease Road (HPR), the North-South (N-S) and the East-West (E-W).

Prior to 1846 an owner would build a road, open it to the public and ask the Town to accept the road. The Town could either accept or not accept and this was the standard thru the early 1900's. There was no statutory authority until 1924 that allowed a Town to stop maintaining a road that was not discontinued and that once a road was established it remained a road until there was a vote to discontinue it. The 1886 vote to "Shut Up" the road has no meaning in the Mass Statutes. Lynch said that "Shut Up" was used to block off or make inaccessible non-public roads when their use was not in the public interest for many reasons.

Noreen questioned how Smith determined the N-S and E-W sections connected.

It was answered by referring to property ownership, deeds and various old maps which show HPR in existence.

Attorney Lynch also stated the 1984 Town Meeting vote which listed the accepted roads in town was not a vote to discontinue those not mentioned because a vote to accept roads does not mean the roads not listed were discontinued. That vote did not accomplish anything nor take away anything. He would like the Selectboard to acknowledge HRP is a public road.

Mitch asked whose responsibility it is to bring the road up to standards.

Lynch stated the municipality has the responsibility to maintain the road and that failure to maintain a road does not discontinue the road. Mr. Jamula has upgraded the road from Alderman Road to his property.

There was further discussion on how many maps show HPR as a dead-end starting in 1887, this could be based on the "Shut-Up" vote in 1886. Smith was also questioned on how precise he could be by going by the old deeds when many of the identifying locations no longer exist, he responded by saying he balanced all the evidence, observed old stone walls and some of the prior surveys that had been done which were quite good.

Lynch said it was important to recognize the property rights of the land owners on the road.

Noreen questioned the consequences, pro and con, of HPR.

Lynch answered he had done all the research on the road, Chapter 90 Funds would be increased and available for improving the road and there could be further development on the road for the town. If the Town disagreed, he would file a Declaratory Judgment in either Land Court or Superior Court to force the Town to maintain. By presenting all his evidence, he has tried to make the decision easy for the Town.

Noreen also asked what would happen if the Town voted to discontinue and if there was an option to only open one end of HPR and not make it a through road.

Lynch responded by saying in his own opinion if the road were to be discontinued, the Town would owe damages to the property owners affected by that decision.

Smith said it was a practical solution to make the road a through road as the area could be built up over a period of time.

Attorney Lynch and James Smith were thanked for their presentation and departed.

During the **Open Forum** Ms. Savoy asked if the Board had acted on a letter she sent in, she was advised the letter had been forwarded to the Health Agent and she was working on the issues under her jurisdiction. Also, it had been submitted to the Building commissioner but is moving slowly.

Alan said the Planning Board is engaging the Pioneer Valley Planning Commission to help rewrite the Zoning By-Laws.

Marge Batorski, Town Clerk was present with **Eleanor Doyle**, Eleanor has been sitting with Marge and learning some of the duties of a Town Clerk and has accepted Marge's invitation to become her assistant. The Town would have to appropriate money for her salary.

Mitch stated a Special Town Meeting warrant would be needed to appropriate the money. Eleanor said she would be willing to work until the salary issue could be resolved.

Noreen motioned to appoint Eleanor as Assistant Town Clerk, Alan 2nd; vote was 3-0 in favor.

Eleanor will be sworn in and was advised she would have to complete the State Ethics test within 30 days.

Alan also said he spoke with Len Kopelman of Kopelman & Paige and Attorney Jean McKnight will review the materials he sent regarding Harry Pease Road at no charge.

Jackie Duda, Health Agent, visited an allegedly illegal cabin on Ryan Road with the complainant but only viewed it from the road. She said it does not appear to have a septic system. Alan felt it may be better to have a Board of Health member go with her the next time she goes there.

On December 15th, there will be a presentation to the Green Grant Communities in Deerfield and all are welcome to attend.

Also, the **Building Usage Policy** was discussed regarding the Senior Center. Perhaps because of State Grants, the Center can't charge any fees but can accept donations. Modifications will have to be made for Senior Center usage.

The upgrade costs of the computer system in the Town Hall were reviewed, it was found that the hard wire installation costs were \$5,160. In the future, it was suggested the Board be more involved in any improvements.

The **Expense Warrant** in the amount of \$17,696.92 was approved.

Sherri Vinetti said she found a web site listing the Building Commissioners that are licensed by the State and that is a valuable asset in the Town's search for one.

There will be an Executive Session at the next meeting.

The minutes were approved on a motion by Mitch, 2nd by Noreen, vote was 3-0.

Alan motioned to adjourn, Noreen 2nd, vote 3-0 in favor. Meeting adjourned at 10:07pm.

Minutes respectively submitted by,

Duane Pease
Administrative Assistant

Minutes approved with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
December 12, 2011

Meeting called to order at 7:00pm by Chair

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

First item for discussion was a draft letter prepared by **Mitch** to be sent to the Town's businesses and doing business as (dba) entities. An application for Class II licenses to sell used cars was also discussed and Mitch will work with the Administrative Assistant to bring a final draft to the Board next week as well as a general license application. Board agreed to keep the license fee at \$25 for the coming year.

Susan Baker-Donnelly addressed the Board regarding the Senior Center; a group of the original committee met on 12/7 with Erica Johnson of the Pioneer Valley Planning Commission (PVPC) to review the architect's report on the roof assessment at the Senior Center. Wm Sloan Assoc. did the assessment on the roof and also found the structure to be in generally good shape. While doing the assessment, some minor repairs were also made to a portion of the roof. Erica is preparing the grant application for the roof repairs/replacement and will forward the application to Susan who will then bring it to the Board.

Alan has an update to report on the Harry Pease Road issue but that will be discussed in Executive Session.

Judy Hoag brought some concerns regarding the Building Usage policy to the Board. She was concerned about the charges for the use of the buildings and questioned why there would be charges as the townspeople already pay taxes and should have use of the building. It was explained that the State Ethics board recommended a written policy so there would be a standard for all to follow. The fees are waived for Town Board, Committees, etc and also for Town residents using the building for the good of the Town. She also had concerns about charging a fee for use of the Senior Center as Grant monies may be in jeopardy. The Board had heard this previously from Susan Baker-Donnelly and had requested the written documents that stated that. If these are produced, the Senior Center charges will then be addressed.

Alan said a small fee should be charged when the use of a building is for the benefit of 1 or 2 people or for a profit usage.

Alan reported on the December 9, meeting with **Eric Weiss** (HCOG) regarding the solar installation at the Town Hall. Alan reviewed the contract, Eric will be administering it for the Hampshire Council of Governments and that fee is allowed by and will be paid as part of the grant.

Alan also will be going to Deerfield on the 15th to accept the Green Communities Grant on behalf of the Town.

Noreen heard back from the Inspector General's (IG) office regarding the responses to the complaint that had been filed earlier. The IG wants more clarification on the fuel usage at the Town Garage and the specific usage needs to be addressed.

Warrants were reviewed and before signing the expense warrant **Alan** questioned Noreen on the hotel charges she has requested for her stay during the MMA conference, he felt the charges to a little wasteful. **Noreen** explained this was an important way to make contacts to aid the Town in the future. **Mitch** felt it was hard to quantify and that it was probably a good idea to allow these charges. Noreen motioned to approve her request for the funds to attend the conference, Mitch 2nd. Vote was 2-1, with Alan voting not to approve. Highway expense warrant of \$37,442.13; Payroll warrant of \$9,267.72 and other expense warrant of \$13,680.02 were approved and signed.

The minutes of the 12/5/11 meeting were approved with some changes.

The Administrative Assistant (AA) advised he had contacted Richard Haupt to see if he had any interest in being the Town's building Commissioner and Zoning Enforcement Officer. He is interested and will be meeting with the Board at the next meeting; he is scheduled for 7:00pm.

Diana Schindler (HCOG) has also requested to come before the Board to discuss the ending of HCOG's building inspection program and to bring Charlene Baiardi to meet the Board. Charlene is a Building Commissioner and Zoning Enforcement Officer. They will meet with the Board at 8pm.

Also, the AA will contact WEMCO regarding the pole installation on Chester Road, 3 poles were authorized by the Board and Conservation Commission but 4 were installed. There is also a question of the location of the poles.

A general discussion was held among the Board members regarding getting Town information published in the Country Journal as there is no reporter present at the Selectboard meetings.

Mitch stated the Board needs to address back issues such as appointments that still need to be filled.

Noreen spoke with the Dept of Revenue regarding payment to Jackie Duda, Health Agent. The Finance Committee can set up an account and authorize the transfer of money from the Reserve Fund to pay her. The Board will make that request to the Finance Committee.

A motion to go into **Executive Session** to discuss the Harry Pease Road (HPR) situation and to speak with Skip Savery, Highway Superintendant was made at 8:35pm. The Open

Meeting was not to reconvene. Motion for Executive Session was made by Alan, 2nd by Mitch. Roll call vote was Noreen Suriner, Aye; Alan Vint, Aye; Mitch Feldmesser, Aye.

Motion to discuss Harry Pease Road was made by Alan, 2nd by Mitch. Roll call vote was Noreen, Aye; Alan, Aye; Mitch, Aye.

Motion to discuss Skip Savery's issues was made by Noreen, 2nd by Alan; Roll call vote was Noreen, Aye; Alan, Aye; Mitch, Aye, with hesitation.

The board went into Executive Session at 8:40pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes approved with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
December 19, 2011

Meeting opened by Chair at 7:03pm

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

Richard Haupt, Building Commissioner (BC) for Dalton was present to interview for the position of Building Commissioner and Zoning Enforcement Office (ZEO) for the Town.

Noreen explained the situation in Town and the challenges that will be faced.

Haupt is currently the BC and ZEO in Lanesboro, Hinsdale and Chester as well as his full-time position in Dalton where he works 30 hours per week. He had been a part-time from '95 until '01 when he became full-time in Dalton. He is experienced in zoning issues.

Alan advised the Planning Board is currently re-writing the By-Laws as the current ones are somewhat vague. Also, some of the zoning concerns are in combination with health issues. Many of the issues have been around for years and they have to be brought into conformity with the By-Laws. It is necessary to aggressively pursue the zoning issues and apply the By-Laws equally to all.

Haupt felt that would not be a problem, he has been involved with the Land Court and various local courts over the years in decisions he has made. He keeps up-to-date with his Continuing Education as he is required to have at least 45 hours of education every 3 years. His continuing Ed costs are paid for by Dalton.

Mitch questioned him on the Stretch Code, which is part of the Green Communities Grant and that it most likely will be the Code in a couple of years. He is familiar with it and would not have a problem with it.

Alan questioned how many hours a week/month he would work and what the costs would be.

Haupt said he would see how much work there was, but the cost would be less than the Town is currently paying. He would request a salary and not charge on an hourly basis.

Noreen asked about issuing permits if taxes were owed. Haupt stated in Dalton the permit does not get to him until it is signed off by the Tax Collector. If it is an emergency he felt the tax situation didn't matter and he would issue the permit.

Sherri Venditti, observer, asked from his perspective if he could provide input to the Planning Board regarding the rewrite of the By-Laws. Haupt said he felt this was best left to the professionals and many towns have tried but the By-laws have been voted down at Town Meeting.

The Board thanked him for his attendance and that they would advise of their decision as there were others to be interviewed.

Sherri Venditti then addressed the Board regarding the condition of the old Town Records. At a previous meeting, Attorney Lynch and Mr. Smith both commented on the deterioration of the paper. Sherri had done some research and found digital photography may be feasible. There is a town resident that is willing to do it at no cost to the Town and he has all the equipment necessary. She said John Richardson is willing and would do it at night. She also spoke with Mr. Smith and he was very supportive of this and gave her some pointers. He said to photograph everything, including blank pages. If the Town Clerk attests to the authenticity, then these photographs can become the public record.

Joe Kearns, observer, said Sherri should contact Richard Cox at the UMASS library for additional guidance as he is very familiar with preservation of old records.

An anonymous donor left a plate of goodies to be enjoyed.

Mitch spoke regarding the Warrants and Minutes and he felt these should be at the top of the agenda as the Board should do its own work first and these were important to review.

The minutes were approved on a 3-0 vote. The Expense Warrant of \$17,332.32 was signed

There was general discussion on Skip Savery's, Highway Superintendent, use of the ice storm account. Also, the Board felt the Executive Session requested on 12/12/10 by Skip did not meet the standards of Executive Session and the vote was 3-0 to move the minutes to the regular minutes of the meeting.

Next discussion concerned the payment of the Health Agent, **Joe Kearns, Finance Committee Chair**, suggested the Board request the Finance Committee to transfer a sum of money from their reserve account to make a payment. After additional discussion, it was agreed to request \$1,500 until a Special Town Meeting could be held to properly request funding for the position. Prior to the appointment of this Health Agent, payment was made from a revolving account that was funded by the fees collected by the Health Agent. Noreen motioned to request the \$1,500, Alan 2nd; vote was 3-0 in favor.

Diana Schindler, Hampshire Council of Governments (HCOG) was present with **Charlene Baiardi**. Since the HCOG shut down its inspection program at this time, Charlene is available on an hourly basis through HCOG. The charge is \$60/hour and includes overhead and costs. Charlene is a full-time building commissioner in

Springfield, does structural inspections and also handles zoning issues that occur as part of her overseeing the building process. Springfield has 2 full-time zoning officials.

Alan noted that zoning issues were a very important aspect in Middlefield.

Charlene said with her full-time position, she could not go to court but could prepare all the documents necessary. She would be available every other weekend to work in town. It is very difficult to do inspections at night and again reiterated she would not be available to go to Housing Court.

Diana also mentioned the Board may want to speak with George Peterson who is doing the inspections in Huntington.

The Board thanked Diana and Charlene for their attendance.

Noreen wrote a letter of support for **Jackie Duda**, Health Agent, who is going to attend a conference in Alabama. After reading the letter, it was approved 3-0 in favor of sending.

Noreen also voiced concerns over the PHER grant which would provide \$850 to the Town. There is conflict with the larger towns pulling out leaving the smaller towns to fend for themselves.

Tom Austin, Police Chief, informed the Board of a recent break-in in town, Mary White's house was entered and jewelry and other small items were stolen.

Noreen wants the minutes to reflect Cyndi Oligny's 28 years of dedicated service to the Library and the Boards appreciation of her hard work.

Alan wanted to know who will be issuing the burn permits; previously they were handled by Cathy Radwich.

Noreen suggested the Board request the Fire Chief, Larry Pease, attend a meeting to clarify this. The Chief will be requested at the 1/9/12 meeting.

The **Pole Hearing** request by Western Mass Electric was discussed next and Alan felt the 1/9 meeting will be just to question WMECO about the poles installed on Chester Road that did not conform to the request and approval.

Alan also said he spoke with the town Accountant and was informed the Treasurer was way behind on turning over receipts to the Accountant. Currently, the last month submitted is August and we are now in December. There also seems to be resistance to the Tax Takings turned over to the Tax Attorney.

The License Letter was the next item discussed. There was a question regarding taxes owed and how to have the Tax Collector certify that the taxes are paid to date. Alan motioned to have the applicant go to the Collector for certification prior to submitting the

application. Noreen 2nd, vote was 2-1 with Mitch voting no. Mitch felt the process should be kept easy and simple for the businesses.

Sherri Venditti commented the Board was making the applicant make 3 trips to obtain their license. One to bring it to the Collector on either Friday afternoon or Saturday morning, then present it to the Board and then come back to pick up the license. She said the process needs to be streamlined.

At 9:44pm, **Noreen** motioned to go into Executive Session to discuss the Harry Pease Road situation and the Board will not reconvene in Open Session. Motion 2nd by Alan. Vote: Noreen, Aye; Alan, Aye; Mitch, Aye. Vote was 3-0. Board went into Executive Session at 9:45pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, clerk

Mitch Feldmesser

Selectboard Meeting
January 3, 2012

Meeting opened at 7:03pm

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

First item was a correction of the 12/5/11 minutes; Attorney Lynch represents Steve Harris, not the Harris' and the correction was made.

Minutes were approved with corrections, 3-0. Noreen noted the Selectboard would like to honor Cyndi Oligny at the Annual Town Meeting.

Warrants were approved and signed in the amounts of \$5,435.54 and \$6,967.86. Administrative Assistant was asked to contact Joe Boudreau, DOR, for information regarding the Ice Storm Account and how that money can be spent.

