

Town of Brimfield
Board of Selectmen
Meeting Minutes – March 15, 2021

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The chair of the Board or Committee should state at the beginning of the meeting that the meeting will be available online; what follows is a standard to be stated at the opening of the meeting.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Brimfield [Board of Selectmen] is being conducted via remote participation. Every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to participate in this meeting while in progress may do so by following the link on the website or calling the phone number:

Members Present: Chair; Mike Doyle, Vice Chair; Paul McCarthy, Member; Carolyn Haley, Member; Suzanne Collins, Member; Ryan Olszta (virtual beginning at 6:54 p.m.), Recording; Admin; Carol Camerota

In person: Police Chief Kuss, Town Clerk; B. Sullivan, ZBA member; H. Leaming, Building Commissioner; B. Cantell, K. Ververidis, Joe Collins, Mike Miller, Karolyn and Kate Koprowski, R. Corriveau, J. Doldoorian, and others. Virtual callers also in attendance.

Call to order: by (Doyle) at 6:33 p.m.

(Doyle) began the meeting by commenting on current social media posts regarding the town. He felt it was necessary to say that inequitably no one on the board wants to end the flea market. They are individual shows and the town just assists. It is not the intent of this board to stop the shows.

Hearing:

Apple Barn Café-ABCC: Amendment/Change or alteration of premises, 52 Palmer Road:

Joseph and Suzanne Collins have lived in town for 19 years and have been running the Apple Barn for 15 years. They have also had a license to serve alcohol and now would like to serve outside.

Motion: by (Haley) to approve.

Asked if they had been vetted by both fire and police. The 769 sq ft. area was approved by Planning Board and falls under area guidelines set forth by ABCC. Chief Kuss asked about physical barriers and would like to see something effective other than just a rope. (Collins) assured that barriers will be in compliance and most likely a railing. (McCarthy) seconded. Roll call as follows: (Doyle)-Yes (Haley)- Yes, (McCarthy)-Yes

(Collins) would like to suggest a policy be in place if the town wants to go outside ABCC requirements as the board did with her application.

Payroll and Warrants:

Signed by the board

Minutes:

Review & approve minutes from March 1, 2021:

Motion: by (McCarthy) to approve March 1, 2021 minutes as written, seconded by (Haley)

Roll call as follows: (Collins)-Yes (Doyle)-Yes (Haley)- Yes, (McCarthy)-Yes All in favor.

(Haley) requested there be a time limit for tonight's meeting since the agenda is extensive.

(Doyle) will entertain a privileged motion to set the end time of this meeting for 9:00 p.m.

Motion: by (Haley), seconded by (Collins), roll call as follows: (Collins)-Yes (Doyle)-Yes (Haley)- Yes, (McCarthy)-Yes All in favor.

Reports of Officers, Boards, and Standing Committees:

(Doyle) will take items on agenda out of order.

Flea Market vendor Permits:

Olszta currently not in meeting. (Doyle) made comment about social media and nasty comments about Select Board member (Olszta).

(Collins) added that (Olszta) has said nasty things about her on Facebook twice.

(Doyle) replied that social media has been a quagmire full of misinformation and slander.

(Collins) wanted to be recognized as well. Noted by (Doyle)

(Collins) left her chair for the following discussion.

(Doyle) said the town is not able to benefit financially from the shows and it becomes a balancing act. (McCarthy) asked what was the discussion about. To decide if new permits were to be ordered. Revisit at the March 29th meeting. Health Agent, J. Terry will discuss at tomorrow's BOH meeting. (Haley) reminded all that direction from the State is also needed. Request a BOH member or agent attend March 29th Selectmen's meeting.

FM advisory board draft bylaw:

Flea Market Advisory Board member, R. Corriveau said the BOS never motioned their board to review anything.

(Olszta) is in attendance now. 6:54p.m.

Motion: by (Haley) move have the Flea Market Advisory Board review bylaws pertaining to the flea market, seconded by (Olszta). Roll call as follows:

Corriveau questioned conflicts with (Collins) being a field owner and (Olszta) employed by the Police Department. (Doyle) remarked that if a board member chooses to vote it's up to them and if wrong their choice. Roll call as follows: (Doyle)-Yes (Haley)- Yes, (McCarthy)-Yes (Olszta)-Yes All in favor.

Board would like to have the Advisory Boards opinion on bylaw 2.3.9.4.1 pertaining to FM permits and violations. (Olszta) would like to see this on the Warrant. Board stressed the need for the Advisory Board to review.

