

Board of Selectmen Meeting June 7, 2021 6:30 pm

BOS in attendance: Carolyn Haley, Suzanne Collins, Paul McCarthy, Mike Doyle and Ryan Olszta.

MD called the meeting to order at 6:30 pm. The minutes from May 24 were read. RO asked to have them amended to remove his name as he was not present at the last meeting. PM motioned to accept the minutes as amended. All in favor. RO abstains.

Reports of Officers, Boards and Standing Committees:

FY 22 Highway Bids – Board made aware. Carol, Zach and Patty compiled it.

Right of first refusal – 142 Holland Rd. 17-C-12, Poirier. RO motions to take no action.

CH second. All in favor.

Review and sign marijuana production, Municipal notice for Trifecta Farms Corp. RO motions to sign. PM seconds. Passes.

Police and Fire Accident renewal proposal. CH motions to approve. PM seconds. Motion passes.

*Berry*  
*CZe*  
Insurance meeting and final requests to Finance – MD explains they had final meeting with ~~Berry~~ Insurance, there were a couple of adjustments. There was an email to Finance which incorporated the two suggestions from the last meeting about the Veterans stipend and the ambulance. After those four items changing the cost, there is a negative of \$32K +/- that can be used in other areas. MD sent it off to Fincom for their meeting.

Highway Quote – \$3200 quote to repair railings at Town Hall front entrance. SC motions to approve. RO seconds. Motion passes.

Hampden County Retirement: Resignation request. Board felt that they should join the other towns in seeking resignation. MD motions that he will reply to all from Brimfield BOS. CH seconds. All in favor. RO abstains.

Appointments: Will hold until after elections for the new board to take up at the next meeting on June 22.

Common Vic licenses – All approved. PM motions to approve all. CH seconds. SC abstains. Motion passes.

Proulx, Just Bite Me

E. May, May's Antique Market

D. Goulding, Goody's Kettlecorn

J. Fleron, Kisco Ice Cream

J. Towlson, Red River Farm

C. Chesky, CT Yankee Popcorn

D. Baker, To the Queen's Taste

T. Carnahan, Carnahan's Concessions

Simple Sips

Revive Coffee Roasters  
Jen's Snack Shack

Flea Market Owner Operator:  
Ferrentino, Francesco's Restaurant  
L. Shelton, Shelton's Antique Shows

MD gave a moment of silence for Brendan McCarthy's passing. Brendan's brother, Tim McCarthy asked to speak to the board on behalf of his brother. He expressed anger and disappointment with the lack of support towards his brother. His family has been struggling with bills and Brendon hadn't received pay or visitors for 15 months. He is requesting his brother's helmet emblem that said Chief, on it, as well as the missing photo that someone took out of the frame. Brendon will be honored in Foxboro.

Reimbursement to field owner: RO – we have never reimbursed fees before. It doesn't matter if they use it or not, they purchased it. RO motions for the board to take no action. PM seconds. SC says she does not agree that the board should take no action. The board questions if she was abstaining. She clarified that she is only opposing the board taking no action on the matter. Motion passes 4-1.

Unfinished Business –

Update on 254 Little Alum Rd. CH left a message for the Building Department and hasn't heard back so she takes this to mean that he went back out there and tended to it. She did a drive by the day after their last meeting and then left voice message for Bill so she assumes he's taken care of it.

Grants update: Chief Kuss – State Police radio grant has been approved to replace portable radios and the ones in the cars.

MD – had communications with Historical Commission about the Gazebo project. Discussed attaching Gazebo project with the Town Common project. Mr. Connors of the Historical Commission has now stated that they did not want to group them together and the Historical Commission has a friend who is a procurement officer who will help rate the bid specs and they will do it separately.

Network issues – None at this time.

Public Access –

Paul Adams – Asked for an update on Gazebo project. MD – I don't know too much at this time. As far as where the funding is coming from, there's \$11,000 from Cumberland Farms and \$5,000 from Norcross that has been discussed here privately. RO – Also there have been some private donations. In defense of this board, one day we have a price and then we don't. One day its grouped into this project with Historical Commission and then it's not. That's probably a better question for the Historical Commission at this point, unfortunately. CH – Definitely. MD –