Gerald Garner, Pittsfield Building Commissioner, was present to interview for the Building Commissioner/Zoning Enforcement Office for the Town. He currently works full-time in Pittsfield (35 hour week) and is part-time in Plainfield, Peru and as of 1/1/12, Cheshire. He stated he is able to allocate his time so it would not be a problem work for Middlefield. He had reviewed the on-line records prior to his interview. In Pittsfield he oversees all aspects of building (gas, electric and fire suppression). There are separate inspectors but all are under him.

Alan stated there was a backlog of zoning issues and they need even enforcement and brought into compliance.

Garner said zoning is a black and white interpretation and owners can appeal to the Planning Board or Zoning Board of Appeals. It is best not just to file a complaint against one person but to do a number at one time, that way it does not look bad or that a person is being singled out. He will appear in Housing Court and can represent himself until the issue may go to Criminal Court.

Noreen said the buildings in Town have to be appropriate and safe for people.

Mitch questioned him on the Stretch Code, he said he is familiar with it and it is used in Pittsfield, however, it only affects 1 and 2 family dwellings in Pittsfield.

It was also noted that many issues have a common interest with the Zoning Board and Health Agent. He is willing to work with various departments when this occurs.

He was told there were some existing buildings that were never issued a building permit, he said the building may be “grandfathered” in but other issues may make it illegal to use the home.

When questioned about what time he could spend in Middlefield, he stated he would be available, in Town, on Mondays from 4-6pm and would do inspections as needed. He would like to review the budget and draw up a plan for the Board. In the event he is unavailable, he would have an alternate available.

When questioned on how soon he could start, Garner said he would contact Don Terico who is on the Building Certification Board to let him know he was also going to work in Middlefield, but he could start soon. Terico approves the appointments of Building Commissioners.

When asked about his fee structure, he did not have one in mind but would most likely be \$30/hr. He will need a computer and the Permatec program so he can keep all the records. Also, HCOG will have to return all the records they have back over to the Town.

The Board thanked him for coming in to be interviewed and he left.

Linda Grenier came before the Board to renew her Class II license. It was explained to her the Board was in the process of reviewing all licenses and creating an application. She was aware of the \$25,000 bond requirement and she does have one for her used car business.

Skip Savery, Highway Superintendant, told the Board the new loader had arrived last week and he registered it today. The old loader was taken away.

Also, Cone and Clark Wright Roads have been blocked off for the winter. The Board questioned him regarding the service contract for the generator, he said he could change the oil, etc but did not have the tools or expertise for doing the preventative servicing.

Marge Batorski, Town clerk and Eleanor Doyle, Assistant Clerk, were there to discuss the condition of the older Town records and the fragile condition they were in.

Sherri Venditti explained she had heard Mr. Smith comment on the fragile condition and felt it was important to preserve the documents and came to the Board looking for guidance. She spoke with a woman at UMASS in Special Collections who maintains old records and she is willing to come to town and help. She did advise not to wear gloves when handling the documents.

Marge thought it was a good idea and they will meet to discuss the process. A couple of residents, John Richardson and Michael Feldberg, have expressed interest in photographing the records at no charge.

In the Open Forum Marge questioned how Eleanor was going to be paid, there will have to be an article on a Special Town Meeting Warrant to appropriate the money.

Wally Smith felt the Building Commissioner that was interviewed tonight would not be a good fit for Middlefield. Also, there is a Town pick-up that is parked in the lot at the old general store.

There was a general discussion among the Board regarding the appointment of a Building Commissioner. Garner seemed very professional and knew what he was talking about. The choice was between Garner and Rich Haupt who was interviewed on 12/19/11. Both would be good but it was felt Garner was the stronger of the two and he has seemed to make this his career. The appointment would be for the remainder of the fiscal year.

Sherri Venditti noted they were 2 different types of people and the Board may want to check with other towns before hiring either. Alan said they had checked both out.

Alan motioned to hire Garner, Noreen 2nd. Vote was 3-0 in favor of offering Garner the position.

At 9:35 Noreen motioned, Alan 2nd to go into Executive Session to discuss the Harry Pease Road situation and a recent telephone call received in the Town Hall. The board will not reconvene Open Session. Vote was: Noreen, Aye; Alan, Aye; Mitch, Aye. Vote 3-0 and Board went into Executive Session at 9:36pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
January 9, 2012

Meeting opened at 7:00pm

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

Warrants reviewed and approved; Payroll: \$6,814.40; Expenses:
\$18,352.22 Minutes of 1-3-12 were approved 3-0 with changes

John Tulloch, Western Mass Electric, was present in response to utility poles erected on Chester Road. The Conservation Committee (ConComm) had signed off for 3 poles to be installed and there were 4 poles installed. The Selectboard had not approved the pole petition. According to the information Toulach provided the pole in question, the one closest to the Chester Town Line, was actually in Chester. The engineering firm of Tighe and Bond (T&B) had filed the Notice of Intent and according to the GIS the town line is actually 174' further into Middlefield. There was also a 10' discrepancy between the town and county line.

Alan received a copy of the report that T&B had prepared for the original pole hearing and is to investigate, but he believes the Town is on legal ground for having the pole removed. Also, the ConComm has separate issues with this pole placement.

Mitch said the order of the hearings would be for the ConComm to hold their public hearings on the matter first and sign off and then have it go to the Selectboard for their sign off.

When questioned about what he would prefer, Tulloch said he would prefer the petition for the 3 poles proceed stating the T&B report is accurate and the 4th pole is in Chester.

Alan said he would contact DEP and get back to Toulach with his findings.

Larry Pease, Fire Chief, spoke to the Board regarding the brush burning permits and how residents would be able to obtain the permits. He is going to leave a message on his home answering machine advising if burning is

allowed or not. He will change the message as the conditions change. He is also going to ask Ron Radwich, Asst Fire Chief, to do the same.

Larry was then asked about the chimney fire a Myrtle Pease's on Friday night. He stated she had left a message on his home answering machine but he did not get the message until Saturday morning. He has not returned her call but said he would. The proper procedure would have been for her to call 9-1-1, he would have been contacted over the Fire Dept radio and would have responded, or if he was not available, other members would have responded. He was not aware of the message that she left on Ron Radwich's phone.

Noreen questioned him on the training, as safety is most important to the members, and how many active members of the department there are.

Larry said there are about 12 active members and it varies due to personal circumstances how many come to the weekly meetings. They do have training; however, if some members aren't comfortable about doing certain things, he will not ask them to. He stated he will call for Mutual Aid if he feels the situation warrants it. He is also looking to improve the gear for the department and hopes to find grant money to replace the old gear. The gear for each fireman costs between \$2,000-2,500.

Highway Superintendent, **Skip Savery**, spoke to the Board next. He had made some calls regarding the Town Hall generator servicing and found that the companies he contacted could do the maintenance but they do not supply parts for the Generac generator. Also, the other generator has been repaired and is ready; this will be at the Senior Center. He will need to check with an electrician before it can be installed.

Also, he received quotes for a card system of dispensing fuel at the Town Garage and it will cost \$5,000 for an entry level system. A more sophisticated system would cost approximately \$10,000 but he feels the \$5,000 one is sufficient. The fuel tank is too close to the building under current codes and also needs a 6" vent as well as a longer vent pipe. He is able to do this so the costs will be minimal, just for the materials.

Mitch questioned Skip on the Driveway Permit and how the location is determined. Skip said the drive has to be 25' from the property line and he keeps records of all permits he issues.

Lastly, Skip advised the tires have been removed from the transfer station and that FEMA had been in contact with him and the Town is eligible for reimbursement from the October snow storm. He did not think it would be a great amount of money, just for the over-time, equipment and material.

Linda Grenier was at the meeting and received her Class II auto license. She provided a copy of her bond as required by the Commonwealth.

Leanne Every of the Communication Committee came before the Board to request the Board sign off so Wired West can apply for grant money to fund the fiber optic network that is going to be installed in the area. Noreen motioned to sign off, Mitch 2nd vote 3-0 in favor.

Sherri Venditti, gave a brief update on the records preservation as she continues to research the previous microfilming.

Alan motioned to adjourn, Noreen 2nd; vote was 3-0 in favor.

Meeting was adjourned at 9:05pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes:

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
January 17, 2012

Meeting opened at 7:00pm

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

No warrants to review.

Minutes were approved with spelling corrections, 2-0.

Tom Austin, Police Chief, presented a letter he sent to Larry Pease, Fire Chief, regarding a conversation Tom had with Rich Small, Chester Fire Chief. Small mentioned he will be hosting a Fire Fighter I class this spring and if anyone in Middlefield was interested they were welcome to attend. There would be very little cost to the Town but all attendees would need some fire gear and be covered by the Town's insurance.

Austin also mentioned there a three people enrolled in the EMT course being offered by Becket and, if possible, he would like the Fire Dept to pay for one of the students. This training should be completed by July 1st. Once completed Middlefield EMT, Ed Vivier, would offer monthly meetings to keep them active with their EMT training. Currently, Hinsdale provides ambulance coverage for Middlefield.

Jane Thielen, Town Treasurer, was not able to attend the meeting but in a general discussion a list of questions for her was brought forward by Alan.

- 1) Why are the receipts not up-to-date, and what needs to be done to bring them current;
- 2) How many hours are required to do the work;
- 3) What are the Tax Title issues:
 - a. How is it going?
 - b. What are your plans?
 - c. Are any tax foreclosures planned?
- 4) Request an increase in your legal fees, perhaps \$3,500, to continue to bring delinquent accounts in line;
- 5) Treasurer and Accountant need to communicate via the Soft-Rite program;

- 6) Pay schedule for Town Employees not on an hourly wage should be such that they are getting paid in the month they work;
- 7) Appointed officials need to request time-off from the Selectboard and notify the Board when they are not going to be in.

Mitch felt the Board does not have absolute control over the appointed positions and the Board needs to be careful in handling these situations.

Alan said these positions are appointed by the Board and are under the control of the Board.

Joe Kearns, Finance Chair, was in attendance and stated the Board needs to develop a list of expectations and have that appointee sign off. The Selectboard does have the power to hire and discipline but it needs to be careful.

Next item was securing 2 file cabinets that do not have locks on them. Joe Kearns installed the locking mechanisms on the secure cabinets and he will also install them on these 2 cabinets.

It was brought to the boards attention the hourly rate for the Building Commissioner was not voted on during the meeting he was hired. It was agreed his hourly rate was to be \$30 but it was not voted.

Alan motioned to pay the Building Commissioner \$30/hour, Mitch 2nd; vote was 2-0 in favor.

The Class II license requested by Kim Baker was the next item. Mitch hand delivered a letter from Jay Swift regarding a noise complaint coming form Baker's auto operation. The complaint said there was loud engine revving occurring during the weekends and that noise was disturbing. After a long discussion on restrictions and limitations including limiting the operation to Monday-Friday and Saturday until noon. A motion was made by **Alan** to issue the license to Big Picture Agency noting the noise allegations, those allegations were to be investigated, if proven, the license would be amended at a later date regarding the times of operations. Mitch 2nd the motions and the vote was 2-0 in favor of granting the Class II license subject to the motion.

Alan is still investigating the pole issue on Chester Road.

Sherri Venditti, who was in attendance, suggested that the surveys done around the “Arches” may be useful in determining the Town boundary.

Lastly, **Joe Kearns** noted there were no “Entering Middlefield” signs of the type found on the State Roads, he said it would be nice to have that type of sign on Skyline Trail at least.

Alan said he would check with Mass Highway as he is often in contact with them.

Alan motioned to adjourn, Mitch 2nd; meeting was adjourned at

8:58pm. Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Alan Vint, clerk

Mitch Feldmesser

Selectboard Meeting
January 23, 2012

Meeting opened at 7:00pm

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

Warrants were approved and signed; Expenses: \$14,172.21; Payroll:
\$14,732.81

Minutes were reviewed; Alan motioned to approve, Mitch 2nd; vote 2-0 with
Noreen abstaining as she did not attend the meeting.

Eleanor Doyle representing Highland Grange was present and requested use
of the Town Hall auditorium and kitchen for their Pancake Breakfast. She
had completed the use request. Noreen motioned to allow the use, Alan 2nd;
vote was 3-0 to allow.

Cheryl and Kathleen Harper asked to use the Town Hall auditorium for
Zumba classes; it would be used for 1 hour on dates to be determined so not
to conflict with other activities that have already been scheduled. They are
both certified to teach and provided copies of their certification and a
certificate of liability insurance. This would be a “for profit” use as they
would charge \$5 per person with \$1 surcharge to be paid for the hall use.
This is the same fee arrangement they have in Huntington for the use of
Stanton Hall. Cheryl explained that Russell does not charge for the use as
the fee is paid by a grant. She will look into that for Middlefield. They
completed the use request and it was approved on a 3-0 vote.

Skip Savery, highway superintendent, met with the Board and gave an
update on the past weeks activities including a problem he had with the diesel
fuel gelling causing the grader and large truck both to stall. He had to
purchase kerosene to cut the fuel and make it usable. Noreen also mentioned
she had learned that a member of the Hatfield Selectboard is willing to come
and speak to the Board and Skip about developing a 5 year plan for the roads.
This would give Middlefield a “leg up” on future grant applications.

Alan said as part of the Green Grant, the Town will be receiving a Big Belly
Solar Compactor and a location has to be determined as to where to put it.

This is a unit that will compact cans and plastic on one side and paper products on the other. A site will be determined at a later date.

Marge Batorski, Town Clerk, advised the Board the Town Caucus will be held on March 28th from 4-8pm and names must be submitted for the ballot by 5pm on March 14th. She then went through the list of positions that will be on the ballot.

An anonymous letter was received regarding the position of Assistant Town Clerk and that any payment made for that position should come from the Clerk's budget. There has been no funding allocated for that position and it is to be an article for the Special Town Meeting.

Noreen told the Board they did not get the District Incentive Grant (DIG) and Franklin COG has invited them to participate in their grant but it was suggested that Middlefield does not join in that venture.

Letters are to be sent to all departments, boards and committees and request their reports for the annual Town Report as well as budget requests for the upcoming fiscal year.

It was requested that the Cemetery Committee be put on a future agenda to discuss the costs of plots, grave openings and perpetual care as well as possible expansion of the cemeteries.

Old business issues that were not completed during the year were discussed next and a list will be compiled and presented at the next Board meeting.

Joe Kearns was in attendance and noted Middlefield needs to appoint a representative to the Hilltown CDC. Another appointment that is needed in town is that of a Dog Officer.

Jackie Duda, Health Agent, had sent a number of letters to various property owners citing deficiencies and she will meet with the Board in the future to review her actions. She, also, had sent a letter to a septic pumping business whose check was returned for insufficient funds last year. This year's check was processed with no problems but she wants to apply it to last year's outstanding balance. After discussion, Noreen motioned to deny this year's permit, apply the payment to a portion of the past due balance pending full payment of the past due. Alan 2nd and the vote was 3-0.

A general discussion was held regarding Harry Pease Road and the possibility of doing some surveys in the area with no decisions reached.

Noreen motioned to adjourn the meeting, Alan 2nd, vote was 3-0 and the meeting was adjourned at 10:00pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
January 30, 2012

Meeting opened at 7:01pm

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

Michele Klemeszewski was present to request use of the kitchen for the Southern Hilltown Adult Education Cooperative (SHAEC). It will be used for 2 cooking classes being sponsored by SHAEC. After a short discussion, the Board approved the use, 3-0.

There were no warrants to review. The minutes of the previous meeting were approved 3-0 on a motion by Mitch, 2nd by Noreen.

Noreen gave the Board an update on the Hampshire Public Health Coalition. The larger communities of the coalition have petitioned the State to withdraw, that will greatly impact the remaining members as the funding is based on 2 criteria: population and number of member towns.

Jay Swift, Planning Board Chair, attended to request the Selectboard sign a contract with Pioneer Valley Planning Commission (PVAC) for \$2,620. The monies were previously approved but Selectboard signatures are required on the contract. PVPC will help in updating the Use Tables as well as any new By-laws. Mitch motioned to sign, Alan 2nd, vote was 3-0 in favor and the contract was signed.

Also, the Planning Board is going to be advertising the Wind Turbine By-Law shortly in the Country Journal, the first will be for the Small Wind Turbine and later for the Large Turbine.

There was additional discussion regarding a noise complaint Jay had filed with the Board regarding "engine type" noises he believed were coming from the Baker's residence. He would like any noise not be heard on Sunday afternoons. A question of the origin of the noise was discussed as Kim Baker has categorically denied the noise was coming from him. It could be originating from the Allsop property that is located in Chester. Further investigation will be done.

