



Deerfield Selectboard/Board of Health

March 9, 2022 5:00 pm

8 Conway Street, South Deerfield MA 01373

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Deerfield Selectboard/Board of Health was held on March 9, 2022 at 5:00 pm at the Deerfield Municipal offices, Main Meeting Room, 8 Conway Street, South Deerfield, MA, Meeting was recorded by FCAT. Meetings normally held at the Municipal Offices are being held in **Hybrid** fashion, with adequate, alternative means of public access, and where required, public participation provided, in accordance with the Governor Baker's June 16, 2021 Act Extending Certain COVID-19 Measures Adopted During the State of Emergency, including an extension of the remote participation provisions of his March 20, 2020 Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A §20.

Board members present: David Wolfram, Trevor McDaniel, and Carolyn Shores-Ness

Also present Kayce Warren, Town Administrator; Alex White, Health Agent; John Paciorek, Chief of Police; Kate Federoff, Alex Castro, Brian Winner and Elizabeth Lydon, Town Counsel; Mark Borenstein, Legal Counsel for Tree House Brewing; Damien Goudreau, Tree House Brewing, Tim Boland, Police Officer for the Town of Deerfield; John Paciorek, Jr, Chief of Police; Kristen Bodin counsel Greenfield, Robert Petrizzi, Nick Aldridge; and other members of the public.

1. Wolfram calls the meeting to order at 5:01 pm
2. Executive Session 5:05 pm

Motion to enter executive session pursuant to the following items: - McDaniel

- *Pursuant to G.L. c.30A, §21(a)(3), and subject to the Chairman's declaration and a roll call vote, the Selectboard will meet in Executive Session to discuss Strategy with respect to collective bargaining with MASSACHUSETTS COALITION OF POLICE, I.U.P.A., AFL-CIO (Police) and UPSEU (Highway) if an open meeting may have a detrimental effect on the bargaining position of the Town; and*
- *Pursuant to G.L. c.30A, §21(a)(3) and subject to the Chairman's declaration and a roll call vote, the Selectboard will meet in Executive Session to discuss strategy with respect to anticipated litigation if an open meeting may have a detrimental effect on the litigating position of the Town.*

Second: Ness

Vote: Wolfram – aye, McDaniel – aye, Ness – aye; (3-0-)

The Selectboard returns to open session at 5:54 pm

3. Public Comment – Up to 20 minutes with each speaker timed at approx. 2 minutes; see Public Comment Procedure voted 2/9/2022

4. Schedule Hearings

- 6:30 pm – Tree House Liquor License Applications

- Wolfram reads the hearing notice into the record and opens the hearing. Borenstein gives a brief presentation and speaks to application for the winery and distillery pouring permit. Tree House is seeking approval for four permits is requested as per MGL. Open spaces within facility could be renovated to add additional consumption areas while staying under the 525-person max occupancy under the permit from the Building Commissioner.
- The Board of Health is supportive of the potential for additional space to spread out in relation to Covid-19 and would also appreciate the continued support with the Chief of Police to maintain safe operations.

Motion to amend the alteration to the premises under the Farmer Brewing Pouring Permit Section 19C (N)- McDaniel

Second: Ness Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

Motion to approve under Section 19 B (N) under the Farmer Winery Pouring Permit- McDaniel

Second: Ness Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

Motion to approve Section 19 E (O) Farmer Distillery Pouring Permit- McDaniel

Second: Ness Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

Motion to approve Section 19 H Pouring Permit and the accompanying alterations - McDaniel

Second: Ness Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

- 7:15 pm – Deerfield Tavern Liquor License Hearing

- Wolfram reads the hearing notice into the record, opens the hearing. Winner gives a background on the proceedings to give the board guidance on how to proceed within the process.
- Winner and Bodin each respectively question all those present pertaining to the night in question. Statements were given by Officer Boland, Aldridge, and Petrizzi. Video evidence was provided to the board and to both legal representatives and shown to members of the public. Both legal counsels were given the opportunity to give final statements.

Motion to close the public hearing- McDaniel

Second: Ness Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

- Winner providing framework for the deliberation of the three factors that fall under the Section 69 procedure the board finds that a violation did occur, and the gravity of the situation deems a response necessary. The board finds that an employee of the Tavern did provide or sold Alcohol to the individual; the individual at that time was intoxicated; and the employee of the Tavern knew that the individual was intoxicated.