Does your question also include the Common Project, which would be putting pads up? Lee Adams – I wasn't specifically referring to that but I would like to know cost and how it's going to be funded. My particular interest is the Gazebo. With all due respect, I think that using the \$11,000 from Cumberland Farms is a misappropriation of those funds, which were specifically targeted for light mitigation for the folks who live on North Main St. You can stand on North Main St and look at Cumberland Farms and know that no gazebo is going to perform that service. I've written to you all and want to reiterate it. Since this is a town wide project, I think the BOS should have a pretty good handle on where we stand on it, particularly because the Cumberland Farms money is partially funding it. You ought to have a spread sheet available to show where we are on the project and where the money is. To Ryan's point, the BOS isn't providing a great deal of oversight on it and seems to me we should be provided with that. CH – spoke on the history of the project beginning with 2 men on the Historical Commission. MD – It started at \$17,000 and now it's hard to get prices that are good for a week because wood prices have gone that crazy. We need to get this project going. The public funds amount to \$5000 from Norcross. This board voted a number of times about allowing those funds to be used for the Gazebo. As far as the other project, the Common Project, one which will be a T shaped path going from Main St to North Main ST, and then at the center of that, it's going to go straight down to the Gazebo. I believe the paths are going to be 10-foot-wide with pressed concrete that look like brick, antique looking light fixtures that will have a timer on them. We can work with the neighbors to when it should be timed on/off. Possibly even with the season, and with the plantings that we agreed to. I believe that the Board voted on 3 maple trees, which would hopefully provide some of that shading. The grant we received for the Common Project was for about \$254,000 and the town will not have any part of that. It's all paid for through Mass Funding.

MD - Is there any other public access? Bob, did you want to speak?

Bob Sullivan (Town Clerk) I believe on your agenda there is already the re-appointment of Mitch Frazier, to the Bylaw Committee. MD – That has been postponed until the next meeting to allow for other applicants. Bob – The current tenure goes through the fiscal year anyway. Bob explains there are two petitions that are potential bylaw changes. Bylaw committee has contacted the petitioners and asked them to come in and make presentations. One of the articles is proposed by BOS about Flea Market. Should someone from the Flea Market Advisory come for that? MD – It was proposed by us and agreed by the Flea Market Advisory Committee. CH – And we agreed to go with their recommendation. SC – So it would make sense to have someone from Flea Market Advisory Board. CH – Lee Adams, if at all possible. RO – Someone from advisory board. CH – As a footnote, he said comprehensive review of bylaws pertaining to Flea Market could easily be done if there's time in the next fiscal year. Bob – The reason why I'm asking if anyone is coming to represent the board is, it's not required by the bylaw committee to have someone come, they do like to have someone come and explain why it is being proposed. The bylaw committee could vote to support or not support. It's a hearing so the public is encouraged to come and hear the dialogue.

Public Records Request – Bob -The PD delivered a large number of redacted files this evening and looks like he's plowing through the large number of emails that need to be redacted as well and working with the requester about how to deliver those.

Candidates Night – Bob – Realizes there may be a misunderstanding. This is his way of trying to get a good discussion with the candidates that is calm and the candidates can articulate their concerns and their solutions without a forum that might be less conducive to that. When I approached the 4 candidates, I told them that the forum would not be combative or a debate. The idea is, we have an experienced questioner who has done this before. When I came in to ask for permission to do this in the Town Hall, the discussion came in to how the format should be. But. In addition to that, you should know that the Massachusetts enabling act, which the public access studio contracts with, requires that the cable be completely independent, not objectionable, and that anything can be shown as long as it's not objectionable. According to the Cable Commission, I am a producer and producing an event. Whether it's a fishing show or something else, as long as it is not objectionable. I think the Candidates Night falls into that category. I went back to all four candidates, today in fact, and asked each of them... do you remember the discussion we had about Candidates night and all that was involved with this event. I posed the format and all four candidates agreed to it. It won't be a debate, if there's an audience at all, it will be a small audience, no laughter, no jeers or yahoos. They all agreed to it, even a second time. It's my privilege to put this on. You can decide to take the town hall away from me, but I hope that's not going on in your mind right now. You allow people to get married here and hold other events. I'm an independent department and I think it's a well-designed affair, so I need to proceed that way.

MD – Why wouldn't we make it public? What is the hold up with making it public? Bob – Because if it's a quiet forum with each candidate bringing five members of their family or whatever, then we don't have to be concerned with inappropriate behavior. PM – That didn't happen when we did it. SC – Did you have it in public? PM – We had it right here. Bob – Some of the ranker going on in town right now had not occurred in prior years. I'm hoping that if we can just get through this, it will be another nice event.

RO – So, it's not open to the public now? Bob – Each candidate can bring a few family members or friends but it's not open to the General Public. RO- What I don't like is, when Eva and I were going to put it on, it was going to be open to the public. And now, you're doing it and it's not open to the public. Bob – But it will be livestreamed on TV and the public is encouraged to send their questions. So again, going back to the fact that it is a public access TV event, the producer gets to set the rules. MD – I would hope that the national election we just had was a lot more rancorous and divisive than our small-town BOS forum. We were able to hold debates in front of a crowd without a problem. Bob – and very bad behavior of the candidates. MD – The candidates, yeah. But not the crowd. PM – Is whether the public is allowed or not up to the discretion of the person putting on the event? Bob – yes. MD – Then we have the discretion to not allow them to have it in the Great Hall. MD – Actually I would suggest that you have it in the cable room. Bob – It's a little small. RO – I don't like that it's public access through our cable. PM – Cable for public viewing. RO – yes, public access cable, production, but then we're going to limit it. We've never limited it in the past. How can you say it is town sponsored that way?