Highway Superintendent, **Skip Savery**, attended and had been given a copy of an email sent by Brian Janik regarding what he perceived to be threats to him by Skip. According to Skip, he had stopped at a friend's house to start her generator as the power was off and noticed Mr. Janik watching him. Later he had been using the grader to clear Skyline Trail and made stops to clear water runs and had motioned for Janik to pass in the opposite lane and he turned around and went the other way. According to Skip there were some emails that had been previously sent by Mr. Janik to this friend that were of a threatening nature. He will see if they are available and if so, will bring them to the Board. A letter will be sent to Mr. Janik concerning his complaint.

Skip also had a problem with one of the trucks during the previous storm as the chain on the sanding body had broke. This was after taking the sander off the truck to get it ready for the coming storm. He spoke to the employee involved and his performance continues to be an issue for Skip.

Next discussed was a meeting with Town Counsel, Attorney McKnight, she is available on Thursday morning and the Board agreed to meet with her in Executive Session at 10am. This meeting is concerning the Harry Pease Road situation. The Administrative Assistant will notify the land owners involved.

Sherri Venditti spoke regarding preserving the older Town documents, there are many on microfilm but the Town does not have a microfilm reader and it would make more sense to digitalize them. **Marge Batorski**, Town Clerk, and Sherri felt they could have a private fund raiser as they do not feel comfortable asking the townspeople for tax dollars for this project. There also may be funding available through the Community Preservation Act and they will check into it.

Sherri also questioned if the minutes from the older Executive Sessions could be released, she explained after a certain period of time has passed then they become available to the public. This will be looked into by the Board.

Tom Austin, Police Chief, came to the meeting and displayed the Emergency Kit the Town received. It contained everything from a first aid kit to a portable office. This will be very helpful in times of emergency or natural disaster.

The Board will send a letter to Fire Chief, Larry Pease, requesting a roster of his members, copies of certifications and provide all of the departments training documents. It is extremely important that the volunteer members have the proper training for their safety and the safety of the townspeople when they respond to an emergency whether it is a fire, accident or medical call. A motion was made by Alan and 2nd by Noreen that Larry provides this information by February 29th. Motion passed 3-0.

Town Clerk, Marge Batorski requested the Board approve Tuesday, March 6, 2012 as the date for the Presidential Primary. This is a formality as the date is set by the State. Noreen motioned to approve, Mitch 2nd, vote 3-0 in favor.

There was an anonymous letter sent to the Board regarding the position of Assistant Town Clerk and why the position was not posted. It is the Town clerk that chooses the Assistant and the Board has no input into the selection. However, any pay for the position must go before a Town Meeting as with any paid position.

Noreen suggested a meeting with Jackie Duda, Health Agent, on February 27th and see if the new Building Commissioner can also attend the meeting. This will be beneficial as both positions sometimes overlap on issues.

Alan received positive feedback from a resident regarding his interaction with the new Building Commissioner.

Noreen is looking for feed back from the other Boards that may have dealings with hi.

Alan motioned to adjourn, Mitch 2nd, vote was 3-0. Meeting was adjourned at 9:45pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes:

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
February 6, 2012

Meeting opened at 7:00pm

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

Expense warrant of \$132,137.37 and payroll warrant of \$8,708.27 were approved and signed.

Minutes were approved with minor change.

Albert Leu was present, he is to be Gerry Garner's assistant. He will cover the building inspections when Gerry is not available, he will bill through Gerry. After a short discussion regarding qualifications, Noreen motioned to appoint as an Alternate Inspector. Mitch 2nd, vote was 3-0 in favor.

Jack Bayliss, Town Hall custodian, came in and explained his duties. He usually comes in late at night to do the work. Mops floors weekly, sweeps, does some painting and will do windows when the weather warms. Board advised to let them know if there is anything he needs to do his job.

Leanne Every, Wired West delegate for Middlefield, came in with maps she had received from Mass Broadband. She needs to know how far the Verizon DSL extends in Town. She will have to plot it on the maps that were provided. Noreen agreed to tackle the task of plotting the service area.

Eric Weiss, HCOG, Energy Director, was here to provide an update on the Green Grant the Town received. Under Chapter 25A, energy service contracts do not have to go to the low bidder. He is in the process of finalizing the Request for Proposals for the solar installation and gave a draft to the Board to review. Alan motioned to accept the draft, Noreen 2nd, vote was 3-0.

There is a March 2013 deadline to spend the funding but it is not a hard deadline as long as the projects are in progress. Also, Eric is going to review the remaining items in the project and group them into one contract to make it more attractive to bidders.

He also addressed the Big Belly solar compactor and will look into a suitable location. Most are installed in parks, but Middlefield does not have a central location.

Eric then spoke on behalf of HRMC; he has put out a regional trash hauling and disposal bid for the 10 towns HRMC represents. Each town will sign a separate contract. He feels the price could be 20% higher than the current costs as the Northampton landfill will be

closing. He is attempting to clear up a recent ruling that stated the prevailing wage has to be paid by the haulers to their drivers. The wage being used is based on the Boston rate and he feels it should be adjusted for the Western part of the state.

Noreen asked Eric for a long range plan for the transfer station. Eric said anything that is done will be a help and he will work with Joe Kearns and come up with a plan.

Discussion regarding kitchen inspections by **Jackie Duda**, Health Agent was next. She had sent an email to the Board regarding an inspection at the church. It was not clear if she could do the inspection without it looking like she was offering a free service that the Town was paying for. She later explained in an email, this is what an Agent generally does when a request is made as the public will be served the food. During the course of the inspection, she will explain what has to be done and how to do it.

Also, she has scheduled the Crepeau hearing for March 12th.

Skip Savery, Highway Superintendent, gave his weekly update to the Board. He patched some holes on Chester Road and repaired a leak in a fuel tank on one of the trucks. He also had an issue with Andy, he got a stone caught between the tires of his truck and drove back to the garage rather than attempting to remove it himself or calling for help over the radio. Skip's biggest concern was that the tires were new and could have been damaged.

He also stopped at the Forbes Library in Northampton and reviewed some old maps but could not define the Town line between Chester and Middlefield on Chester Road. There was a general discussion about the location of the line and using GIS information but nothing was resolved.

Skip will speak with Pioneer Valley Planning Commission regarding what grant funds may be available for road reconstruction/repairs. He also questioned a "scrap" account he had a few years ago and found it had been closed and wondered what could be done to revive it. Joe Kearns, Finance Chair, was in attendance and said the account will have to be re-opened and should be carried over from year-to-year. It could be set up as a revolving account.

During the Open Forum the maintenance of Middlefield Road, Chester was brought up. Alan has received numerous complaints from residents about the lack of snow removal and slipperiness of the hill. A letter will be sent to the Chester Selectboard voicing those concerns.

Also, after an incident involving the kitchen stove, a check list for closing up the kitchen will be developed and posted in the kitchen. It is most important that the gas line behind the stove is turned off before leaving the building.

Last item discussed was the recent notification that came from the State regarding remote participation at meetings. Copy is attached to the minutes. Alan motioned to accept the

conditions of remote participation according to the attached, Noreen 2nd, vote was 3-0 in favor.

At 9:15pm, Alan motioned to adjourn, Mitch 2nd, vote was 3-0. Meeting was adjourned at 9:15pm.

Selectboard Meeting
February 13, 2012

Meeting opened at 7:00pm

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

No warrants to review.

Minutes reviewed and approved 2-0 on Mitch's motion and Noreen's 2nd.

Steve Harris of the Communication Committee (CC) addressed the Board on the possibility of placing a Geographic Information System (GIS) on the Town web-site. This would allow the digitize property records to be viewed as an overlay on the satellite view of the Town. Additional overlays would also be possible. The mapping company, Cartographic Associates, has received a grant from the state and Middlefield is included in this round. The cost to the Town would be \$1,000 for the first year and then \$1,800 annually.

Mitch questioned whose budget the cost would come out of. Steve said that with the savings realized from changing the Town's web provider the costs would be paid for by the CC and their budget would not increase.

Tom Austin, Police Chief questioned who would have access and if any areas would be privileged. The data would be available to all as it would be a public record but there could also be certain areas that would be password accessible only according to Steve. The views are not real-time but the maps would show properties, wet lands, charitable, state and federal lands. It would be helpful to the Building Commissioner, Conservation Committed, Assessors, Board of Health and Zoning personnel as it would be fairly accurate and would be a good starting place when questions arose to those departments.

There was a general discussion on the pros and cons of having this information available.

Sherri Venditti said wouldn't the majority of use be by the assessors and was informed the Assessors voted 2-1 in favor of the GIS.

Steve is to obtain more information and report back to the Board next week.

Tom Austin spoke to the Board next; he would like the Board to create the position of EMS coordinator and suggested Ed Vivier for that position. Ed is a qualified EMT in town and along with his wife; they are the only 2 in town. There are 3 individuals who are currently taking the EMT course being offered in Becket. Ed would set the protocols for the EMTs. EMT responders have to make judgment calls and report incidents that

may involve crime scenes, elder or spousal abuse, auto accidents and know what not to disturb if reconstruction is going to be done later.

Ron Radwich and **Bob Hoynoski** of the Fire Department were in attendance and both spoke regarding the funding and it was felt it could be a line item in the Fire Dept budget. When the 3 EMT candidates graduate the Fire Dept plans on buying each a jump kit, they cost \$153 per kit and will be paid for out of the dept. budget.

Tom also informed the Board he had received 13 applications for taking the Firefighter I course that will be offered in Chester, there is no charge for the course. One of the prerequisites is that each will have to pass the First Responder Course; the cost of this course will be paid for by the Fire Dept.

Tom next spoke of using the current police cruiser for an incident command vehicle when the cruiser is replaced. This would allow for the vehicle to respond to emergencies and not require anyone to have knowledge of how to drive a fire truck.

Finally, **Tom** suggested **Noreen** be made the Public Safety Liaison for the Fire Dept, Police Dept and the EMS as she has been involved the HCOG Emergency Management. Mitch agreed and motioned to appoint Noreen, Noreen 2nd and the vote was 2-0 in favor.

Next, a meeting with the Finance Committee, Selectboard, Accountant, Treasurer and Collector was suggested for Friday, February 24th at 3pm. This meeting will be for discussing issues and funding for the next Fiscal Year. The meeting will be posted as a Selectboard Meeting.

Noreen had received a request from Peter Oligny to use the Town Hall for the Grange Meeting. It was agreed the Grange could use the facility at no charge. Peter will fill out the use application and place the date on the calendar.

Skip Savery, Highway Superintendent, advised the Board the refurbished generator was ready to be installed at the Senior Center. He will need to check on the best location to install it and then pour a concrete pad for it to sit on. This generator will not have an automatic start when the power goes off but will have to be manually started. It will have a battery to provide the starting power. He will get additional information prior to the installation.

Noreen asked about paving the Transfer Station area and if Chapter 90 monies could be used. Skip said he would have to use some of his other monies or Transfer Station funds for the paving but he needs to know what is going to be done at the area before he paves anything.

Noreen brought up the issue of the Assistant Town Clerk, when Marge was out earlier this Fiscal Year, her son would come in to find things and then bring them to Marge who had been hospitalized and went then into re-hab. It was very frustrating for all involved. Also, on voting days, it made for a long day as the Clerk has to be in attendance from

prior to the polls opening until the final vote count. With an assistant, the day can be broken up and if the Clerk is unavailable, the assistant will be there.

Joe Kearns, Finance Chair, suggested the assistant position can be funded on the annual Town meeting warrant. In the interim, the assistant can be paid out of Marge's current account or a request can be made for funding on a Special Town Meeting Warrant. Currently, the assistant is putting in the same number of hours as Marge as she is learning the position.

Marge gave the Board a note from Munger who was complaining about his neighbors constantly barking dogs. This was the first notice of this complaint and a letter was sent requesting he attend a Selectboard Meeting and provide additional information.

A brief discussion was held regarding Attorney Quirks memo on the Town By-Law requiring all businesses obtain a permit from the Town. There is no penalty for not obtaining the permit, no enforcement policy set by the Town and therefore not much initiative to obtain a permit. Further discussion will be held on this matter.

Mitch motioned to adjourn and 9:07pm, Noreen 2nd; vote was 2-0. Meeting adjourned at 9:07pm.

Prior to all leaving, **Eric Main** came in to request permission to park his State vehicle on Town property. Since this could not be addressed without a Board vote, the meeting was reconvened at 9:15pm with Noreen, Mitch, Eric Main and Joe Kearns in attendance.

Eric explained when he brings his State vehicle home, his department rules prohibit him from parking it at his residence and it can only be parked on State, Federal or Municipal property. He would like to be able to park it in the vicinity of the Town Garage and but out of the way of any activity that may be occurring.

Noreen motioned to allow him to park on Town Property, Mitch 2nd; vote was 2-0 in favor.

Noreen motion to adjourn at 9:16pm, Mitch 2nd; meeting adjourned at 9:16pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Mitch Feldmesser

Selectboard Meeting
February 21, 2012

Meeting called to order at 7:03pm

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

Warrants were reviewed and approved; payroll: \$9,969.92; expenses: \$29,835.34

Minutes were approved with one change on motion by Mitch, Noreen 2nd, vote 2-0 with Alan abstaining as he was not present at last meeting.

Steve Harris and Leanne Every were present representing the Communication Committee (CC) to further explain the GIS system they have proposed to put on the Town web-site. The contract was awarded to Cartographic Associates by the State and in the 2nd phase Middlefield is being mapped. There was extended discussion on the benefits for each Town department as well as the users of the Town web-site.

Sherri Venditti relayed that she had spoken with the Assistant Director of the Mass GIS and was told the project was funded by Homeland Security and the State issued all of the contracts for the project. It is possible that the 911 system will be using it down the road. When she questioned the cost of the Town usage fee, he suggested she obtain a copy of the agreement and he would be willing to look at it. Sherri also mentioned there is a learning curve and the GIS is not easy to use at first. Also, the State maps do not give the measurements of lot lines on the parcels.

Alan felt the GIS would be of benefit to the Conservation Committee when identifying wetlands, etc.

Steve will obtain the proposal and review it, then report back to the Board.

The next item was the letter received from **Kim Baker** on January 23, 2012 in response to a noise complaint filed against him by Jay Swift. The Board acknowledged receipt of his letter which states the allegations are untrue, baseless and conspiratorial. Mr. Baker fears this complaint will restrict his business this year and prevent him from getting a license in subsequent years. To avoid any misrepresentations in the future, the Board, on a motion by Alan, 2nd by Mitch, voted 3-0 to attach a copy of Mr. Baker's letter to the minutes of this meeting.

The letter from **Attorney Ilana Quirk**, Kopelman & Paige, was discussed next. This letter was in response to a request to interpret the By-Law that states that all businesses in Town need to have a permit issued by the Selectmen. Her opinion is that the By-Law is used to simply require a business to register so the Town will be fully aware of the

location, type and management. To her knowledge, merely requiring a business to register with the Selectboard does not sharply conflict with the State Statutes. She recommends if it is the Board's intent to merely use the By-Law to require registration of a business it be amended to make the registration requirement clear and to specify the information that is required when registration occurs. If the intent is to regulate business and to permit or deny permission to operate in Town, Quirk recommends the Board articulates the rational basis or bases for this provision and identify the jurisdictional basis for its adoption and that the provision be amended to include approval criteria for granting and denying relief.

Alan felt the permitting would be a public safety issue so the Town would know of any potential hazards.

Mitch also thought it would help the Assessors in determining who would owe personal property taxes on their business equipment.

There was a general discussion on the Harry Pease Road issue and a letter the Board had received from Mr. Jamula's forester. He stated he could not gain access to the property due to the locked gates across the road. However, there is access to the property from Alderman Road. Any further discussion of the Jamula/road issue will take place in a future Executive Session.

The Board expressed its deepest sorrow to **Skip Savery** for his profound loss in the untimely death of his daughter. Noreen had gone to the Town Garage to express concerns to the workers and brought food to Skip's home.

Mitch has drafted a response to Brian Janik regarding the complaint he had previously made against Skip. It will be sent as an email to him.

Alan stated he had previously discussed the issue with Mr. Janik as well.

Health Agent, **Jackie Duda** submitted a list of recommendations of improvements that should be made to the Town Hall kitchen. Among them: there needs to be a dedicated hand wash sink, a culinary sink and wooden surfaces need to be removed or covered with a non-porous material. Jackie suggests locking the kitchen and providing keys to the users rather than leaving it wide open to anyone that enters the building.