Motion: by (Haley) move to put preliminary flea market bylaw changes on the Warrant, seconded by (Olszta), Roll call as follows: (Haley)-Yes, (Doyle)-yes, McCarthy-No, (Olszta)-Yes, All in favor.

Advisory board will come back with comments.

Extension of outdoor serving of alcohol to Apple Barn Café & Francesco's while Gov. orders remain in effect:

Motion: by (Haley) move to approve extension of outdoor serving of alcohol while Governors orders remain in effect for Apple Barn Café and Francesco's, seconded by (McCarthy) Roll call as follows: (Collins)-Yes (Doyle)-Yes (Haley)- Yes, (McCarthy)-Yes (Olszta)-Yes. All in favor

(Collins) returned to her chair.

7:00 p.m. Public Access

K. Ververidis owner of Hertans asked about the flea market bylaw changes just discussed being put on the Warrant. Stating on the record it was in poor taste with not having a market in 2020 that the board couldn't wait until the market is up and running before adding this to the Warrant.

(Doyle) responded that nothing was decided until the Advisory Board reports back.

Date of caucus and elections. Location of ATM. Revisit date of ATM:

M. Miller has conflict on 19th and requests the ATM be moved to 9:00 a.m. Discussion of Brimfield Winery not being available on that day but that Tantasqua would be. Concerns over the seniors not being able to get to Tantasqua. Possibly it could be held at the Winery on Monday.

(Doyle) would like to entertain a **Motion** to have it in town hall as a primary location if possible, considering pandemic restrictions on June 19th at 9:00 am and if not then Tantasqua with bus transfers. Further discussion resulted in agreement for **Tantasqua on June 19th at 9:00 a.m.**, seconded by (McCarthy) Roll call as follows; (Collins)-Yes (Doyle)-Yes (Haley)- Yes, (McCarthy)-Yes (Olszta)-Yes. All in favor. (Doyle) amended Motion to not include buses.

Miller suggested a Motion to permanently change the bylaws from the 3rd Monday in May to 2nd Saturday in June for the Annual Town Meeting with no time mentioned.

Miller also asked if Brimfield could have some officers on site at Tantasqua.

Caucus:

B. Sullivan per State regs the Caucus can be no less than 38 days before an election and petitions a minimum of 35 days before. Elections can be held a few days after the town meeting, but the Caucus should be in April. Elections work best after the ATM either on a Monday or Tuesday.

Motion: by (Collins) move to have the **Caucus on Tuesday, April 27th at 7:00 p.m. and Elections on Monday, June 21st 12:00 noon to 8:00 p.m.**, both at the town hall, seconded by (McCarthy). Roll call as follows; (Collins)-Yes (Doyle)-Yes (Haley)- Yes, (McCarthy)-Yes (Olszta)-Yes. All in favor

Motion: by (McCarthy) move to place an Article on the Annual Warrant amending the Annual Town Meeting date from the 3rd Monday in May to the **2nd Saturday in June**. And to change Elections from the 1st Monday in June to the **3rd Monday in June**, seconded by (Collins) Roll call as follows;

(Collins)-Yes (Doyle)-Yes (Haley)- Yes, (McCarthy)-Yes (Olszta)-Yes. All in favor

No time for the ATM was determined.

Sign Fallon Insurance plans:

Motion: by (McCarthy) move to approve Fallon insurance plans as presented, seconded by (Collins) Roll call as follows; (Collins)-Yes (Haley)-Yes, (Doyle)-yes, McCarthy-Yes, (Olszta)-Yes, All in favor.

Nomination of Inspector of Animals:

(Doyle) recused himself to avoid conflict since the Animal Inspector inspects his farm.

Motion: by (Collins) move to nominate Krystine O'connor, seconded by (Haley)

Roll call as follows; (Collins)-Yes (Haley)-Yes, (Doyle)-abstain, McCarthy-Yes, (Olszta)-Yes, Motion passes

Annual Common Victualler licenses:

Motion: by (Collins) to approve Annual Common Victualler Licenses for Francesco's Restaurant, 45 Palmer Rd., Rooster's Roaming Cantina, Chicopee, MA and Sturtevant's, 30 Main Street

Discussion of who would be required to have one along with creating a temporary license. Statute seems pretty clear that it should be only brick and mortar. (Haley) revised the Motion to only approve Francesco's, (Doyle) and (Collins) abstained. All others in favor.

Jamie Terry. Voted that common vic are only necessary for brick and mortar.

