



**Chesterfield Select Board Minutes  
Monday, April 24, 2023 at 3:00 p.m.  
Town Office Building - 422 Main Road**

The Select Board meeting was called to order at 3:00 p.m. by Mr. Fuller.

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

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

**Town Administrator Present:** Brenda Lessard

**Public Officials Present:** Larry Cervelli & Joe Gazillo, MVP Steering Committee; Mike Malouin, Police Chief; Rus Peotter, Moderator; Sandra Wickland, Town Clerk

**Public Officials Present via ZOOM:**

**General Public Present:** Sarah Hamilton, Greg Meister, Denise Cormier, Eileen McGowan, and Rita Harris

**General Public Present via ZOOM:** Judy Lyons

**Recorder of Minutes:** Brenda Lessard

On July 16, 2022, Governor Baker signed into law an Act Relative to Extending Certain State of Emergency Accommodations, which, among other things, extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2023. Specifically, this extension allows public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. The Act does not make any new changes to the Open Meeting Law other than extending the expiration date of the temporary provisions regarding remote meetings from July 15, 2022, to March 31, 2023

This meeting was conducted with ZOOM access for the public.

**Minutes:**

Ms Colson-Montgomery made a motion, seconded by Mr. Willard and unanimously voted to approve the 4/10/23, 4/10/23 Executive Session and 4/12/23 minutes as amended.

**Additions to Agenda:**

**Highway Worker Position:**

Mr. Fuller reported that Matt Smith had interviewed a candidate for the highway worker position and would be offering employment to the candidate. Rheal Labrie from Worthington will be a new employee on the Highway Department.

**Spring Clean-up for Town Grounds:**

Ms Colson-Montgomery inquired when the town grounds will start to see spring clean-up and trimming of bushes. She noted that the Library is in need of some spring work. Ms Lessard will reach out to Amanda Pollock to see when she would be starting work.

**Town Beautification Group:**

Ms Colson-Montgomery would like to see a group formed soon. Ms Lessard will reach out to interested residents and get a meeting scheduled. She will put out a Facebook post on the town's Facebook page to see if she can get any more interested people to form a group.

**Fire Chief Truck Bids:**

Mr. Fuller discussed the bid received from Liberty Chevrolet with the Fire Chief. He told Chief Hewes the bid of \$63,837.62 from Liberty Chevrolet that included the options that the Chief requested is within the \$65,000 that was voted on at Town Meeting in 2022 but does not include the pricing for lettering and light. Ms Colson-Montgomery asked how much the lettering and light will cost. Mr. Fuller does not know. Mr. Willard opined that the truck should be outfitted and ready to go within the budget voted on at Town Meeting. Mr. Fuller reported that the price did not include a trade-in discount as the Fire Department wanted to keep the current truck as a brush truck. Mr. Willard made a motion, seconded by Ms Colson Montgomery and unanimously voted to approve awarding the bid to Liberty Chevrolet to supply the Town with a truck for the Fire Chief as stated in the bid. The majority of the Select Board noted that the Fire Association would need to supply the additional funding for the lettering and the lights needed for the new truck after the full \$65,000 has been spent and that the cost could not come out of the Fire Department operating budget expense line.

**Warrants:**

The Select Board reviewed and signed the W23-22, WP23-22 and WBB23-22 warrants along with some voids and re-issues.

**Reports:**

**Fire Department Issues:**

Mr. Willard reported that he had reached out to the Fire Chief to address several issues. Those issues included a needed portable equipment list for the insurance company, submission of checks to the Treasurer, use of turn out gear, budget lines and remaining firefighter incentive pay. Chief Hewes responded to Mr. Willard during the meeting and addressed those issues. Chief Hewes responded that he is working on the list of equipment for the insurance company. He has turnovers that will be made to the Treasurer. The money voted from previous years totals \$18,000. This will only cover five sets of turnout gear. Chief Hewes stated there is currently a year wait to get turnout gear. He will contact the firefighters who have not turned in their paperwork so they can get their incentive pay.

**Fill for North Road:**

Mr. Willard reported he had spoken with the Highway Superintendent, Matt Smith regarding the additional fill needed at the 6 North Road property at the entrance for parking for the Fourth of July. Mr. Willard met with Mr. Smith and they agreed where the fill will go.

**Russell Park:**

Mr. Willard reported that he was able to inspect the roof on the dugout at Russell Park. There is a tiny hole in the roof that he opined a few new shingles might fix. He also plans to reach out to Fitzgerald Fence to see if they can install a new pole and stretch the fence to the new pole. He also will get a price

on a new bench. The Recreation Department has done a temporary fix for now. Mr. Fuller noted that Berkshire Fence was the company who installed the fence and they may be able to come if Fitzgerald is not.

#### **Police Department Floor:**

A quote was received from Baystate Flooring and Carpet to replace the floor. The quoted price includes a cost to move furniture and did not address if the floor is asbestos. The Select Board instructed Ms Lessard to contact some companies for asbestos remediation for the floor. The Police Department needs to be relocated. After discussion, the best place to relocate them would be the meeting room at Town Office. Board and committee meetings will need to be moved to the Community Center or Town Hall. The Board of Health will still need access to their files that are located in the room. This move would probably last for several months. This discussion was continued later in the meeting with the Police Chief.

#### **Tennis Courts:**

Ms Lessard will follow-up with Ryan Behan with GingerCat Sealcoating to inquire if he was able to assess the tennis courts for pricing for a quote to repair and reseal.

#### **Trees at Mount Cemetery:**

The Select Board would like to check with the Tree Warden if the proposed tree removal at the Mount Cemetery will need a Public Shade Tree hearing.