In the discussion that followed, it was learned \$10,000 had been left by a former resident for kitchen improvements and has been carried over from year-to-year. Also, perhaps a group of volunteers could be found to work in cleaning up the kitchen in the meantime.

Joe Kearns, said he could re-hang the missing door and Jackie would make up a plan for maintaining the kitchen.

The Business License Application was discussed and recommendation that a disclaimer be added stating that the license/permit is not an approval of the business, but an acknowledgement of the business.

Finally, the Board addressed some of the open appointments. The Dog/Animal Control Officer appointment is vacant and on a motion by Noreen, 2nd by Alan, voted 3-0, the Administrative Assistant is to contact Bob Jackman to see if he would be interested in interviewing for the position. Mr. Jackman is the Animal Control Office in Chester and Huntington and appears to have all the equipment needed to perform this service. The open positions on the CDC, PVPC and Recreation Committee are to be put in the paper to see if any residents are interested in applying.

The Inspector General's February 14th letter was discussed and is attached to the minutes.

Noreen motioned to adjourn, Mitch 2nd, vote was 3-0 and meeting was adjourned at 9:45pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes approved with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
February 24, 2012

Meeting opened at 3:15pm

Present: Selectboard: Noreen Suriner, Chair; Alan Vint, Clerk; Mitch Feldmesser
Finance Committee: Joe Kearns, Chair; Gita Jozsef; Judy Hoag;
Mary Ann Pease, Collector; Jane Theilen, Treasurer
Duane Pease, Administrative Assistant

Beverly Cooper, Accountant, was not able to attend due to illness.

Meeting was called to address the financial status of the departments for the remaining Fiscal Year and to address the needs for next year.

Jane presented the attendees with a list of properties that are in Tax Title and their status. Currently, there has not been much activity as her budget has been expended and she has also used the Tax Title monies from the Collector's budget.

When the property in default is with the Collector, the monies owed are deducted from the available Free Cash, once the Collector places it in Tax Title it transfers to the Treasurer and does not count against available Free Cash.

Jane stated she is working on getting December balances to the accountant; she does not use any of the programs available with the Town's system but uses her own format.

She is also responsible for maintaining the Trust accounts, reviewing bank statements, insurance.

Alan questioned her on the Soft-Rite software the Town pays for annually, Jane said she does not have that program but the program she has, she does not understand and uses her own format that she uses in the other towns she works for.

Mary Ann stated she uses the program supplied by the State for her tax program.

Alan felt that if the Town is paying for a program, it should be used and if the program does not communicate with each other, it should not be used.

There was a continued general discussion regarding the software programs, benefits, limitations and other uses. Discussion also included the pros and cons of the Town opting for the OBRA coverage vs Social Security. Advantage for the Towns is there is no

contribution on their part for employees earning less than \$5,000 per year. Once the earnings go over \$5,000 the employee is eligible for the County Retirement.

The Board and Finance Committee reviewed the draft warrant for the annual Town Meeting; more information will be needed before any final copy is ready.

Noreen motioned to adjourn, Mitch 2nd, vote was 3-0 and meeting adjourned at 5:35pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
February 27, 2012

Meeting opened at 7:00pm

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

Expense warrant of \$3,167.33 was approved and

signed. Minutes of last meeting were approved, 3-0.

Marge Batorski, Town Clerk, requested the date of the Special Town Meeting, this is necessary as she will have to hold a voter registration 10 days before the meeting. The date was set as March 26th. There was general discussion regarding articles to be placed on the warrant.

Next, the Cemetery Committee (CC): **Larry Pease, Mark Doane and Tim Pease**, met at the Board's request. It was learned the cost of a lot is \$500 and it includes 4 plots, each plot is large enough for a casket burial. The grave openings and closings are done by a private contractor and he sets the fees for the burial. Currently, Pine Grove Cemetery has room for another 70-80 caskets and there is additional land behind the cemetery that could be used. The other cemeteries appear to be full or there is very limited room. It was brought up by the CC that there are 2 very large pine trees in Bell Cemetery that should be cut down as well as one in Pine grove. If these trees were to have limbs fall, they could damage some of the stones. The Board advised the CC to obtain 3 bids for the tree removal and then to come back to the Board with the bids.

Larry Pease, as **Fire Chief**, was given a letter requesting the current membership of the department, certifications, driving license copies and other training his members have received. This information is necessary to protect the Town from any liabilities that may be associated with the operation of the department.

Jackie Duda, Health Agent and **Gerry Garner**, Building Commissioner met with the Board to discuss common issues they have, or may have, in the performance of their duties. Currently, Jackie has sent letters to 5 property owners and they all have the same issue: no apparent potable water or septic system. The structures on these properties either do not have a building permit or the current use is not what the permit was issued for. There was a general discussion on the properties, some had complaints filed against them in previous years but nothing was done to address the complaints and now the current Board would like these issues resolved rather than ignoring them. Gerry stated as Building Commissioner he has the legal right to go onto a person's property and knock

on their front door and can survey anything that is in plain sight. Jackie said she had spoken with Mr. Jamula in January and he is willing to let her onto his property to inspect. He said he only used his property on weekends during the summer.

However, Tim and Marie Pease were in attendance and both stated there were people staying on the property all summer. Gerry said for him to be involved and issue complaints, he has to witness the activity himself. He also said it is best to keep any complaints he files generic and basic as the Housing Court appreciates it.

When asked about empty propane tanks being stored on property, Gerry explained that it was an issue for the Fire Chief.

The Town By-Laws allow 2 unregistered cars on owner's property and Gerry will be looking into various parcels that may have more than 2 unregistered vehicles.

Gerry's assistant, Al Leu, will handle issues when he is not available. Al will bill the Town separately and at the same \$30/hour rate. The Board, on a motion by Noreen, 2nd by Alan, voted 3-0 to specifically pay Leu \$30/hr. A memo will be sent to Jane Thielen, treasurer, noting his pay rate, motion and vote.

Jackie said she had met with the Church people and had a good meeting explaining what was necessary for them to operate their kitchen.

There was further general discussion on the kitchen in the Town Hall and what needed to be done. After every use the floor should be mopped, sinks cleaned and every 3 months the grease trap should be checked and cleaned. Weekly, there should be rodent control that is as simple as placing "safe trap" in a couple of areas where mice, etc could possibly enter the kitchen.

Jackie would also like the By-Law addressing Title V inspections amended to include having to have them witnessed by the Health Agent.

The Board thanked both Jackie and Gerry for their attendance at the meeting.

There will be an Executive Session on Friday, March 2, 2012 at 3pm to discuss the Harry Pease Road situation.

Lastly, Steve Harris of the Communication Committee gave a copy of the proposal from Cartographics for the GIS service they wish to install on the Town web-site. The Board will review the proposal.

Noreen motioned to adjourn, Mitch 2nd and the vote was 3-0 to adjourn. Meeting was adjourned at 9:52pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes:

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
March 5, 2012

Meeting opened at 7:02

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

Warrants were reviewed and approved. Payroll: \$8,383.47;
Expense: \$21,192.29
Minutes of the Friday, February 24, 2012 and Monday, February 27,
2012 were approved.

Bob Jackman was interviewed by the Board for the vacant position of Animal Control Office (ACO). He is currently the ACO for Chester, Huntington and Easthampton, he has been acting as an ACO for about 17 years and it is his only job. Jackman is certified as an ACO and presented the Board with copies of his many certifications. He has accumulated much equipment over the years, including a microchip scanner, and would not need to purchase any equipment to handle the Middlefield position.

Noreen mentioned 2 recent incidents, one where a complaint of barking dogs at a neighbor's house and the other was a dog bite that was reported by Noble Hospital. Jackman advised the dog bite incident would be handled by the Animal Inspector as that person handles the quarantining of animals. He would handle the barking complaint and seek to resolve it. He does not have kennels on his property and the Town would have to find a place for any strays to be housed. The dog owner would be responsible for the kennel charges and if the dog went unclaimed for 10 days, it would be declared abandoned and would belong to the Town. The dog could then be either put up for adoption or brought to a shelter.

Mitch questioned him if dogs had to be on a leash or under control of the owner. Jackman said it depends on how the Town By-Law is stated. Mitch also asked how he would be paid. Jackman said he prefers a set amount but if it were to be any hourly rate he would charge \$20/hr with a 3 hour minimum. The Town could issue citations and set fees and fines when he is involved in picking up an animal.

Alan said he would need to deal with incidents as they occur and be responsive to the Town's needs.

Jackman also informed the Board he has a web site with various form that residents can fill out on line.

Sherri Venditti questioned Jackman about 2 dogs that were recently found in Chester and what his role in that was. He advised he was contacted by the Otterbacks who found the dogs and they were brought to Terri Andrews who owns Cedar Hill Kennel. She was kind enough to groom the dogs. Jackman stated his role would be to handle the investigation and if no owners came forward, place them up for adoption or into a shelter.

The Board thanked him for his time and Jackman left.

In the Open Forum, **Marie Pease** questioned the Board regarding the many Executive Sessions that have been held regarding Harry Pease Road since no law suit has been filed. **Mitch** explained that there have been serious threats of a suit.

Alan said when this issue was brought up a number of years ago, it was never concluded and the Board is trying to sort out a very complex situation. If the strategy, in an attempt to resolve the issue, was discussed in open session the Town's position would be compromised. Town Counsel has been advising the Board on the Executive Sessions.

Tim Pease advised the Board that when Jerry Romano sold the property he deeded a right-of-way but it was only on 1/2 of the "old road". **Marie** added she always felt this was a private issued and should not involve the Town.

Tim said he bulldozed a road up through his property in the 80's so Bannish Lumber could have their logging trucks haul out the logs. When he bulldozed, he took the path of easiest going to bring the "road" to the logs.

Wally Smith wanted to know if the road is going to put in and land taken from people that have been paying taxes on it for years, was their money going to be returned.

Marie said when her son built his house, he did everything right and it appears he is being punished by the Jamula's as they insist on using his driveway for their right-of-way.

Mitch said the Health Agent and Building Commissioner are going to inspect the property when the weather is better and report back to the Board.

Noreen said the Board is trying to represent the Townspeople fairly in this matter.

Alan motioned to close the Open Meeting, go into Executive Session to deal with the Harry Pease Road situation and not reconvene in Open Session. Noreen 2nd. Vote was Noreen, aye; Alan, aye; Mitch, aye.

Open Meeting was closed and Board moved into Executive Session at 8:20pm

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes
Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
March 12, 2012

Meeting opened at 7:05pm

Present: Alan Vint, Clerk; Mitch Feldmesser
Jackie Duda, Health Agent
Duane Pease, Administrative Assistant

Expense warrant of \$12,391.73 was approved
Minutes of last meeting were approved, 2-0

Alan motioned to sign the Big Belly Compactor contract, Mitch 2nd, vote in favor, 2-

0. Meeting was recessed at 7:15pm to reconvene after the Board of Health hearing.

Meeting reconvened at 8:46pm.

In Open Forum, **Marie Pease** questioned **Jackie Duda**, Health Agent, on the length of time a person would have to bring health violations up to code. She was told the time is discretionary and can be up to 2 years. However, if she found persons living in a dwelling that did not have potable water and a septic system she could immediately condemn the dwelling.

Marie also requested a copy of the warrant for the Special Town Meeting.

Alan informed her the Harry Pease Road (HPR) situation was not going to be on the March 26th Special Town Meeting warrant as it has to go before the Planning Board first. Also, he is not happy how this has been handled but the Board is continuing to do the best it can.

Tamarin Laurel-Paine questioned the Open Meeting laws and the Executive Sessions that have been held recently discussing the HPR and if any negotiations between the parties have been held.

Alan explained there have been discussions with Town Counsel, the opposing party has been sending correspondence both to the Town and Town Counsel, it has been extremely difficult to deal with the situation as it had been ignored previously and now it is time to have it resolved.

Mitch said the dealings with the Town Attorney have been to develop strategies as new material is being received every week.

Time Pease questioned if anyone could bring new material forward.

Alan told him yes, and anything new would be supplied to Town Counsel. When a decision is made on HPR and it is brought before the Town, the Board wants to make sure everything is in the proper wording.

Marie questioned if Town Counsel did their own research and Alan explained Counsel has had all of the information from the Board's file from the start. Marie could not understand why the 1984 vote was not legal. Alan said the warrant article was not for a specific road closing and the warrant must be for a specific road.

Tamarin Laurel-Paine questioned the number of Executive Session that have been posted on the Agenda over the past months and if all were held. Alan said they all were not held but were posted just in case new material came in and had to be discussed by the Board.

She also mentioned the Planning Board and Grange were both on the calendar for meetings tomorrow and how that was going to work out. Alan said the Planning Board would most likely use the Selectboard Office.

Ray Gero told the Board there was construction equipment and a trailer on Chipman Road. Alan asked for the address as the board is trying to be aggressive in cleaning up violations of the By-Laws.

Marie wanted to know if the Building Commissioner and Health Agent were working together in some. She was told they were where there were violations that concerned both.

Tim wanted to know the situation with the former store in the center of town, if it was caught up on taxes or was the Town going to own it?

Alan said the DEP has done all they are going to do with the site and has a lien to recover their costs. He understands the Town could take it over short-term and then divest it and the Town would have no liability. The building is still owned by a private party.

Mitch offered a disclaimer to Alan's answer.

Tim said it is an asset to the Town since it is in the center of town.

Alan said it was good that he brought up the issue but it is still a ways from being resolved.

Next, **Skip Savery** told the Board he was requesting a transfer from the Ice Storm account to the machinery account at the Special Town Meeting. He also spoke of the mud on West Hill Road and a few other dirt roads in town. He will try to keep them as passable as possible but to bring in trucks with material would make them worse than they are as the trucks would be extremely heavy and further muddy the roads.

Alan asked if there was anything that could be done to improve “mud season”. Skip advised there is a fabric that can be used but is very expensive. The fabric has to be placed about 18” below the road surface so it does not get damaged when grading the roads in the spring and fall. He has been using crushed stone in areas and that seems to be working. Skip said he gave one of his employees 2 days off for damaging the town marker on Skyline Trail on the Middlefield/Peru line. The employee was told not to get too close to fixed objects while using the Boom Mower and use the chain saw if necessary.

Eleanor Doyle came before the Board to ask to use the Town Hall for the fair on March 15th. Alan motioned to allow, Mitch 2nd; vote was 2-0 in favor.

Lastly, the Board reviewed the warrants for the Special Town Meeting on March 26th and signed them. The warrants were to be posted later tonight.

Alan made a motion to go into Executive Session to discuss Harry Pease Road and to not reconvene the Board meeting. Mitch 2nd. Vote was Alan, Aye; Mitch, Aye.

Regular meeting of the Selectboard was adjourned at 9:30pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
March 19, 2012

Meeting opened at 7:03pm

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

No warrants for review

Minutes of the Board of Health of March 12th meeting were approved with minor changes. Vote 2-0

Minutes of Selectboard of March 12th meeting were approved. Vote 2-0

Communication Committee (CC) member **Steve Harris** was before the Board with the contract with Cartographics. Steve explained the current version provided by the State is much more difficult to use and does not provide distances on the plots. The current year costs would be \$1,000 with subsequent years costing \$1,800. The money is available in the Technology Account.

Mitch questioned Steve on who the contact person at Cartographics would be and who would contact that person. Steve said his contact has been with the president of the company. Mitch thought it was a good idea but still had questions.

Alan felt Noreen was in favor but also questioned the funding.

Ray Gero spoke up and said the expenditure was too great for the Selectboard to decide and it should go before the Town at the Annual Town Meeting.

Alan explained the money to fund this was in the budget for Technology Expense.

Alan then motioned to postpone any vote until Noreen was back, Mitch 2nd. Vote 2-0 in favor of postponing.

The next item was the appointment of an Animal Inspector. Currently, **Mary Wheeler** is the inspector and Alan motioned to re-appoint her to that position, Mitch 2nd. Vote was 20 in favor. Administrative Assistant to notify her of appointment and that she must have her signature notarized before the documents can be submitted to the State.

It was noted that the Cemetery Commission is requesting not more than \$10,000 for tree removal in Bell Cemetery at the Annual Town Meeting.

In Open Forum, **Janine Savoy** submitted a petition for an article to be included on the warrant at the Annual Town Meeting. The Town Clerk certified the signatures on the

petition. Essentially the article is for discontinuing the old East-West Road that has been referred to as a section of Harry Pease Road in previous discussion before the Board.