Permit Pro needs to be updated. Building Commissioner, B. Cantell thought there was a conflict with the definition of establishment and brick and mortar and preparing food with seating. (Collins) asked to table the discussion until more information is obtained.

Amend Motion: by (McCarthy) to include the other 2 applicants for approval, seconded by (Haley)

Roll call as follows; (Collins)-Abstain (Haley)-Yes, (Doyle)-abstain, McCarthy-Yes, (Olszta)-Yes, Motion passes. __Next agenda

New Business:

Razing of barn on 7 St. Clair:

Attorney for the owner would like to allow 30 days until property is sold to remove the barn. Building Commissioner; B. Cantell does not believe it will last 30 days and it is a safety issue and needs to come down. He is getting 3 bids and since it is an emergency situation under \$50,000 he does not need to go through bid process with prevailing wage. The Town has raze funds in an account for these situations. The asbestos has already been removed.

Motion: by McCarthy to back Building Commissioner 100%, seconded by (Haley) Roll call as follows: (Collins)-Yes (Haley)-Yes, (Doyle)-Yes, McCarthy-Yes, (Olszta)-Yes, All in favor.

Leaming agreed that ample time has been given.

Building Clerk increase in office hours.

Requesting an additional 4 hours to give the office 4 days of coverage. There is too long of a span of time in between days. Clerk has been slowly going through files to be stored in basement since the office is too small. Also begin preparing letters for zoning enforcement beginning with Rt. 20 and being a super user for permit pro. (Doyle) commented on some of the projects only lasting a short period of time. Cantel believes it will be a permanent increase in hours warranted by needed coverage to the office. There has been an increase in code and zoning requirements

Motion: by (Haley) move to support an increase of 4 hours for the Building Clerk, seconded by (Collins) Roll call as follows: (Collins)-Yes (Haley)-Yes, (Doyle)-Yes, McCarthy-Yes, (Olszta)-Yes, All in favor.

Appointments: Memorial Day Committee:

Motion: by (McCarthy) move to appoint Cindy Skowyra, Francis Langevin, Bob Corry, Phil Carpenter, Linda Carpenter and Manda Day until 6/30/2021 to the Memorial Day Committee, seconded by (Collins), Roll call as follows: (Collins)-Yes (Haley)-Yes, (Doyle)-Yes, McCarthy-Yes, (Olszta)-Yes, All in favor.

Cemetery Commission: Request for \$10k from the Building Maintenance Fund for stone wall in front of the cemetery:

(Doyle) reported to the board that the stone wall in front of the cemetery is falling apart. A matching grant is being pursued and this project will be put on capital plan but the 2 arches that are staring to fall apart need attention soon. Approximate cost for repair of the arches is \$40,000.

A request for \$10,000 from the building repair maintenance account.

Motion: by (Haley) move to approve \$10,000 from the building repair account be used for the cemetery wall, seconded by (Collins) Roll call as follows: (Collins)-Yes (Haley)-Yes, (Doyle)-Yes, McCarthy-Yes, (Olszta)-Yes, All in favor.

Suggest a Warrant Article line-item name be changed from Municipal building maintenance to "buildings and structure" maintenance.

Reports of Special Committees:

Special Orders:

Unfinished Business and General Orders:

Clarification on Sr. Tax work off / workers comp:

As per town counsel Sr. tax work off residents are not eligible for workers comp.

FY22 Budget discussions:

Shared Clerk:

Planning Board was fine with their clerk being the Shared Clerk. (Collins) questioned if the current clerk does not want to do also be the Planning Board clerk. (Doyle) reminded the board that it is not the person, but the position.

Concerns about the added responsibilities for the position and that currently Planning Board and ZBA clerks are not included in the original job description.

Motion: by (Doyle) to accept the Shared Clerk position as combined with clerks for ZBA and Planning Board recommended to Fincom along with the original department for a total of 15 hours per week, starting in the new fiscal year, seconded by (McCarthy) Roll call as follows: (Collins)-No (Haley)-Yes, (Doyle)-Yes, McCarthy-Yes, (Olszta)-Yes, Motion passed.

COA Activity Coordinator:

COA Director is requesting an increase in the hourly rate of activities coordinator to \$16.65 Board had no concerns.

(Collins) asked if there would be an increase in the Shared Clerks hourly rate. (Doyle) replied no, that the tasks are the same. Next year a salary survey should be started earlier.

Board of Selectmen:

(Doyle) will send Selectmen's budget that had been discussed at the last meeting to everyone to review.