Motion that the board finds the individual was intoxicated on the premises that the employee knew or should have known that he was intoxicated, and that employee served him or provided him alcohol- McDaniel

Second: Ness Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

Motion that a violation occurred pursuant to MGL CMR Section 69 Chapter 138, Section 2.05, Section 204, and Section 247-15 of the Town of Deerfield’s Bylaw- McDaniel

Second: Ness Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

- Ness and McDaniel are in support of a sanction and probationary period, officers were placed in undue harm’s way. Wolfram speaks to the lack of previous complaints and is in support of a 7-day suspension and a 2-year stay. Winner speaks to options for the board if they choose to move forward and cites relevant cases with varying degrees of penalties.

Motion to impose a 7-day suspension and a 2 year stay of the sanction- Ness

Second: McDaniel Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

5. Appearances
6. Selectboard Reports/Announcements
7. Board of Health/Health Agent Discussion Items/Reports/Announcements
 - NACCH Grant for Review and Ratification
 - White discusses application for \$35,000 for Covid-19 related expenses and would be administered by the town. The board is in support to the pursuit of the grant. Additionally, acknowledges the positive impact of the PCR Covid-19 testing at the Senior Center.
 - Public Nurse Job Description for Review
 - The board speaks to small changes within the language, overall the job description

will remain the same. Warren and White will work out language and present to the Personnel Board at their next meeting.

- May 20th Covid-19 Vaccine Clinic August 26 & September 23rd Vaccine Clinic

8. Minutes

Motion to approve the minutes as presented from January 4th, 2022; November 4, 2020; October 5th and 21st, 2020 - Ness

Second: McDaniel Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

9. Discussion/Decision Items

- Shelley Poreda: MOU for Foster Care Reimbursement/Revolving Fund Change to the Bylaw
 - Warren describes the process for the collaboration of entities to assist students with transportation. Each of the four towns will have similar language and will participate. The board is in support of this and will discuss further at town meeting.

- Ostrowski APR Application- Review of APR Docs and Support Letter
 - Warren discusses CPC Application for preservation of 12 acres of farm land for FY23 for the local match in funding to allow the land to become permanently conserved under the APR program. The board discusses general land use challenges balancing preservation and growth.

Motion to support the Town Administrator to draft a letter of support and the chair to sign - Ness

Second: McDaniel Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

- Request for Comment for 477 Greenfield Rd, SP for a Center for Education and Research that supports Balance
 - The board will discuss comments at the next meeting.

- Vote to open Contract Negotiations for Chief of Police

Motion to open contract negotiations and authorize Dave Wolfram to negotiate with the Chief of Police on the board's behalf-McDaniel

Second: Ness Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

- Annual Town Meeting Warrant

- Warren describes the very early draft version of the warrant including Winter Snow and Ice Expenditures, July Storm FEMA Reimbursement, Consent Article, Oxford Property Proceeds. Contract Negotiations, Smith Vocation Transportation, Personnel Manual including Benefits & Policy, Town Clerk Treasurer/Collector Separation.

25mph Town wide Speed Limit Request. Citizens petition regarding the support of changes to the State Flag.

- Placeholder: FY2023 Budgets, Capital
- Senior Center/Grammar School & WWTP Upgrades Phase 2 and Alternate Bids. Further discussion will need to happen to consider all of the options for the large expense of the WWTP. Senior Center/Grammar School would be partially eligible for CPA funding under the historic preservation lens.
- Placeholder: Annual/other Permits for approval
- Placeholder: Purchase & Sale Agreement, Nupro LLC (Map 168 Lot 21, parcels 2-1, 2-2) for approval and signature

Motion to approve the agreement allowing for minor changes to be made by counsel to facilitate finalizing this agreement and authorize the chair to sign- Ness

Second: McDaniel Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

- Placeholder: Appointments/Resignations- Bill Hildreth TBAC

Motion to appoint Bill Hildreth to the Town Buildings Advisory Committee- McDaniel

Second: Ness Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

10. Mail

11. Town Administrator's Report/Updates

12. Items Unanticipated 48 hours prior to posting

- Condemnation for Benoit
 - The board would like to extend their appreciation for Gary Benoit for his immense work on the WWTP.

13. Upcoming Meetings – Mar 23; Apr 6, 20, 25; May 4, 18; June 1, 15, 29, 2022; Joint w/Fin Comm: 15, 22, 29; Apr 5, 12, 19, 2022

14. Adjourn

Motion to adjourn at 8:51 pm - Ness

Second: McDaniel Vote: Wolfram – aye, McDaniel – aye, Ness - aye; (3-0-0)

Respectfully submitted,

Alex Herchenreder

Documents List:

- Selectboard/Board of Health Agenda, 03/09/2022
- Selectboard/Board of Health Meeting Packet 03/09/2022
- Pouring Permit Applications
- Violation Notice

Approved September 7, 2022