Tamarin Laurel-Paine submitted another petition for an article to be included on the warrant at the Annual Town Meeting. The Town Clerk certified the signatures on the petition. This was for the Assessors to remove the erroneous use of the name Harry Pease Road on their maps. This is for the portion of the road that again has been before the Board.

Janine also said she had checked the By-Laws on camping and it seemed to her it was limited to 24 days during one year.

Mitch felt the By-Law was a little contradictory but understood her reading of the By-Law.

Alan then brought up a letter the Board had received from the Town Clerk. The letter was from **Brian Janik**. He had filed a complaint that he was not given a 48 hour notice of an Executive Session that was held to address his prior complaint about the Highway Superintendent. He cited Mass General Law, however, his citation regarded Executive Sessions and the matter was discussed in the open meeting, not in Executive Session. Alan is to follow-up with the Attorney General in this regard.

Lastly, Mitch felt an Executive Session may be necessary to discuss the latest correspondence from Town Counsel regarding Harry Pease Road. Since an Executive Session was not scheduled on the agenda, the matter was tabled.

Mitch made a motion to adjourn, Alan 2nd. Vote was 2-0 and meeting was adjourned at 8:08pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
March 22, 2012

Meeting opened at 7:04pm

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

Meeting was held in the auditorium to address the Harry Pease Road (HRP) issue and inform the residents what has transpired over the past few months.

Noreen addressed the residents with what the Board's expectations of conduct were to be during the meeting. There was not going to be any voting on the matter, the Board was there to share the information, each individual member would state their position, all questions from the audience were to be directed to the Board and there would be no private conversations during the meeting.

Alan spoke first; he apologized it had taken so long to bring this before the Town but it is a very complex situation and he feels it is up to the Townspeople to determine the status of the road. The Board has struggled for months and with the input of Town Counsel had arrived at a series of potential warrant articles for a Town vote.

Alan acknowledged that the road was laid out as a part of Becket in 1780, however, there is a question as to whether the road was ever accepted as a public road by either the Town of Becket, or, after 1805 by the Town of Middlefield. The road was shut up in 1886. Mr. Lynch has made a point that "shut ups" were temporary, however, there is no record indicating that the road was ever reopened for any purpose after 1886. In 1984, the Town voted to accept a list of roads as the officially accepted town roads. Only the .81 mile section of Harry Pease Road extending from Town Hill Road was accepted. In the annual Town Report for that year, the "shut up" portion of Harry Pease Road was listed under the heading of "Discontinued town roads". Based upon testimony from residents on town boards at the time, the town clearly intended to make this an official discontinuance of the remainder of Harry Pease Road and the town officials and voters believed that they were following acceptable procedure and process at the time. Town Counsel has also indicated that there appears to be no proof that the disputed section of the road was accepted by the town.

Mitch present his view next and felt it was a Constitutional issue involving the 5th Amendment which says in effect "nor shall any person..... be deprived of life, liberty, or property, without due process..." The courts have consistently ruled that closing a road constitutes a "taking" of property since it can change a buildable lot into a non-buildable lot. Therefore, if any past votes did not follow due process, they did not legally close the road. The 1984 vote did not legally close the road following due process, it just listed it as a road considered to have been previously discontinued. This leaves it to the 1886 Town Meeting vote, which was also not clear-cut.

There is a process to discontinue a road and it has to be followed. Mitch felt there were 3 options: 1) it is a road and give driveway permits; 2) don't think it's a road and defend any law suits brought and let a Judge decide, this is a coin flip; and 3) find common ground between the parties and negotiate a Private Way, not a Town Road. He stated the Board's opinion does not matter in this decision.

Alan rebutted the 5th Amendment claim saying Mass Case Law had determined if the property owners have frontage on another accepted road the property owners have not suffered a loss. The 1984 ATM may not have been technically right but was specific to HPR and the intent was to affirm the prior discontinuance of the road.

Noreen was last to speak and she felt she needed answers as it was inconclusive how the road was discontinued, it was the Town's intention to discontinue but questions if it was done properly. She suggested the closed portion could be divided into sections and handled that way with the portion in dispute that runs from Alderman Road to Jamula's property to be settled by the property owners. She was also confused by the survey pins and 8' easement. It is not clear what is best for the Town; it is challenging and there is no simple solution.

Alan said he had hope for a compromise between the property owners but did not have confidence but would be hopeful. Otherwise it will be left to the Townspeople and he would support whatever decision they arrived at. If it is a public way, the Highway Superintendent has said it would cost approximately one million dollars to bring the road up to standards; the minimum standard is the road would have to be able to carry the heaviest Town vehicle.

John Richardson said if someone decided to build a house on the road, the Town would have to fix the road.

Jenine Savoy said Attorney Lynch wants HRP as a Town road, why are other options being discussed.

Mitch advised it was the result of discussions with Town Counsel.

Howard Knickerbocker said it were legally still a road it would have to be abandoned before it could become a Private Way.

Mitch said as part of it becoming a Private Way it would have to be discontinued at the same time.

Mary Wheeler said the Board has given its opinions but what is the point, she doesn't fully understand what point is being made.

Alan said the purpose of this open forum is to answer questions the best the Board can.

Mitch said this matter started when Jamula asked for a driveway permit on HPR and was refused. He has since threatened to bring the Town to court.

Mary Wheeler replied his property is also on Alderman and Chester roads so he could obtain a permit from either of those roads.

Marie Pease said there are 5 parties with property involved in the current HPR situation and could Mitch elaborate on the 1984 vote.

Mitch replied HPR was never presented to the Planning Board as required by law.

Howard Knickerbocker said a lawyer could be good at assessing the potential damages and it all comes down to money and damages.

Alan explained case law makes it difficult to obtain damages as Mass case law has changed over the years.

Mitch said even if the Town admitted to the facts, it would still cost between \$30,00-50,000 to defend.

Howard Knickerbocker said the Town may have at least 15 other roads that could come back to haunt the Town.

Jay Swift congratulated the Selectboard on the work done so far and bringing it before the Town. There is no paperwork to definitively show the road was discontinued. As Chairman of the Planning Board, the Planning Board is responsible for holding a public hearing before a discontinuance of a road. It is a slow, methodical process to do it properly.

Mary Wheeler agreed with Jay and said the Planning Board has a map with the Attorney General's stamp and the map does not show that that portion of HPR in dispute exists.

Alan explained it says on the map "not an official map". The County map does not show HPR and both side of the dispute have submitted maps that show or don't show HRP on them.

Mitch said when the question on the road arose people were told to go the Assessors.

Alan said Middlefield does not have an official map.

Laurie Lafreniere said the Assessors have a 1996 map that shows the complete HPR.

Tamarin Laurel-Paine said only a portion of the closed road is being disputed and in 1880's shut up and discontinued were used interchangeably.

Jay Swift said to focus, not litigate, that what the courts do. We need to focus on the Town's role and the best procedure.

Sherri Venditti stated this is going on 3 years and there is a lot invested emotionally and otherwise. It is interesting to see how roads were accepted or not and it is going to effect pocketbooks of the Townspeople. Possibly could the parties sit together with their attorneys and reach an agreement they could live with.

Tim Pease said that would be great but obviously we are beyond that point, if it could have been done, it would have.

Sherri Venditti said if it is out of the questions and being driven by private parties, let the parties sue each other and also name the Town as a defendant.

Alan said he does not believe it is a private matter and the Board has to safeguard the rights of the Townspeople. It is a Town issue and he believes the Town has acted in good faith for over 100 years.

Tim Pease said it can't be resolved and it is not between Mike Jamula and Steve Harris and Tim Pease and Steve Savoy., etc, it is between mike and Steve and the Town.

Janine Savoy asked the Board if her petition had been given to the Planning Board.

Marie Pease said many people that were on the Planning Board in 1984 are still around and could be asked what procedure was followed in 1984.

Carol Verzano who was on that Planning Board said the Board did what the Town Attorney suggested. There is precedent in Land Court and they often used surrounding town's language as it was already approved by the Attorney General so as to not reinvent the wheel. The Planning Board could only recommend.

Patricia Baker said if the Town is under threat of a lawsuit her opinion is if they want to sue the Town the Town shouldn't bow to the threat and the cost should not benefit a few people.

Ray Gero stated he was on a committee in Peru in 1973 that ended up discontinuing 13 roads.

Mary Wheeler said Goshen recently went through this and it involves deconstructing the past.

Marie Pease said there should be a committed to go over roads and check on all roads.

Alan said yes there could be other problems roads.

Tim Pease asked if the discussion stops right now, what is the next step.

Mitch said it depends on what they want to pursue, the Town has not lost its right to discontinue the road if it is done in proper fashion.

Noreen stated the Board has received a petition to close the road.

Alan said he didn't agree with the petition, there should be warrant articles at the ATM. One to accept HPR, and the other to discontinue HPR. Either decision could lead to lawsuits.

Jay Swift said if the Selectboard hands the petition to the Planning Board there are specific rules the Planning Board has to follow.

Alan motioned to hand Jay Swift, Chairman of the Planning board the Petition within the 45 day timeline. Noreen 2nd Alan's motion.

Mitch said he thinks it is a mistake because of timing and it would be rushed. Due process has to be followed and it would be at the end of a long Town Meeting and may not stand a Court challenge.

Alan said this is between 3 Selectboard members and the petition was presented in good faith. The Planning Board only has 45 days to act anyway.

Vote was 2-1 to hand the petition to the Planning Board Chairman. Noreen and Alan in favor, Mitch dissenting.

Jay Swift accepted the petition and note the Planning Board is meeting next Tuesday at 7pm.

In separate business the Town was informed Chester Road was going to be closed from 9pm on Tuesday until 4am on Wednesday so the bridge in Chester over the railroad tracks could have new steel beams installed. If emergency vehicles needed to pass there would be at least a 20 minute wait for equipments to be move.

Noreen motioned to approve the closing, Mitch 2nd; vote was 3-0 in favor.

Alan then motioned to adjourn the meeting, Mitch 2nd;; vote was 3-0 in favor and meeting was adjourned at 9:05pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk
Mitch Feldmesser

Town of Middlefield, Select Board Meeting held on March 26, 2012

The meeting was called to order at 7:00 PM, Noreen and Alan present. Mitch arrived at 7:07 PM.

- Mail was reviewed

- Minutes of BOS meeting on March 19, 2012 were reviewed. Alan moved to accept with minor typographical corrections, Mitch seconded. In favor: Alan and Mitch, Abstain: Noreen.

- Warrants reviewed and approved by all: #12WP19, dated March 19, 2012, \$9532.63 and #12WV31 dated March 26, 2012 \$7178.35

- The ZBA provided the Select Board with a copy of their updated Special Permit Application form.

- Noreen moved to accept a donation received from Patricia and William Paschal for the Police Dept. Alan seconded. Voted: All in favor. Noreen will draft notes to the Paschals and Tom Austin.

~ Noreen advised that in order to meet the application deadline, she'd signed and submitted the grant request for MEMA funds to pay for electrical work necessary to connect the generator to the Senior Center.

- Discussion of the Cartographics contract for GIS mapping services. Alan noted that the Board couldn't sign the agreement as it included the cost of maintenance for the next couple of years and funds haven't been appropriated for that. Steve Harris (Communications Committee) advised that subsequent years were on the proposal to lock in pricing, but the Board has the option to cross them out and only contract for the initial implementation which is covered by the Committee's budget.

- The Board reviewed a draft letter of response to a complaint filed with the Attorney General's office by Brian Janik. Alan moved to approve and send the letter as written. Noreen seconded. Voted: All in favor. Alan will mail the Board's response letter to the Attorney General and a copy to Mr. Janik.

- Discussion of voting procedures; when to use secret ballot vs voice vote. Noreen will research.

- Mitch excused himself from the meeting at 7:35 PM.

- Open forum.

~ Town Clerk, Marge Batorski, brought it to the Board's attention that the appointment papers for the Animal Inspector were prepared as Mary Cucinello, however, she is now

going by the name Mary Wheeler. Mary will provide Marge with a note to that effect for inclusion when the papers are submitted to the State.

~ 7:40 PM Mitch returned, advised the Board that he had filed a "Disclosure of Appearance of Conflict of Interest" form with the Town Clerk in accordance with MA General Laws.

~ Alan moved to adjourn. Mitch seconded. Voted: All in favor.

~ Meeting adjourned at 7:41 PM

Respectfully submitted, Sherri Venditti.

These minutes approved on:

Signed: _____

Signed: _____

Signed: _____

Selectboard Meeting
April 2, 2012

Meeting opened at 7:03pm

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

Warrants were reviewed and approved; payroll: \$4,442.35; expenses: \$168,936.05

Minutes of 3/26/12 meeting were approved.

Mail was reviewed.

Meeting was suspended at 7:14pm for a Board of Health Hearing.

Meeting was reconvened at 8:10pm

Noreen noted the Building Commissioner needs to be contacted to address some building issues.

Eric Weiss was in attendance with **Greg Garrison** of Northeast Solar, the lone bidder on the PV Solar installation for the Town Hall.

Eric stated the purpose of the solar was to make the building greener. He sent the specifications for the bid to 9 installers and scheduled a pre-bid conference that was mandatory to any that wanted to bid on the project. Only Northeast Solar attended the pre-bid conference and they submitted a bid in excess of \$63,000. Eric said there are two ways the Town saves with this installation: 1) the system will generate \$1,200-1,300 of electricity annually and 2) for every megawatt generated the SREC will be \$535 which is a guaranteed price for 10 years. That will generate an additional \$4,000-5,400 a year for the Town. The original thought was to have it installed on the roof; however, the bid calls for a ground mount system. Eric stated he had done his due diligence, had spoke with some of Northeast's customers and inspected their work. The initial proposed installation would be to the left of the Town Hall and visible from the road.

Alan questioned why the installation was not going to be on the roof.

Greg Garrison answered that he was not sure the roof would carry the load, there would need to be penetrations through the roof, the roof did not face due south so the solar array would be less than a ground mount and the winter production would be less due to snow cover. The ground mount would be situated so it would face due south, the bottom edge would be 6' off the ground and it could go as high as 8' off the ground. The ground mount would be set at the best angle to capture the sun, approximately 45 degrees. The roof mount could not be set at that angle due to possible high winds that would damage the system.

Alan asked about possible vandalism to the unit and what would happen if a brick were thrown on the panels.

Greg said a brick would break the panels, there are guaranteed to survive 1" hail at 50 mph. The 6' height would be high enough so a fence would not be needed and all the electrical connections would be on the high side of the panels so they could not be reached from the ground.

Mitch asked about the proposed location and wanted to know if the array would follow the contour of the land.

Greg said the array would be level and adjusted for the contour, it would be set back far enough so it would not interfere with snow plowing. The proposed installation would stabilize the long term energy costs to the town. It would pay between 1/3 and 1/2 of the building's electrical use.

Noreen wanted to know what the maintenance costs would be.

Greg said the inverter has a 20 year life and the panels a 25 year life with a guarantee of 80% of the panel rating if the panels are kept clean. He said like laptops, solar is constantly improving.

Eric said he was not sure what the recycling of the old panels would be when their life expectancy had passed and then he requested the Board approve the hiring of Northeast Solar in order for the project to move ahead.

Alan said the original project cost was projected at \$45,000 and now it is \$63,000. There were certain portions of the Green Grant that was earmarked for other projects in the town.

Eric said the money generated by the solar can be set aside for other uses and does not have to go into the General Fund; this would be between \$3,000-5,000 a year. If the project were to be installed on the roof, it would be less productive.

Greg said he would have an engineer stop by and take a look at a possible roof mount and see what exactly would have to be done to the roof, but his major concern is with snow on the roof during the winter. When the project goes forward, the employees doing the installation will be paid according to the prevailing wage law.

Alan said he needs to review the other projects agreed to before he can go forward with this solar project.

Noreen agreed with Alan and feels the other projects should not be cut or reduced until they can all be reviewed.

Eric said he would go back to the original plan and resubmit a revised project listing for review.

Sherri Venditti questioned if the solar array anticipates providing 75% of the needs of the Town Hall, why not make it bigger.

Greg advised if the array were expanded, it would require another inverter.

Jay Swift commented on the aesthetics of placing the panels in front of the Town Hall and why not install them behind the building.

Greg said they had thought of that but were hesitant because of the ball field and possible damage caused by a ball hitting the panels.

Jay said there was plenty of space behind the building that would not interfere with the ball field.

Greg wanted to make sure there was no ledge in the new area being proposed and also it would increase the distance the wire would have to be run to reach the building. He was also advised much of the site work necessary could be done by town employees.