Bob – It's not town sponsored. It's Town Clerk sponsored. PM – (to Ryan) It's not a town sponsored event, that's the point. It's a private sponsored event. RO – If it is town clerk

sponsored, he's a town employee. PM – Also a public access show. Bob – Town clerk/Public Access sponsored, we're allowed to set the rules.

CH – If I had known this earlier I wouldn't have agreed to participate. MD – So there's one you won't have. Bob – (to CH) That's not what you told me on the phone today. CH – I did not know this was a Town Clerk sponsored event. It's come to light that there are limitations. If I had known that, I'd have said to the other candidates, have at it if they choose to. RO – This is literally for the highest position in the town of Brimfield and we are not going to have it open to the public? Bob – Why did I tell you I would like to limit that? RO – Based off of what? CH – I don't think that's a justified reason. Bob – It's up to the moderator to make sure we don't have 200 people here. RO – We've never even had 200 people for Town Meeting. You think they are going to show up for Candidate's Night? I don't see the justification to limit the public to a candidate's night when you are a town employee. Whether you want to call it your rules or not, it's for the highest position in Brimfield. You are (to Bob) a town employee so it would be a town sponsored event. To limit it seems wrong. To say that it has to be your rules, and, sure, it absolutely can be your rules, but you're still a public employee and hosting it in a public building. I bet there's an open meeting law about that.

Bob – We are not limiting the public from viewing it. We are concerned with potential bad behavior. RO- Based off of what? MD – Facebook. Bob – I've discussed it with the moderator and this is some (cut off by CH) CH- Who is going to moderate this? Bob – Robert Datz. I told you that on the phone. CH – Ok. Thank you for answering.

MD – Eva has her hand up. Eva- I'm just a little concerned for the people that don't have cable access. I understand not taking questions from the audience, it makes sense to have them ahead of time.

Bob – Do I get to use the Town Hall or not? CH – It's been planned here so I wouldn't change it now. PM – Yeah, don't change it now because people already know about it. And, if they come in and can't get in, they will be told why. MD – What happens if people do come in? Bob – As people come in, we will explain that it is a non-participatory event. MD – So what's the difference? Bob – because some people may plan to come in to make a fuss and then the decorum goes south.

MD – I think you should tell people it's a quiet event and talk to the Police Department and ask them to be ready to escort people out if they get rowdy. I think you can do the same thing and then it's a much more participatory event. Bob – No, it's not a participatory event. PM – Well the presidential elections had an audience so you could be there. RO – There are a number of technical issues that happen with our public access too. Not being open to the public seems absolutely wrong and if that's what you are going to do, I'll throw together a candidate's night that is open to the public. It's wrong and it's a disservice to the town. Bob (to RO) – Will you be inviting Carolyn because she's now not participating? CH – The Town Clerk has shared his position. We have given him use of the Great Hall. The end. Thank you. SC – You can use the hall, Bob. Thank you for putting this together. RO – I'm not going to thank him.

MD: Any other public access? Seeing none, moving on.

MD - Review software licensing for ePlus. Switch for Network Protection. Both a support license or a software license. Motion by PM to accept for a 3 year. Seconded by RO. Passes. 48 port, check with Steve.

CH - Asks about shades for Town Hall. MD - I bought 3 shades for the Town Hall windows but they wouldn't have been here in time for the ATM. Roughly \$1700.

MD - I want to publicly state that the lists under finance committee on the warrant only starts at the letter I. A page is missing. Clarifies that he is not on finance committee.

RO - Last meeting for him as it's the end of his 3-year term. It's been an honor to serve the town. There's been agreements and disagreements, he's grown a-lot. Best of luck to the new board members coming on. This board is the first guard of the community. I will continue to be a watch dog and look out for the community.

Eva - Thank you, Ryan. Great job.

Chief Kuss: Heads up. Police reform. Looking for 4-5 candidates - hope to have a list soon. Won't change the budget. PM - Chief, would you like to make a comment about the recent rash of break-ins? Chief - There's been a rash of break ins, young individuals coming up mostly from CT. They've come up, creep down street with lights off and look for unlocked cars. They are stealing stuff from cars in surrounding towns. There's been 2 arrests. We are urging residents to remember, at 9:00 pm, lock up. RO - Yes, try and remember that 9pm routine. If you have elderly neighbors that aren't on social media, try to spread that to them. Chief - The only thing that will stop them is if you lock your car. CH - Asks if they suggest leaving outside lights on all night. Chief - Yes. Motion sensor lights will help.

Historical requests the \$11,000 fee be put into the gazebo fund. CH motions to move the funds from Cumberland Farms account to the gazebo donation account. RO seconds. Motion passes. PM - if the project fell off, what would be the stipulation of that money? MD - That account is for gazebo use only. Marie - Any money left would be used for future maintenance of the gazebo. MD - Can we assume that money back on us? If the neighbors aren't satisfied with the plantings? Marie - I think you could. The donation was sent to the BOS initially.

RO - Motion to adjourn at 7:51. Seconded by CH.

Respectfully submitted,

Debra Fagerstrom, Shared Clerk

BOS Chair  
