



**Chesterfield Select Board Minutes  
Monday, January 3, 2022 at 4:00 p.m.  
Town Office Building - 422 Main Road**

The Select Board meeting was called to order at 4:00 p.m. by Mr. Fuller.

**Select Board Members Present:** Trish Colson-Montgomery and Donald Willard

**Select Board Members Participating Remotely:** Roger Fuller

**Select Board Members Absent:** None

**Town Administrator Present:** Brenda Lessard

**Public Officials Present:** JB Lynch-Tree Warden, Larry Holmberg-EMD, Jeff Fish-Interim Police Chief

**Public Officials Present Via ZOOM:** Jan Gibeau-COA Director, Dee Cinner-Cemetery Commission

**General Public Present:** Michael Malouin

**General Public Present Via ZOOM:** Shaw Israel Izikson-Country Journal Editor, Robin Brower

**Recorder of Minutes:** Brenda Lessard

**Common Acronyms:**

ACO-Animal Control Officer  
CDBG: Community Development Block Grant  
COA: Council of Aging  
DCR: Department of Conservation and Recreation  
DEP: Department of Environmental Protection  
DHCD: Department of Housing and Community Development  
DLTA: Direct Local Technical Assistance  
DOT: Department of Transportation  
EMD: Emergency Management Director  
FRCOG: Franklin County Council of Governments  
HCDC: Hilltown Community Development Corporation  
HRHS: Hampshire Regional High School  
ISP: Internet Service Provider  
MassDOT: Massachusetts Department of Transportation  
MLP: Municipal Light Plant  
MSDS: Materials Safety Data Sheets  
PILOT: Payment in Lieu of Taxes  
PVPC: Pioneer Valley Planning Commission  
RFP: Request for Proposals  
RFQ: Request for Quotes  
WCPO: West Chesterfield Post Office  
WG&E: Westfield Gas & Electric

**Video Conference Hybrid Meeting:**

Mr. Fuller stated that this Select Board meeting is being conducted in a hybrid model but with access consistent with Governor Baker's Executive Order of June 16, 2021. Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law. The new law has two major parts:

First, the new law allows public bodies to continue providing live "adequate, alternative means" of public access to the deliberations of the public body, instead of holding meetings in a public place that is open and physically accessible to the public. "Adequate, alternative means" may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time.

Second, the new law authorizes all members of a public body to continue participating in meetings remotely; the Open Meeting Law's requirement that a quorum of the body and the chair be physically present at the meeting location remains suspended.

Ms. Colson-Montgomery reported that Larry Holmberg wanted to be present during the discussion of the generator at the school so that discussion will be at 5:00 p.m.

**JB Lynch, Tree Warden:****Fall Tree Removal Proposals:**

Mr. Lynch inquired whether any other tree bids had come in for the fall tree removal proposal. It was noted that there were two. The bid was given to LashCo. Mr. Lynch reported that LashCo would be in Town this week to remove those trees at: 75 Bryant Street – Remove four (4) Ash trees, two (2) 10", one (1) 14", one (1) 22"; 75 South Street – Remove one (1) White Birch 14"; 120 South Street – Remove one (1) large 30" dead Maple; South Street, Pole #31 - Remove one (1) 14" Red Pine located near the town ballfield; and Cummington Road, West Chesterfield near Pole 10/5- Remove one (1) dead Poplar.

**Agricultural Burning:**

Mr. Lynch reported an issue he has had with the Fire Chief in regards to obtaining a permit to burn at his tree farm. Chief Hewes told Mr. Lynch that he will only allow burning during open burning season. Mr. Lynch provided the Select Board with M.G.L. Ch. 111, §142L which allows agricultural burning at times outside the open burning season with permission from the Fire Chief but permission to be based solely upon whether or not appropriate meteorological conditions exist to ensure safe burning. Mr. Lynch noted there are court cases that support agricultural burning outside Open Burning Season. The Select Board suggested to Mr. Lynch that he speak with Chief Hewes and show him the law and court case he had printed out to see if they can come to a resolution.

**Warrants:**

The Select Board reviewed and signed the W22-14, WP 22-14, and WBB 22-14 warrant.

**Minutes:**

Ms. Colson-Montgomery made a motion, seconded by Mr. Willard and unanimously voted to accept the Minutes of December 20, 2021, as amended.

**Additions to Agenda:****MSDS Follow-up:**

Mr. Willard reported he had spoken with Chief Hewes about the MSDS sheets and that Mr. Willard would be willing to help as he has put this type of book together in his business.