Eric said he would go over the Green Grant allocations and, if necessary, send a letter to DOER regarding any deviations that were presented when the Grant was received. He would also further look into placing the array on the roof and also look into the site behind the building.

Noreen wanted a list of bidders the proposal was sent to, costs of the site work and how the remaining Green Grant money would be allocated.

Eric and Greg were thanked for their participation in the meeting and left.

Curt Robie was present and told the Board he was working on the COOP Plan with Larry Pease, Tom Austin, Ron Radwich and Noreen and they all needed to sit down together to finalize it. The COOP Plan is a plan that would show how the Town would conduct its business in the event of a disaster that destroyed the Town Hall.

Alan brought up that the Planning Board Chair is to send a note to the Selectboard concerning the petition to close the disputed portion of Harry Pease Road. The Planning Board is going to recommend, no recommendation. Also, Attorney Berenson needs to be informed the Special Town Meeting allocated additional money for him to continue to pursue the Tax Title takings. The Fire Department needs to be contacted regarding the storage of empty propane tanks that were very close to a recent brush fire. Finally, the Big Belly trash compactor was delivered and he would like it installed at the Transfer Station.

Noreen motioned to have it installed at the Transfer Station, Alan 2nd; vote was 3-0 in favor.

Steve Harris requested the Board approve the one-year Cartographics contract. Noreen motioned to accept, Alan 2nd; the vote was 3-0 and the contract was signed.

Highway Superintendent, **Skip Savory**, presented the Board with a letter of resignation from Andrew Sulikowski from the Highway Dept. Skip has been doing some work on the back roads. He also noted the generator for the Senior Center is ready to be installed.

Noreen advised this has to be completed by May 1st in order to obtain reimbursement.

Also, **Skip** said a town resident is willing to do some work on the dirt roads in return for keeping the fill that he removes. This would aid Skip in widening the ditches and would not cost the Town anything.

Alan was skeptical of this arrangement and will look into it before any work is done due to conflict of interest laws.

Alan also felt each Board member should come up with a list of names of people to serve on a By-law Committee.

Noreen added a committee is also needed to go over the road closures that were done in the past and also to investigate any road that may not have been closed but is no longer maintained. Noreen will also continue to pursue Northampton Control to see if Middlefield can benefit from using them for the 911 emergency calls.

Joe Kearns told the Board they need to complete the budgeting items for the Annual Town Report.

Mitch felt that should be the only item on next week's agenda. He also felt some of the Old Business items should be addressed, specifically the kitchen, dog officer and the letter to be sent to businesses in Town.

It was agreed to hold an Executive Session next week to address recent correspondence from Town Counsel regarding Harry Pease Road.

Alan motioned to adjourn, Noreen 2nd, vote was 3-0 and meeting adjourned at 10:08.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
April 9, 2012

Meeting opened at 7:00pm

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

There were no warrants to review.

Addendum is needed on the Board of Health hearing.

Minutes of last week's meeting were approved with changes.

It was noted an email was needed from Planning Board Chair, Jay Swift, noting the board is not acting on the Harry Pease Road petition for the Annual Town Meeting (ATM).

Also, **Alan** requested the Board bring any additional items to him for the Selectboard's report in the ATM.

Steve Kulik, who will be the Town's State Representative under the new redistricting plan, visited the Board. Steve had previously been the Town's Representative. He asked if there were any open issues the Town had so he could follow up with the current Rep, Paul Mark. Steve stated he mostly represents small towns as the largest in his new district is Montague.

Noreen mentioned the Town would like to explore the possibility of joining Northampton Control for its 9-1-1 dispatching service as the current provider's, Berkshire County, costs have risen and are nearly \$7,000.

Alan felt with such a limited budget, the Town could use this money for other purposes.

Steve said he was a Selectman in Worthington when the Northampton Control was being created but did not recall the specifics but would look into it for the Town.

Police Chief, Tom Austin, was present and advised initially the Berkshire service was free but now the Sheriff is trying to cover his costs.

Mitch asked if there was any advantage to calling Steve's office prior to calling various State agencies such as the Attorney General, Secretary of State or Ethics.

Steve said to call those agencies first and if the response is slow, then call his office. He has a District Office in South Deerfield. Also, the Chapter 90 letters have been sent to the Towns and it will be the same amount of money as last year.

Noreen asked if he could be of assistance in obtaining STRAP Grants to aid the Town in repairing the road.

Steve said he does a lot of grant work and works with Kathy Stevens in the District 1 office in Lenox. The maximum amount of a STRAP Grant is now \$350,000, up from \$150,000 ten years ago.

Alan questioned the Brownfield site at the closed General Store and that he has not been able to get a straight answer from DEP as to what the real status of the earth is. Steve took the DEP file number and said he would look into it.

Steve told the Board not to be shy, and feel free to give him a call when questions or problems arise.

Ray Gero, Veterans Agent, told the Board all Veteran's Services will be done electronically after June 1st. There is a 4 day training session but the cost is \$3,5000 and the Town can't afford it.

Noreen has received a Memo of Understanding from MEMA and motioned to accept it. Alan 2nd; vote was 3-0 in favor.

Also **Alan** is to review the FEMA contract that was submitted for the October snow storm.

It has been suggested Eleanor Doyle be designated to post the minutes of various Town Boards/Commissions on the Town website. Alan said most secretaries don't know how, or care to learn how, to post the minutes. There was a general discussion concerning what needs to be done to facilitate the minutes being posted online.

Eleanor was in attendance and asked if she could have her stipend as Assistant Town Clerk be applied directly to her taxes rather than taking a pay. She said other towns have a work program that does this. Her concern is because she is retired from the Postal Service; she is not eligible for Social Security and does not feel it should be taken out of her pay.

Alan told her to check with the Treasure, Jane Thielen, and if she did not receive any satisfaction, to come back to the Board.

Highway Superintendent, **Skip Savery**, advised the Board he and Ron Radwich would be taking the OSHA 10 course that is required on Thursday and Friday. He also placed a legal notice in the Country Journal looking for someone to do some shoulder work and remove gavel on Becket Road in exchange for the gravel. He is finishing up the paperwork on his former employee and will be checking with the Treasurer to go over what vacation days may still be owed.

The next item reviewed was the warrant for the ATM. Historically, there is a Pre-Town Meeting held before the ATM. Alan motioned to sold the meeting on Tuesday, may 1st at 7:00pm. Noreen 2nd; vote was 3-0 in favor. Administrative assistant will send an invitation to the School Superintendant.

There was a lengthy discussion among the Board and **Joe Kearns, Finance Chair**, on various articles proposed for the ATM. Questions were raised regarding the increase in the Librarian salary and decrease in expenses, **Alan** felt more of the money should be spent on the expense side. The Board was not in favor of all the proposed articles and will let the sponsors of those articles argue their case before the residents at the ATM.

Noreen noted the Dog Officer position still has not been filled and will be on the warrant this year. She also had concerns about the applicant for the position. Bob Jackman, as he did not have facilities to hold the animals. On a motion by Noreen and 2nd by Alan, it was voted 3-0 not to offer the position to Mr. Jackman.

Alan questioned **Joe Kearns**, who is also the **Town Moderator**, on the procedures necessary for having secret ballots available for some of the articles on the warrant. Joe said he would like to know how many secret votes are expected so he can organize the votes in advance. In the past, he has used different colored paper for each question.

Prior to adjourning, **Alan** questioned Joe on why only one of the companies that were sent proposal packages for the solar installation came to the mandatory pre-bid conference and submitted a bid. **Joe** said he had spoke with some of the companies and some did not see the proposal and others did not bid on municipal projects.

Noreen motioned to adjourn, Mitch 2nd; vote was 3-0 and meeting was adjourned at 10:33pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes:

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Meeting
April 17, 2012

Meeting opened at 7:07pm

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

Warrants were reviewed and signed: Payroll, \$3,959.14; Highway expense,
\$4,215.98; Town expense, \$17,614.98

Alan stated he had received a call over the weekend about someone doing burning, he called **Ron Radwich**, asst Fire Chief and the matter was handled.

Meeting was suspended at 7:23pm on a motion by Alan to meet as the Board of Health.
Noreen 2nd, vote was 3-0 to suspend.

Meeting reconvened at 7:32pm.

Minutes were approved with changes.

Mail was reviewed.

Alan felt an update from the Building Commissioner was warranted and the Board would like to briefly meet with him next week. Also, there was a glitch with the elderly and disabled abatements in the Tax Collector's billing system. That was promptly handed by the Tax Collector and letters were sent to the affected tax payers.

Eleanor Doyle met with the Board regarding the posting of the minutes from other Town Boards/Commissions on the Town web site. At that time the Administrative Assistant volunteered to post the minutes on line, the various boards/commissions will submit them on-line in a PDF format and they will be posted. It was also brought up that the Town Clerk should have the original minutes as the Clerk is the Keeper of Records.

Highway Superintendent, **Skip Savery**, dropped off his report for the Annual Town Report. He also had posted a legal notice in the County Journal regarding the shoulder work he had discussed previously with the Board. He has had no responses from prospective interested parties to date. He said he would be removing the old water tank from the Town Hall in the next couple of weeks.

Susan Baker-Donnelly addressed the Board regarding the Library Trustees request for an increase in the librarian's salary account. Noreen felt the position should have been funded with this increase in prior years even if the librarian did not want the increase. She could have donated it back to the library for the purchase of books or other supplies. Susan was aware this money would not be available until after the start of the fiscal year but the library does have some funds available left from this year to start the search for a

new librarian. She also informed the Board the library had 4,150 adult visits and over 900 child visits this year.

Alan spoke of the fact the first the Board got to see the proposed spending by the various Town entities was in the Draft Warrant 2 weeks ago. He felt next year the Board should have this info prior to the draft warrant.

Mitch said the Board should attend some of the Finance Committee (FC) meetings but the FC also meets on Monday nights while the Board is meeting which makes it impossible.

Alan is to check with Ton Berenson, Tax Title Attorney, to see what he will need for monies as he goes forward with Tax Takings.

Steve Harris told the Board he had contacted one company regarding the reverse 9-1-1 calling. The cost is approximately \$1,800 and perhaps the Hampshire Council of Government may help as it would be a good project for many of the smaller towns. There was a general discussion of the system and it would be pretty simple once it was set up and there should be little maintenance.

Alan contacted the Attorney General's Office about the secret ballot issue for the Annual Town Meeting and was told since the Town does not have a By-law, he should contact the Town's Attorney.

Tom Austin, Police Chief, addressed the Board regarding the article requesting funding for a new police cruiser. The current vehicle is 10 years old and has 30,000 miles on it. It is kept outside year-round as there are no facilities to garage it in town. Mice have gotten into the electronics from time to time. The vehicle still has use and would be a good vehicle to use as an EMT vehicle as all personnel could drive it to the scene. Currently, not all can drive the fire trucks. The money requested for the new cruiser would include all that was needed to make it street-ready.

Noreen motioned to recommend the Article, Mitch 2nd; vote was 2-0 with Alan abstaining.

There was a general discussion on Articles 37 & 38. Alan motioned to recommend, Mitch 2nd and vote was 3-0 in favor.

The Board discussed the secret ballot issue with **Joe Kearns**, Town Moderator, and it was agreed Articles 14, 15 17 & 18 would most likely be the ones subject to secret ballot. Joe will arrange with the Town Clerk on how to handle the voting. Also discussed with Joe, who is also the Finance Committee chair, was the fact the Board felt they were under the gun in getting the budget requests to review on the draft warrant. Joe advised all the budget information and requests were in his mail slot for anyone to review prior to the warrant being drafted.

Joe also felt quarterly meeting with the treasurer, accountant, tax collector, Finance Committee and Selectboard would be beneficial. In closing, Joe said if all the Articles pass the tax rate would increase by \$1 and over \$126,000 would be used from Free Cash.

The final item of the meeting was the approval of allowing the Southern Hilltown group to use the kitchen for their cooking classes twice during May. Noreen motioned to allow, Mitch 2nd, vote was 3-0 to allow the use of the kitchen.

Noreen motioned to adjourn, Mitch 2nd, vote was 3-0 in favor.

Meeting was adjourned at 9:41pm

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Minutes
April 23, 2012

Meeting opened at 7:07pm

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

Mitch Feldmesser arrived at 7:10pm

No warrants to review

Minutes were accepted, 3-0.

Board of Health minutes were accepted 3-0.

Mail was reviewed.

Building Commissioner, Gerry Garner, was present to give the Board an update on his activities.

Alan questioned Gerry on his proposed budget for the next fiscal year and why it had increased from his initial request.

Gerry explained the cost rose due to a computer program he needs. This program ties into the assessor's program and the initial cost is \$500. He also needs to purchase some office supplies including 60 weight paper that is used to print the permits he issues.

There was a general discussion about 5 properties he is currently addressing for various zoning issues. Many of these also relate to the Health Agent, Jackie Duda, and he has to speak with her on these.

Eric Weiss was present to discuss the proposed PV solar installation.

Alan questioned why the array went from 7KW to 9KW and the associated cost increase. Also the same company that gave the estimate for the Green Grant was the only one to bid. Eric explained DOER required a real cost estimate for the grant application and Northeast Solar provided that. Alan also followed up with some of the installer that did not bid the contract and got varied responses, some do not bid on government contracts and others said they did not see the request or were not interested. There was a discussion among the Board and Eric regarding different ways to bid under Ch 30b, 25a or 149. 30b would require the Town to accept the lowest bid, 149 is more in line with new construction and the contract has to be very specific and requires engineering or architectural drawings to be supplied with the bid specs. 25a is specifically for energy projects and gives the most leeway. Eric said he could work with the bidder on a smaller array that could be installed and that would lower the costs or the entire project could be re-bid. Alan was not comfortable with just one bid. Noreen said the Townspeople had input when the Green Grant was discussed in a meeting when the Grant was received. If the Town went with the current bid, it would put other agreed upon projects in jeopardy. Noreen said that Town input was important and needed to be considered in the Green Grant projects.

Alan also questioned why the administrative costs had more than tripled. Eric said PVPC did not allow enough for the costs and was under the assumption DOER would continue to provide extra funding for the costs on top of the award to cover some of the costs but that did not happen. He also felt the board would not have done its own due diligence if the bid was accepted.

Alan motioned to re-bid based on the need for public input, excess cost and lack of bids. Noreen 2nd and vote was 3-0 in favor of re-bidding.

Eric will contact Northeast Solar and advise them of the Board's decision. Eric will also draft a letter to Northeast that will be sent under the Selectboard's letterhead.

Eric said in the Green Grant projects, the most important issue is the payback period. Any project with less than 10 year payback is excellent, 10-15 years is okay and 20 years or more, the Town most likely would not get their investment back. He is looking into a wood-fired boiler that would heat both the Town Garage and Fire Station.

Before Eric left, Noreen questioned him on the cost of renting another large bin at the Recycling Center rather than alternating the metal and bulky collections that are being done now. Eric said he would work with Joe Kearns on a long term plan but another bin could be rented for any length of time.

Noreen said she has pretty much prepared all the information for the Town Report and will be sending it to the printer shortly.

Alan commended Noreen on her work on the report.

The Board next reviewed the Annual Town Meeting Warrant. There was a discussion on the Tax Title and Legal Expenses for the Treasurer. It is currently at \$10,000 and Alan had a discussion with Ron Berenson, Tax Title attorney that is handing it for the town. Ron felt \$7,500 would pretty much cover the fiscal year. Noreen felt the amount should stay so there would be no need to come back and request additional funds before the end of the year.

Sherri Venditti questioned what was appropriated last year. It was explained \$4,500 was appropriated, another \$1,500 was used from the Tax Collector's Tax Title account and then \$4,600 was also added by the Special Town Meeting and use of the Reserve Fund.

There was heated discussion on Articles 14 & 15 regarding the Gateway Regional School requests for \$47,910 in above minimum contribution in Article 14 and \$112,637 for the Town's share of the Non-Foundation portion. **Alan** felt the Board should leave their recommendation blank. **Mitch** said he would recommend but it was the Town's decision. Noreen motioned to recommend the amount, Mitch 2nd; vote was 2-1 with Alan against recommending.

Sherri Venditti spoke of the money that has been set aside for kitchen improvements and suggested an Ad Hoc Kitchen Committee made up of representatives that use the kitchen such as the Middlefield Fair and Grange. They could work on a plan and then run it by the Health Agent. The committee would need a deadline to achieve their plan.

Eleanor Doyle requested use of the kitchen by the Fair on May 6th. Noreen motion to allow, Alan 2nd; vote was 3-0 in favor.