Draft bylaws: Flea Market Advisory Board:

(Collins) felt it was a conflict of interest to continue with the bylaw change for the composition of Flea Market Advisory Board and will let the board decide the rest.

C. Camerota will write the bylaw change and send it to the board.

Lake Sherman Article (A. Ozolins):

Motion: by (Collins) to put Lake Sherman Article on Warrant as requested by A.

Ozolins, seconded by (Haley) Roll call as follows: (Collins)-Yes (Haley)-Yes, (Doyle)-Yes, (McCarthy)-abstain, (Olszta)-Yes, Motion passed.

Lake Sherman: Solitude contract and Order of Conditions:

Motion: by (Collins) move to approve Chair signing Solitude Contract and Order of Conditions for Lake Sherman, seconded by (Haley) Roll call as follows: (Collins)-Yes (Haley)-Yes, (Doyle)-Yes, (McCarthy)-abstain, (Olszta)-Yes, Motion passed.

Grants update:

Shared Streets grant was approved. Historical, Fire Department and COA are all seeking grants.

Gazebo update (Administrative only, no public discussion):

The gazebo \$254,000 project has to be completed by May 31. Proposal was received from TEC who has assisted the town with preliminary drawings. MGL Chapter 30B does not require going out for bids. And there are time constraints. The contract for professional services is \$24,500 and TEC will produce engineered plans.

Motion: by (Haley) move to approve TEC Engineering Corp. proposal for \$24,500, seconded by (McCarthy) Roll call as follows: (Collins)-Yes (Haley)-Yes, (Doyle)-Yes, (McCarthy)-Yes, (Olszta)-Yes All in favor.

3 Petition Articles:

Town clerk reported on 3 petition articles that have certified signatures from the Board of Registrars. Doug Tetrault came to speak on an additional Article #20 that was tabled last year and would like to be included on this year's Warrant.

ZBA - Estate lots Article will also put back on.

Reopening of Town buildings:

Employees were asked last year to be in town offices 50% of their time, but not all offices are. (Doyle) received a letter complaining about not getting returned calls and residents are wondering. Health Agent, J. Terry agreed it should be 50% capacity by now. Debate on public assembly areas and what 50% means. Everyone should continue to wear masks and social distance. BOH does not need to vote but can make a recommendation. Can town hall be open 100% to employees? J. Terry suggests residents use an incoming mailbox. Each department keep track of who is let into building. Board agreed that as of next Monday, March 22nd employees will be back full time in the building.

J. Terry also reported that as a town we've been very successful in getting vaccine appointments for 65 or older reaching 70% of senior population. Anyone still in need of assistance to please call Sr. Center. Full reopening will be discussed at the next meeting

Veteran's Agent posting:

(Olszta) will work on a posting for the Veteran's Agent making sure it is up to date with MGL. C. Camerota will email to (Olszta) what (Collins) submitted.

Phone system update:

Phones are in and connected. My colabe will be completed soon.

Flea Market: vendor permits:

Revisit 3/29/2021 meeting

New Business:

Right of First Refusal – (13-A-4) Palmer Road:

Letter from Planning Board regarding solar project on Palmer Road. On Assessors agenda tomorrow. Other boards recommended to not take action.

Owner of property, S. Hilker was in attendance. The process started in 2018 and gone through all permitting and is coming out of chapter 61A. (Haley) stated that 90 days to act has already pasted. Letter from attorney only came to the Select Board in March.

Hilker spoke on Community shares for Brimfield a program everyone can join. Town will get roll back taxes. The company has agreed Hilker can also donate to a charity. BOS will discuss at next meeting.

Board was informed of Total Communications Invoice for 2 additional phones.

KP Law, Town Counsel increase of rate:

Board acknowledged

Office Matters & Mail:

Adjourn

Motion: by (Haley) move to adjourn at 9:06 p.m., seconded by (Collins) Roll call as follows: (Collins)-Yes (Doyle)-Yes (Haley)-Yes (McCarthy)-Yes (Olszta)-Yes All in favor

Upcoming Meetings: Tuesday, March 29, 2021, 6:30 p.m.

Respectfully Submitted:

Carol Camerota
Transcribed by: Carol Camerota
ACCEPTED: *[Signature]* DATE: 3/29/2021

Documents Utilized for this meeting

MATERIALS FOR BACKGROUND AND REFERENCE

1. Minutes of March 1, 2021
2. Fallon Health Plan
3. TEC Engineering Corp proposal
4. Lake Sherman: Solitude Contract & Order of Conditions
5. Total Communications invoice
6. Memorial Day appointment letters
7. Veteran's Agent posting