**COVID-19 & Sports:**

With the increase in the number of COVID cases, Mr. Willard reported there has been a reaction to those numbers by the school. This has affected the Recreation Commission's basketball program. They have been working with Mohawk with games played at the Mohawk School. NHRES will be ceasing all extra-curricular activities which includes Chesterfield's recreational activities. Mr. Willard is unsure if this will be a short pause or will it affect the whole season. The Chesterfield Recreation program has 60 children enrolled. The Committee has held onto the checks rather than depositing them in case of a request for a refund. The plan is to continue to hold onto the checks until it is determined if they can get back to playing basketball. Mr. Willard also asked about the possibility to hold skill drills in the Town Hall for the really small kids. There are no hoops present there but Mr. Willard has portable hoops.

**Town Administrators Report:****Phone System:**

Ms. Lessard reported the Purchase Order was accepted and TPX will be in touch when they are ready to start the install.

**Website:**

Ms. Lessard will have an initial meeting regarding the new website on Friday, January 7<sup>th</sup>. Sandy Wickland and possibly Mr. Fuller will attend.

**Liquor Licenses:**

The inspection sheets were confirmed to be signed and Ms. Lessard let the applicants know they could pick up their licenses. The General Store has not yet as they are away and the store is closed.

**Police Chief Advertisement:**

The advertisement was posted for seven days and no applications were received.

**Tennis Courts:**

Premier Sealcoat should be out this week to look at the courts and provide a proposal. Ms. Lessard also spoke with Richard at Piretti Tennis and he will come out Wednesday or Thursday to look and provide a proposal.

**6 North Road Septic Field:**

Ms. Lessard contacted Ron Laurin to see if work was completed. He was going to do the inspection over the New Years. Mr. Holmberg reported the work was completed on Sunday, January 2<sup>nd</sup> and Mr. Holmberg will be locating the flags and putting the field on the mapping of the parcel.

### **5:00 PM: Larry Holmberg & Generator at School:**

Mr. Willard reported he had spoken with Jesse McMillan, the principal of NHRES who inquired what the history was of the generator being installed at the school. The primary purpose for installation of the generator was to support the school with the secondary purpose of serving as a regional shelter if needed.

The Select Board asked Mr. Holmberg the history of the generator at the school. Mr. Holmberg reported that the school wanted to put in a generator when it was first being built but could not afford to put one in. In 2008, a regional projects grant was able to provide funds to install a generator to cover the entire school. The Western MA Advisory Council was able to fund \$43,000 and the project went out to bid. The project was awarded and the generator, propane tank and lines and transfer switch were installed. The understanding was that responsibility would be on the district for repairs and maintenance. Mr. Holmberg noted that the current principal at the school would not know that history.

Mr. Holmberg reported that periodic required maintenance should be done. There should be an annual maintenance agreement. His opinion is there should be a separate budget line item in the school budget for upkeep of the generator and if it is not currently, it should be going forward.

Mr. Holmberg opined that an annual maintenance agreement should be funded in the school budget to prevent a failure of the generator. There should also be funds included in the school's budget for a possible repair. The generator keeps heat and refrigerators going in an outage which does benefit the school. There was a question whether a stabilization line could be started to put money into for any future generator repairs but Ms. Colson-Montgomery noted a school cannot put a stabilization line into their budget.

There was a discussion if there is a maintenance history. If so, who has it and what work has been performed. Mr. Willard, who also sits on the School Committee, stated this has opened his eyes to check on these type of things and to make sure preventative maintenance is done and funded.

### **Hazard Mitigation Plan:**

Mr. Holmberg reported the Hazard Mitigation Plan ended in September, 2021. The State has a new process for each Town to apply on its own. This is a Town matched cost. The Town's portion of the match can be done with volunteer planning hours. If the cost is \$20,000, which it was last time, the Town's portion would be a \$6,700 match cost. Mr. Holmberg had a list of people to be involved but he is running short of the required hours to meet the match amount. He is short approximately \$2,000 which equals 58-60 hours. The Select Board and Mr. Holmberg came up with a list of possible additions: Planning Board, Building Inspector, COA Director, Highland Ambulance, Conservation Commission, Highway, Town Administrator, Police Chief, Community Center Oversight Committee, the MLP and Westfield River. This plan is required as it is a gateway to many other grants. The town has to have an approved Hazard Mitigation Plan to receive certain grants.

### **COVID Testing:**

Mr. Holmberg looked into the costs of buying Covid home test kits through the State. The State has set unreasonable limits on how many test kits must be purchased and the test kits are cost prohibitive to the Town due to the amount of kits that needs to be purchased. Even if the town shares with surrounding communities, there are too many test kits that must be purchased. Mr. Holmberg will call together a meeting of the COVID Command group to further discuss this issue. He did note he has surgical masks that can be distributed, along with KN95 masks.

### **Reports:**

#### **Community Bulletin Board:**

Mr. Willard has called the owner of the General Store but he is closed and on vacation. Mr. Willard left a phone message and will follow up to get the board installed.

#### **Broadband Build:**

Mr. Fuller reported that the Broadband project is almost completed with only approximately ten households or less to be connected.