Under Old Business, **Mitch** commented that the By-Law that says businesses must register with the Town does not say it has to be an annual registration.

Alan also stated the Personnel Policy needs to be addressed. Noreen and Mitch both feel there needs to be a committee set up to draw up the policy and then have the Board review it.

Highway Superintendent, **Skip Savery**, advised the Board the shoulders on Becket Road have been widened. He is half way done with grading the dirt road and is ahead of schedule due to the mild winter and warm spring.

Noreen discussed getting involved in some of the road meetings that are held in the area. Most of the planning is 5 years out and we may not get any monies but it may be worth a shot. Skip said if someone wanted to attend, that would be okay with him.

Noreen motioned to go into Executive Session to discuss recent correspondence received from Town Counsel regarding Harry Pease Road and not to reconvene the open meeting. Mitch 2nd.
Vote was Noreen, Aye; Alan, Aye; Mitch, Aye.

Open meeting was adjourned at 8:40pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes.

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Minutes
April 30, 2012

Meeting opened at 7:03pm

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

Warrants were reviewed and approved. Payroll: 411,206.89; Expenses: \$6,751.04

Minutes of 4/23/12 meeting were reviewed. Mitch and Noreen felt Alan's statement in the minutes regarding Articles 14 & 15 were inappropriate and should be struck. In the heated discussion that followed, Mitch also felt Robert's Rules of Order should also be followed. Alan stated nowhere in Mass General Laws or the Selectboard Handbook does it refer to Robert's Rules. Alan objected to the removal of his statement and reiterated he felt the whole Board did not have an understanding of these articles and therefore should not recommend them to the Town. Mitch motioned to remove the statement, Noreen 2nd; vote was 2-1 with Alan objecting. Alan said he will pursue the issue as it is inappropriate to remove the statement.

Mail was reviewed, it was noted there is a Mass Broadband meeting in Pittsfield on May 8th.

The Board approved the use of the auditorium by the Historical Society on June 5th.

The minutes of the March 22nd meeting were reviewed and Alan and Mitch submitted paragraphs to be substituted in the minutes. Alan motioned to allow the substitution, Mitch 2nd; vote was 2-0 with Noreen abstaining.

Matt Radwich and Ron Radwich presented letters to the Board stating that if the Fire Chief's position became open, they would like to be considered for the position.

Marie Pease questioned when the 3/22 minutes would be available and why the minutes are posted late. She felt the people sued in the recent lawsuit are not getting proper service from the Town. Also, Marie brought up an issue at the March 5th meeting about a conversation Noreen had in the Post Office parking lot and discussed an Executive Session with a resident. This was not noted in the March 5th minutes.

Mitch explained the process of posting the minutes and that they are usually 2 weeks behind as they are approved the next week and then posted by the end of the week. He also agreed with Marie that Selectboard members should not discuss anything that occurs during an Executive Session.

Alan said the Town has 20 days to respond to the lawsuit filed by Stephen Harris, Gita Jozsef and Michael Jamula. The suit is related to the Harry Pease Road issue.

Noreen asked Mitch if he had a private email Town Counsel will not send any private communications to his business email. Also, the Board needs to know what they need to do. She did send the lawsuit to the insurance company, MIIA.

Alan said Kopelman & Paige was sent a copy of the suit by Attorney Lynch

Noreen said she would contact K&P as she has other issues to speak with them about. When questioned as to the issues, Noreen advised she wanted to know if there were any issues with a Town employee suing the Town. She knew it was not a conflict of interest but wanted to make sure there were no other issues. Mitch felt the employee does have a right to sue.

Alan said there is no fee to speak with Len Kopelman but if it goes beyond Len she will need the whole board approval. There is also a question about the Production of Documents that are part of the suit.

Sherri Venditti wanted to know if the suit can be made public when the Townspeople vote on this matter. She was advised the suit is public information. Also, she said a March meeting indicated there would be a series of Warrant Articles that would be voted on at the Annual Town Meeting regarding the road.

Noreen said it was decided there were enough articles on the warrant for the Annual Town Meeting that a Special Town Meeting would be held. Alan added once the Citizen's Petition was presented the articles considered for the STM were no longer relevant.

Wally Smith questioned the appointment of a Dog Officer. He said a gentleman from Middlefield had applied, he knows the people, has a kennel so he could handle quarantines and is right in town so he would be close when people called with complaints. He felt the Board should give him a chance.

Noreen responded to Marie Pease's earlier statement about her conversation in the Post Office parking lot. She had a discussion with Myrtle Richardson about Harry Pease Road but felt she was stating her opinion and not giving information about the Executive Session. She said she would be more careful in the future.

Alan suggested a policy of taping the Selectboard Meetings in the future so all the information would be accurate. Sherri Venditti said it would also aid the meeting minutes.

Alan said sometimes there is "overload" and perhaps taping could be used for the complex and heated issues.

Mitch motioned to adjourn, Noreen 2nd; vote was 3-0 in favor. Meeting was adjourned at 9:20pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Minutes
May 7, 2012

Meeting opened at 7:05pm

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

No warrants to review

Minutes of 3/22/12 were approved on motion by Alan, 2nd by Mitch; vote 3-0

Minutes of 4/30/12 were approved on motion by Alan, 2nd by Mitch; vote 3-0

Maryann Walsh came to the Board with a request to open a business; it would be a General Store type of business offering coffee and baked goods to go and other items from local artisans. She has obtained her business permit and it will be a DBA. Her business will be located in the business district in town. She would like to open by June 1st.

Noreen advised her she should contact Jackie Duda, Health Agent, and have her inspect the premises.

Alan noted she needed to check the By-Laws as there is greater scrutiny when providing food.

She was advised she should also check with the Building Commissioner, Planning Board and make sure the parking will be sufficient. It is best to do all this first rather than have to re-do it later. Just make sure she covers all the bases.

In Open Forum **Marie Pease** asked what is being done about the Petition that was handed in at the Town Meeting.

Noreen said the Board received the petition.

Marie then asked what the procedures are once it is received. Also, Marie said Noreen had stated one of the signees of the petition said he/she did not sign the petition and someone had signed his/her name to it.

Mary Wheeler asked if it could be discussed now.

Noreen said she would rather discuss it next week and run it by Town Counsel and get their comments on the petition.

Mitch motioned to put the petition discussion on next week's agenda, Noreen 2nd.

David Edwards asked if the Town Counsel opinion would be in writing

Marie wanted to know how items are sent to Town Counsel, individually or agreed as a group.

Noreen said Alan is usually the contact and the Board predetermines what the questions to the attorney are going to be.

Alan explained the attorney's responses are emailed to him and Noreen. Mitch does not have a private email and the attorney will not email to his business email so Mitch is provided with a paper copy of the email. All 3 will discuss what is to be asked of Counsel and how to proceed, the questions are formulated in advance and he will take notes of the phone conversation.

David Edwards wanted to know when it would go to Town Counsel and when an answer would be expected.

Noreen said it would be sent tomorrow and the answer would be back by Friday.

Town Clerk, Marge Batorski, certified 73 registered voters on the petition, there were 2 names signed that were not registered voters.

Tim Pease questioned Mr. Harris' letter and he would like that to go to Town Counsel also. He would like to know if it was legal to bring it to the Pre-Town Meeting and make it available by putting it out with the Town Report and other Town documents.

Patricia Baker asked if Kopelman & Paige comes back and says the petition is illegal, the Board needs to make sure there is still a form to express concerns.

Marie said she went around Friday night with her petition, did not go to the elderly, Town employees or their family members. Some of the people she approached to sign felt there would be retribution if they signed and others were afraid to sign. She got about 12 signatures.

Janet Rock said she had 3 people that said they did not know enough about the situation and didn't sign.

Ray Letendre complained about the taxes and the veteran's tax abatement.

Ray Gero, Veteran's Agent, said he was going to Boston with a complaint about the veteran's not getting their exemptions.

Alan explained there was a computer error and as soon as it was discovered the Tax Collector sent letters to all involved explaining the situation and that no one was charged more for their taxes and all received their exemptions.

Noreen said she did not like the resolution and she will do everything she can to appropriately defend the Town against anything that is detrimental to the Town and the people of the Town.

Mitch stated people want us to believe the road was legally closed and that has not been determined yet.

Marie said it was a large majority of voters expressing their feelings.

Alan stated in reality we have a legal and moral duty to defend this and a vast majority of the voters expressed that opinion.

MargaretSaid whether it's a Selectboard or Town issue it has become a legal issue now.

David Edwards said a lot of the Townspeople see the Selectboard as acting unprofessional and half of the Town feels the Board is not doing a good job.

Janine Savoy wanted to know if there would be an open forum with Town Counsel regarding the pending lawsuit.

Noreen said that the Board would propose it.

Mary Wheeler said the individual votes to go into Executive Session were not in the minutes of the open session of the minutes.

Alan said the Executive Sessions were to discuss new information that was received from Town Counsel and how to approach it to protect the Town.

Another question from the floor concerned the tabling of the Harry Pease Road article at the Annual Town Meeting. **Alan** said he did not know of anything about the tabling until the day before the ATM.

Ray Gero was given a copy of a letter written by the Tax Collector regarding the Veteran's abatements and he called the letter hearsay and inflammatory.

Gary Wheeler gave the Board a print out of the legal reasons the Board can go into Executive Session.

Mitch motioned to go into Executive Session to discuss strategy regarding the Harry Pease Road lawsuit and not reconvene the regular session of the Selectboard Meeting, Alan 2nd.

Mary Wheeler said any votes taken must be taken in Open Session and the Board can't make decisions in Executive Sessions. She also asked what the Board's position was on the copies of the Harris letter that were allegedly made on the Town copy machine.

Noreen said she asked and was told the copies were made at home.

Vote to go into Executive Session at 8:20pm was: Noreen, Aye; Alan, Aye; Mitch, Aye.

Minutes respectively submitted by:

Duane Pease, Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Meeting of the Middlefield Selectboard held at town hall on May 14, 2012

The meeting was called to order at 7:04 PM. Present: Noreen Suriner, Alan Vint, Mitch Feldmesser (7:09). Admin. Asst. Duane Pease absent.

~ Copies of (4) pages of citizen's petition received for BOS file, originals had been submitted to Town Clerk.

~ Warrants

Signed warrant #WP23 dated 5/14/12, \$3455.85

Signed warrant #12W37 dated 5/14/12, \$15219.51

~ Review of draft minutes for BOS meeting of 5/7/12

Mitch moved to strike items 1 and 2 on page 3 as they were audience statements of personal perceptions from the Annual Town Meeting and not material to the issues the Board was then considering. Noreen seconded. Voted: All in favor. Discussion about MA Open Meeting Law requirements for minutes; Minutes should provide a summary of each issue discussed, not a transcript, and must be made available on request within 10 days whether approved or not. Noreen moved to approve minutes for BOS meeting of 5/7/12 as amended. All in favor.

~ Inspector General's report/response

Tabled until next BOS meeting by unanimous consent.

~ Mail/Email protocol

Noreen expressed concern about mail being taken home from the post office rather than brought directly to the office. All agreed that is not good practice and should be avoided. Noreen also stated that mail addressed to a specific individual or officer should only be opened by the addressee unless the addressee gives permission otherwise. Alan felt that it was okay for any Selectboard member to open mail addressed to any Selectboard member..

~ Ray Gero submitted his letter of resignation (with attachments) from his post as Veteran's Agent effective 5/14/12. Resignation accepted by unanimous consent. Mr Gero stated he wanted the document and attachments to be put in the Veteran's Affairs file by the Town Clerk. At the end of the meeting Mr Gero took the documents without allowing for copies to be made for the Selectboard's file.

~ Eric Weiss contacted Noreen about how to proceed on the town hall solar project bid. Noreen will ask Eric to email a summary of how he plans to go forward so everyone is clear on the specifics before the Board gives a go ahead to the RFP.

~ Noreen moved to give Town Counsel (K&P) permission to provide privileged documents and correspondence related to the Harry Pease Rd issue to MIIA counsel Nancy Frankel Pelletier. All in favor.

Meeting of the Middlefield Selectboard held at town hall on May 14, 2012

~ Alan moved to form a Capitol Planning Committee to outline long term expenditures. Motion died.

~ Mitch suggested the "Open Forum" portion of Selectboard meetings be reserved for items that could be addressed in a limited amount of time, ie: about 15 minutes. Issues requiring more time to explore or deal with should be put on the agenda. All agreed.

~ Discussion of forming committees for capitol planning, by-laws review, and personnel policy should be put on the agenda for the next BOS meeting.

~ Noreen would like the Board to look into establishing goals and management plans for town forests. Towards that end she would like to take advantage of the guidance offered by the state Forest Service. All in favor, Noreen will pursue.

~ Citizen's petition for resignation of individuals

Noreen discussed the matter with Town Counsel. Counsel advised that serving the town in either an elected or appointed capacity does not abrogate an individual's First Amendment rights. Counsel also advised that being a claimant in a lawsuit involving the town is not grounds for removal from office and to do so may leave the town open to additional litigation.

~ Open Forum

David Edwards expressed concern about the security of documents related to the road litigation. Noreen advised that, in consultation with Town Counsel, the Board has implemented measures to ensure confidentiality is maintained. Among them; the Selectboard filing cabinets are kept locked except when in use by authorized individuals and privileged electronic communication does not go through the town's server. Alan and Noreen use their personal email addresses for this purpose. Confidential correspondence is given to Mitch in hard copy as his personal email address is also used for business.

Janine Savoy expressed concern about security of information in the Board of Assessors office. Alan advised that the BOA is an independently elected body and, as such, is outside the purview of the BOS.

Gary Wheeler would like to pursue a recall provision.

Marie Pease suggested Steve Harris be relieved of his appointment to the Communications Committee because of his participation in the road lawsuit. Noreen and Alan advised that Steve had made a tremendous contribution to the town by his work on the committee and, provided that safeguards are in place to secure privileged documents, it would not be appropriate to relieve him of his duties for exercising his 1st Amendment rights.

Janine Savoy expressed concern about Steve Harris working on the GIS mapping project. Noreen will look into what role Steve is or isn't playing in that project.

Meeting of the Middlefield Selectboard held at town hall on May 14, 2012

Patricia Baker disagreed with Town Counsel's advice regarding dismissal from a volunteer position and the potential for damages.

8:48 PM BOS meeting suspended to convene BOH meeting

8:48 PM BOH meeting opened

Noreen presented MA Dept of Public Health Mini Grant Application for Board approval as the filing deadline is near. Potential grant is for \$500 to fund materials for the BOH Agent. Noreen moved to apply for the grant. All in favor.

8:50 BOH meeting adjourned.

8:51 BOS meeting re-convened

~ Noreen moved to go into Executive Session to discuss road litigation strategy, the Board will not return to public session afterwards. Mitch seconded.

Vote: Noreen, Aye; Alan, Aye; Mitch, Aye. Vote 3-0

Public session of BOS meeting adjourned at 8:52 PM

Respectfully submitted,

Sherri Venditti

Selectboard Minutes
May 29, 2012

Meeting opened at 7:08pm

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

Warrants were reviewed and signed. Payroll: \$7,220.63; Expenses: \$13,056.10 & 30,620.79

Minutes of last meeting were reviewed and approved with minor changes, 3-0.

Mail was reviewed. General discussion on opening of mail addressed to specific board members. Mail addressed to Chair to be opened by Chair.

Board was advised Town is lacking a member on the Gateway Regional School Board; request for interested applicants to contact Board will be put on Town web-site and also in the Country Journal. Also, seeking volunteers to form a committee to review and revise Town By-Laws will also be in the Country Journal.

Noreen advised the Board she had contacted a plumber regarding the leaking toilets in the ladies room as well as the faucets in both bathrooms. She was given a price of \$840 for the repairs and replacement of the measured faucets. She is going to check with the plumber to see if the new faucets meet the handicap criteria.

Letter was sent to the Fire Chief commending him on the receipt of his plaque and to see if he were interested in applying for the Chief's position for the next fiscal year. Letter was signed by all Board members.

Mitch moved to retain Noreen as Chair of the Board and Alan 2nd.

Alan spoke that the Chair often rotates to show that all Board members are equal; Mitch understood but would like Noreen to remain. Vote was 3-0 to retain Noreen as Chair.

Mitch moved to also retain Alan as Clerk, Noreen 2nd; vote was 3-0 to retain Alan as Clerk.