### **6:30 P.M.: Mount Cemetery Complaint w/Dee Cinner:**

A complaint was received by the Cemetery Commission from Robin Brower regarding a summer burial at Mount Cemetery. Ms. Cinner has been trying to deal with the complaint and had asked the Select Board to intervene with a resolution to Ms. Brower's complaint. Ms. Brower is asking for a refund of the additional \$326 they were charged.

Ms. Brower reported that she is representing her son in this matter. It was a burial of his father at the Mount Cemetery. The issues were discussed at the June 21, 2021 Select Board meeting. The first part of the complaint deals with the condition the grave is in now. The family is upset the grave has sunk down and would like it filled in. Ms. Brower noted they have topsoil they are willing to bring to the site. Ms. Colson-Montgomery advised Ms. Brower that the Town would take care of the sunken area. Ms. Cinner offered to put a bag of topsoil over the grave until a permanent work could be done in the spring.

Ms. Brower also noted she and her son were not notified of the Rules and Regulations of the cemetery. Ms. Cinner had been dealing with Patricia Hamilton in VA. Ms. Cinner agreed she had spoken with Ms. Hamilton over a year and a half about 12-15 times over the phone. Ms. Brower noted there was a breakdown in communication from Ms. Hamilton who did not inform her or her son about the rules and regulations that had to be followed.

Ms. Colson-Montgomery sympathized with the breakdown in communication with the parties involved but that was a family issue not a Town issue. The rules and regulations had to be followed and the family broke the rules by digging the grave larger, installing an oversized burial box, covering the illegal box themselves instead of the Cemetery Superintendent doing the work, and burying two sets of cremains instead of just one.

Ms. Brower asked about the Cemetery Superintendent's verbal assault on her. Ms. Colson-Montgomery noted that the Superintendent was very shocked to see something buried with no one from the Cemetery present. Ms. Brower's son had dug and buried something that was inappropriate under the rules and regulations of the cemetery.

Ms. Colson-Montgomery also opined that the Town had to do additional work as the hole had to be excavated again, the wrong box removed and the correct box put in. Ms. Colson-Montgomery and Mr. Fuller were present when the second burial took place.

As far as a refund of the \$326, Ms Cinner noted the town did work above and beyond the costs the town charged for this burial. The Town has additional work to be done in the spring and the family will not be charged for that additional work. There was an original \$150 charge for the burial and an additional \$326 was charged after the improper burial in order to fix the site. The \$150 paid was for the original hole that was prepared by the Superintendent for the small box that was supposed to be buried. The additional charge was to excavate the site and to fill in the much larger hole the family had dug. The headstone was also straightened at no charge.

Ms. Colson-Montgomery opined that the amount charged to the family was appropriate. There is more work to be done that the family will not be charged for. The charges were appropriate as is.

Mr. Willard noted that the problem was resolved. There will be work to be done in the spring and that the charge to the family was appropriate.

Mr. Fuller agrees that the family was charged an appropriate amount for the work that had to be done and will be done. He also opined that it was not the town's fault the communication broke down amongst the family.

Ms. Cinner will notify Ms. Brower and her son when the work is completed.

#### **Police Chief Appointment:**

Mr. Willard made a motion, seconded by Ms. Colson-Montgomery and unanimously voted to appoint Michael Malouin as the part-time Police Chief. He will be doing 16 hours of work per week in this position. The Select Board would like a transition and training schedule worked out between Jeff Fish and Michael Malouin during the month of January. Mr. Fuller stated there will be an agreement between the Town and the Police Chief.

#### **Executive Session:**

Mr. Willard made a motion, seconded by Ms. Colson-Montgomery to move into Executive Session to approve and discuss the Executive Session Minutes of 12/20/21 and the Internal Investigation in regards to the complaint that was received by the Police Department and to reconvene in Open Session.

Mr. Fuller: Aye

Ms. Colson-Montgomery: Aye

Mr. Willard: Aye

#### **Radio Grant-Jeff Fish:**

Mr. Fish reported that the new radios may not support the new upgrade. Mike Perkins is looking into the update and will be looking at all avenues to upgrade the new radios.

#### **Russell Park Snack Shack:**

A bill was received from AccuFab for \$2,116 for the fabrication and installation of the beams to support the building. After looking back through the Minutes, it was determined that the cost of the beams were not budgeted in the original price and only a 10% contingency amount was put into the cost. Mr. Willard opined that his understanding was installation was to be done by Mr. Bisbee and Mr. Willard will reach out to AccuFab to get a breakdown on the bill to split out the material and labor. Mr. Willard will also follow up with Mr. Bisbee.

**Staple Bill Issue:**

Ms. Lessard was asked to pay two Staples bills out of the IT line. As the Select Board had already used up most of that budget line on the new website, they asked that the bills be returned to the other department to look for additional funding sources. The Board also opined those costs should be budgeted into the other department's own budget lines in the future.

**Meeting Adjourned:**

With no further business, the meeting adjourned at 8:18 p.m.