Noreen moved to have the Board start meeting on their summer schedule and meet every other week; the meeting week would coincide with the warrants. The meetings would be: June 11th & 25th, July 9th & 23rd, August 6th & 20th and September 4th.

Alan and Mitch agreed to try and see what happens and the Board can always reconsider and schedule a meeting if it is needed.

Mitch 2nd the every other week scheduled; vote was 3-0 in favor.

An open meeting complaint was received by the Board regarding statements Alan made at a Board meeting that were stricken from the minutes. Alan reiterated he had a valid point that the whole Board was not educated on the school budget. Mitch felt the statement was not relevant and the Board was not obligated to explain. Noreen said the Board needs to stay focused on the issues. Alan still felt his statement was inappropriately removed. The Board will respond to the complaint by the June 18th deadline and if the response does not satisfy that person, it may go to the Attorney General.

Marie Pease stated she filed the complaint and the problem she had was that the person making the statement wanted it left in the minutes but the other 2 members voted it out. It felt like censorship.

Mitch said Alan's statement was not relevant to the issue at hand and Alan was expressing his feeling.

There was further discussion between the Board and residents on this issue. It was suggested the Attorney General be contacted on this point.

Next discussed was a letter received from Janine Savoy regarding the Citizen's Petition that was on the Annual Town Meeting (ATM) warrant. The petition was to affirm the discontinuance of the road currently referred to as Harry Pease Road (HPR).

Mary Wheeler stated the 1984 vote that accepted roads at the Annual Town Meeting stands per the Attorney General. That portion of HPR in controversy was not included as an accepted road for that meeting.

Tim Pease requested the Town file the results of the ATM vote on the road with the Registry of Deeds.

Noreen said the Town would follow proper procedure.

Noreen and Alan met with Shawn Liddy, State Forester, and walked some of the Town owned lands. He would also like to meet with the assessors to discuss Chapter lands with them.

There was a brief discussion on the insurance coverage for the fire and police disability coverage; it will have to be reviewed for the next fiscal year to make sure the members have adequate coverage. Also, non-volunteers that respond to a fire are not covered under the Town's policy.

Alan brought up the Inspector General's letter and the steps taken to answer the complaints brought forward. The only issue unresolved was the fuel at the Town Garage and the resolution for that was defeated at the ATM by the residents.

Noreen advised the Board a \$500 grant was given to the Board of Health for upgrades and she will discuss with the Health Agent for ways to use the grant. Also, Curt Robie was instrumental in obtaining an \$850 grant under the COOP Plan. And MEMA approved \$1,750 for the generator.

Alan said the Town is looking for a Veteran's Agent, residents to serve on a Personnel Policy Committee and a group to form a Kitchen Committee.

Also, the State turned down the Town's request for "Entering Middlefield" signs as they are only provided for numbered state roads. They suggested using Chapter 90 funds for the signs.

The bid to mow the Town's lawns will be posted; the individual will be considered a town employee but must provide his or her own equipment.

Gary Wheeler wants the Board to check on the Open Meeting law regarding the last Executive Session that was held as it was posted as an Executive Session and not an open meeting. He stated it had to be posted as an open meeting, and then the Executive Session could be held.

Marie Pease gave the Board an article from the Country Journal that showed the Board appointed Neil Nickerson to the Discontinued Road Committee in June 1995.

Marie also mentioned the triangle in the center of town needs to be maintained as it looked horrible as the flowers were not being maintained. Perhaps it should go back to grass so it could be mowed and kept up.

Highway Superintendent, Skip Savery, addressed the Board regarding a driveway permit for Maryann Walsh, 172 Skyline Trail. He checked with the State and was told since it is not a State Highway; the town would regulate any permits. He wanted to check with the Board before issuing the permit. Walsh is going to open a general store on her property. Skip said there would be angle parking and should not interfere with traffic.

Alan said she will need a Special Permit to operate as there will be re-sale of items.

Skip said he is grading Clark Wright Road, will be submitting the bid specs for the new truck to the Central Registry and his equipment is in good shape. He is looking to purchase a laptop for the department and is leaning toward a Mac as the customer service is better than the others he has looked at.

Joe Kearns, Finance Chair (FC), asked the Board if they had any issues for a Special Town Meeting. The Board has no issues at this time. The FC would like to meet with the Board at the next meeting to discuss the transfer of education funds to the Vocation Education account.

Alan motioned to adjourn, Noreen 2nd; vote was 3-0 and meeting adjourned at 9:10pm

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes:

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

Selectboard Minutes
June 11, 2012

Meeting opened at 7:13

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

Warrants approved: \$3,907.55 & \$809.12, both for expenses
Mail reviewed
Minutes of last meeting approved with minor changes

Wendy Foxmyn of Pioneer Valley Planning Commission came to meet the Selectboard; she is new to the PVPC and is the Manager of Regional Services & Innovation. She has many years of varied service in the municipal field.

Alan explained the Planning Board has had some issues/frustrations with PVPC not relating to Middlefield as the town is closer aligned with the Berkshires.

Wendy advised PVPC works more closely with the smaller communities and is not competing with HCOG or Berkshire Planning.

There was general discussion of what PVPC can offer in term of helping towns and the needs of Hampden and Hampshire county are extremely varied. PVPC may look into bulk purchasing, shared Conservation as well as E-permitting.

Sherri Venditti asked what expertise can PVPC provide in re-writing the Town By-Laws and was told PVPC would need to look at the current By-Laws and go from there in rewriting new ones.

Joe Kearns, Finance Chair, advised the Board there needed to be a transfer within the Education portion of the budget. The Vocational Education budget was short of funds as one more student ended up going to Vocational School. He explained there was money left over the Gateway Regional budget that could be transferred to cover this shortfall. On a motion by Noreen, 2nd by Alan, it was voted to transfer \$8,000 from the Gateway account to the Vocational account by a 2-0 vote.

Letter drafted by Town Counsel was reviewed and accepted.

Noreen drafted a letter to the Inspector General; this letter addressed the final questions and steps the Town had taken regarding the original complaint sent to the town. Administrative Assistant (AA) to prepare letter for Noreen's signature..

Noreen also advised the plumber had repaired the toilets and replaced the faucets in both the Men's and Ladies' restrooms. The faucets are now ADA compliant.

Alan stated the Town does not have purchasing orders and it is difficult to purchase items without P.O.'s or a credit card. There needs to be a way to obtain a credit card and then keep it secured. Noreen motioned, Alan 2nd, vote 2-0 to have AA to check with treasurer to see how to obtain credit card.

AA to also check with Town insurance carrier, MIIA, on the Police and Fire Accident coverage for department members.

AA to research the Service Zoning plan that was originally requested by State in 2004.

Highway Superintendent, Skip Savery, met with the Board. He is publishing an ad for an additional employee for the Highway Dept. Also, the truck bid will be published in the Central Register and in the Berkshire Eagle, it will have to be in for 2 weeks.

Skip also told the Board a vehicle had struck a piece of ledge that juts out into Clark Wright Road, he was not able to dig it out and has jack-hammered some of it.

Janine Savoy questioned her letter of May 23rd and when she would have a response.

Noreen said it was with Town Counsel; she had originally spoken with the Attorney General's office and was told it was a matter for the Town Attorney.

Noreen motioned to adjourn, Alan 2nd; vote was 2-0 and meeting adjourned at 9:05pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Selectboard Minutes
June 18, 2012

Meeting opened at 7:02pm

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

Maureen Suriner came before the Board for her license; her business is Voice of Angels. She paid her \$25 fee and was given her license.

Ron Radwich was interviewed for the upcoming Fire Chief appointment; he had previously given a letter to the board to be considered for the appointment. He was asked what his vision for the dept was.

Ron felt the department had to re-organize and start moving forward, keep active with more training for all the members, finish the initial training for some of the new members by having them complete the 1st responders course. He felt there was enough interest to have the Fire Fighters 1 course be given at the Town's Fire Station. The FF1 course covers everything from tying knots to fighting interior fires. There are also courses available at the Fire Academy that members should take. He has 39 years of experience with Hinsdale and Middlefield fire Depts. He is currently the Assistant Chief as position he has held since the 90's.

Ron said there are currently 24 members of the dept. and it is most important to bring everybody in, have objectives and let the members speak. Need to find out what the members want to do, whether it is drive a truck, man a hose or just support the ones fighting the fire.

When questioned about attending meetings, he said if they were during the day while he was working he would delegate someone to go. The Berkshire County Fire Chief's Association is also another way to obtain useful information and that meeting is held at night so he would be free to go.

In response to a question about a disaster, he said he would tone the members out and those available would report to the station, he would not expect members whose own homes may in jeopardy to respond. The members would be able to aid the Highway and Police depts. in any way needed.

He also felt the Fire Station needed a good cleaning out and the Department could purchase uniforms/shirts through the Association.

Matt Radwich was interviewed next; he also had submitted a letter to the Board for consideration to be appointed Fire Chief. He was asked what his vision for the Dept was.

He would like the dept to be bigger, more active, update the training and equipment. There is a need to keep the new members interested by bringing in outside experts to give their insight on being a volunteer fireman. He would like a chance to bring the dept forward; he has 16 years in the dept and has been a Captain for 8 years. He has taken many courses including hazmat.

He feels he has fairly strong leadership skills and would use the members' strengths to everyone's benefit. He is currently working with the new/younger members of the dept.

When questioned about attending meetings, he said he would go to as many as possible using his vacation time if they were during the work day or delegate another member to go. Night meetings he would attend.

He felt the Police, Fire and EMS should all work together especially in emergencies. The Town Hall and Senior Center would be used for sheltering; the Fire Station would not be a comfortable place for people to stay. He is also familiar with the COOP plan. Matt thanked the Board for the opportunity to be interviewed.

Larry Pease, current Fire Chief, was the last to be interviewed. He was asked what his vision for the Fire Dept was.

He said he has been chief for about 20 years and there is a new group of members who are willing to learn and he needs to educate and teach them as quickly as possible. They need to learn about the trucks, pumps, how to handle hoses. The members need to be competent to start doing what has to be done when they arrive on the scene until a superior officer arrives and if they are not sure they should wait for a superior officer to arrive.

He would like to arrange for the Fire Fighter 1 course to be given at the Fire Station as there are many members who want to take the course.

When questioned about attending meetings, Larry said he usually does not go the Berkshire County Fire Chief's meetings and he does not have regular contact with the local town's regarding Mutual Aid.

He said he is always looking for surplus equipment that would benefit the Fire Dept.

He is proud of having a dedicated crew and having them as friends as well. He is flexible at the dept meetings and lets the guys decide on what the dept needs to do at the meetings. He brings in new material he receives in magazine, letters, etc.

Noreen complimented Larry as she had only heard good things about the dept when they responded as 1st responders.

The Board thanked Larry for his attendance.

Alan said he had received questions as to why the Fire Chief's position was not posted.

Noreen advised the Board had received letters of interest from the other 2 interviewed. They had come to the Board and for consideration for the position.

Noreen motioned to adjourn, Alan 2nd; vote 2-0 and meeting adjourned at 8:33pm

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Selectboard Minute
June 25, 2012

Meeting opened at 7:00pm

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

Warrants were reviewed and approved with exception of legal bill submitted by Kopelman & Paige, further review of hours is necessary and Noreen is going to speak with Len Kopelman about the billing.

Expense warrant: \$19,260.20; payroll: \$12,087.73

Contract with Allied Waste for transportation of waste from transfer station was signed. This was secured by bid proposal sent out by HRMC.

RFP for the solar installation at the Town Hall was signed.

Minutes of previous meeting were approved.

Mail reviewed and request of Adair Laurel-Cafarella for key to lock at the transfer station gate so he can access land in the rear. It is believed he has a right-of-way through this land. Board will need to see documentation and then will give him a key. He will be responsible for the times he uses the right-of-way. Board would also like to know what his plans are for this land.

7:25pm, Mitch Feldmesser arrived at meeting.

Police Chief Appointment was taken up next; Alan motioned to reappoint Tom Austin, Noreen 2nd, vote was 3-0 to reappoint.

Emergency Management Director: Noreen motioned to appoint Bob Hoynoski, Alan 2nd. Bob was present and review of duties and responsibilities were discussed. Vote was 3-0 to appoint.

Highway Superintendent: Alan motioned to reappoint skip Savery, Mitch 2nd: no discussion, vote was 3-0 to reappoint.

Health Agent: Mitch motioned to reappoint Jackie Duda, Alan 2nd; no discussion vote was 3-0 to reappoint.

Building Commissioner: Alan motioned to reappoint Gerry Garner, Noreen 2nd, no discussion, vote was 3-0 to reappoint.

Fire Chief Appointment was next.

Noreen said she was impressed with all 3 candidates that interviewed and the work they had done for the Town.

Alan was concerned about the process and if the Town had accepted the General acts of Chapter 291, 1916 and CH 140, 1917. If these were accepted it gives structure to the appointment and was not just cut and dry, the candidates needed to have more technical knowledge. He suggested the Fire Dept recommend a Chief and present it to the Selectboard for approval and appointment.

Noreen felt this was not appropriate but would appreciate the Dept's input. With the new members, training was needed.

Mitch felt he wanted the dept involved in training and not politicking. And for the sake of discussion assume the Town did not accept the Acts.

Alan said the current chief has on management style while the other 2 applicants have a different style and vision of the dept going forward.

Noreen said there is a definite need for training as the Town can be held liable for failing to properly train the members. She felt of the 3, Ron Radwich was more organized and had a definite vision for the dept.

Noreen motioned to appoint Ron Radwich Chief Fire, Alan 2nd. Short discussion followed. The Board believes the Fire Dept wants to go in a different direction, the Chief needs to be involved in the State and Regional activities that are available.
Vote was 3-0 to appoint Ron Radwich Fire Chief.

Letters will be sent to all regarding the Fire Chief appointment.

Next item discussed was an audit of the Town's books, it has been 3 years since the last audit. A bid proposal will be posted when the current Fiscal Year is closed.

Ray Gero asked the Board about the steps in obtaining a Class II dealers license as he was interested. He was given an application.

Administrative Assistant gave the Board an update on the increased costs of the Fire & Police Accident coverage. It was decided to keep coverage as is due to the budget that was approved at the Annual Town Meeting. AA was to check on possibility of increasing coverages during the year.

Noreen said Mass Broadband is going to have an engineer drop a fiber optic line in the Town Hall; she was not sure where it was to go.

Alan said it will be in the utility closet in the auditorium.

Highway Superintendent, Skip Savery, told the Board 3 bidders had showed interest in bidding on the new truck. The bids are to be opened on July 2nd and awarded on July 9th.

He has received 3 applications in response to the job posting for an additional employee for the Highway Dept plus he has had a couple of inquiries. Requirements are a CDL and hoister licenses.

He has continued to work on the dirt roads, pulling shoulders and dressing them up.
Skip also advised the Board he will be going in for knee replacement on August 15th.

Noreen said she is looking for forestry planning grants as well as a grant for an additional solar site.

Alan would like to speak with Ron Berenson to get an update on the tax takings as well as the possibility of taking the 2nd property next to the former General Store. Maryann Walsh had suggested taking the house which is in the Historic District for possible use as a combination library, museum and gallery. There was general discussion and since the house is not a Brown Field site he will find out what Ron thinks of it and the costs associated with the taking.

Preliminary discussion regarding Maryann Walsh's request to operate a General Store at her location and it was agreed to get all the Boards, Commissions and Committees together at the next Selectboard Meeting, July 9th. Hopefully, this will avoid confusion as she goes forward with her request.

Eric Weiss will be asked to provide an update on the Green Grant proposals.

Gerry Garner will be asked for an updated report on his work load.

Sherri Venditti asked to have the following appointed to the Kitchen Committee: Michelle Klemesewski, Laurie LaFreniere, Kim Savery and herself.

Noreen motioned to appoint, Mitch 2nd; vote was 3-0 to appoint.

The Committee will have to meet with the Health Agent, Jackie Duda.

Noreen said the Board will have to decide on the letter to Marie Pease.

Alan motioned to go into Executive Session to discuss the recent developments in the Harry Pease Road legal situation and to reconvene the open session of the Selectboard Meeting. Noreen 2nd.

Vote: Noreen, AYE; Alan, AYE; Mitch, AYE

Open meeting was adjourned at 9:15pm

Meeting was reconvened at 9:46 with Noreen and Mitch present.

Letter to Marie Pease was composed.

Noreen motioned to adjourn, Mitch 2nd; vote was 2-0 to adjourn. Meeting adjourned at 9:56pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint, Clerk

Mitch Feldmesser