#### **Recreation and Playing Fields:**

Mr. Willard reported that the Recreation Committee along with many volunteers were able to get the Town playing fields ready for spring and baseball season. The group also went to Goshen and worked on their fields. Mr. Willard could not thank Pinebrook Landscaping and Tim Jaescke enough for the help he does to get the Town fields ready with his equipment. They were done with the work in Chesterfield by 11:30. The Recreation Committee treated all the workers to pizza and popsicles.

#### **Edwards Museum:**

Royal Renovations has started the continuation of the contracted work for the Edwards Museum. They took a break during the winter months. They have removed the siding from the west side of the building. Kent Hicks is supervising the work.

#### **Town Administrator Report:**

##### **Town Clerk Monitor:**

The Town Clerk had an issue with her new monitor. Entre ordered a replacement. After further investigation, it was determined to be a driver issue and Entre fixed the problem.

##### **HEN Audit:**

Ms Lessard reported that she spent Friday, April 14 doing the bi-annual HEN (Hilltown Elder Network) audit at the HCDC (Hilltown Community Development Corporation).

##### **Easement at Russell Park:**

Ms Lessard reported she had sent another email to Joan Keenan's sons to inquire if there is something the town can do to expedite the signing of the agreement for the easement at Russell Park.

**Office Hour Switch:**

Ms Lessard reported that she intends to switch her office hours on Monday, May 1 to Tuesday, May 2 from 9 a.m. to 3 p.m.

**4:30 PM: Discussion of Town Attorney Response to Citizen Petition and Letters Received****Citizen Petition:**

The Select Board had reached out to the Town Attorney, Jon Eichman from KP Law, to review the Citizen Petition that was received by the Town. He had responded and the Select Board wanted to discuss the response with the writers and supporters of the petition. The majority of the public present for the meeting were present for this discussion only. The Select Board had the Town Moderator, Rus Peotter, read the response from the attorney so he could also weigh in. Ms McGowan let the people know that she was recording the session. There were no objections. Ms Colson-Montgomery reported to those present that the response from the Town Attorney noted that the citizen petition would not accomplish its stated purpose even if approved at Town Meeting. The petition does not express a request to amend a section of the zoning bylaw that was voted in at the Special Town Meeting on March 30, 2023. The process does not follow the required steps to amend a bylaw. The article will be a non-binding referendum. She also addressed the letters that were received requesting town counsel to be present at the Annual Town Meeting. The petition needs to be referred to the Planning Board, which will then consider the request, possibly write an amended bylaw and hold a public hearing. Once that is completed, the amended bylaw could be sent to the Select Board with a request to schedule a Special Town Meeting. There were questions from those present to ask what should be done at Town Meeting. There was discussion of referring the article to the Planning Board for them to take action on it, but not knowing what action that may be. There was also a discussion of setting a date certain in the referral. Ms Colson-Montgomery stated that enough time has to be given to meet any legal requirements that may be needed which includes time for scheduling and posting public hearings and calling for a Special Town Meeting. There are timelines for those requirements. Ms. Hamilton asked if a motion is made to refer the article back to the Planning Board, could the request be made to ban the proposed uses. Mr. Peotter stated no, the request would be for the Planning Board to consider the petition and possibly amend the bylaw to include the proposed ban of certain uses. Mr. Fuller stated that the Town Attorney told him the Planning Board would need to amend the bylaw to ban certain uses. The process to ban certain cannabis uses was explained to those present by Mr. Fuller. Mr. Peotter spoke to those present about the process to refer back the article to the Planning Board. Mr. Peotter stated that discussion could take place about the petition before a motion could be made to refer the article back to the Planning Board. The Town Clerk was available to answer questions about timelines to refer back with a date certain. Ms. McGowan, who is on the Planning Board, noted that she would like to see the Planning Board have the amended bylaw done by September to then call for a Special Town Meeting. Several questions could not be answered. Mr. Fuller will reach out to the Town Attorney to get the answers.

**Letters to Select Board:**

Several letters were received that requested the Select Board to have the Town Attorney present at the Annual Town Meeting. Mr. Fuller reported that the Town Attorney is attending another town meeting that night and will be unavailable. Mr. Eichman will have an attorney available to the Select Board by phone on May 8 that is very knowledgeable in cannabis law.

**5:15 P.M.: Larry Cervelli and Joe Gazillo re: MVP Grant Update:**

Larry Cervelli and Joe Gazillo were in to report that they are right on schedule to meet the deadline of May 4 to submit the application for a Phase 1 MVP grant. They have met with two of the subgroups, the Climate Change group and the Communications group, and Dave Christopolis put the grant application together. The application includes a 10% match of in-kind funding from the town. The application is asking for funding in the Phase 1 grant for assessment experts to look at the town buildings and the 6 North Road property. Mr. Cervelli had emailed the application to the Select Board earlier in the day. He requested they review the application and if they have any input to contact him. There were two items that Mr. Cervelli would like the Select Board to think about. Approval or funding of the grant may not come until September. The MVP Steering Committee would like to have a community BBQ event in August at the 6 North Road property. They would like Highway to clear a space for a large tent for the event. Mr. Gazillo had spoken with the owner of the Chesterfield General Store about catering the event. They would like the Select Board to consider a small budget for the MVP to hold the event for the Town as funding may not be in place yet.

**6:00 P.M. Mike Malouin, Police Chief:**

**Flagger Pay Minimums for Outside Details:**

Chief Malouin attended to speak about the flagger rate in the Outside Detail Policy. The flagger rate will be \$21/hour and will follow the Police Minimum Charge regarding hours worked. If they work, it will be a minimum of four hours and if longer than four hours, they will be paid a minimum of eight hours. This will not apply to when flaggers are used for town projects or by the highway department. They will continue to be paid actual hours worked for that time worked.

**Police Department Floor:**

The Select Board reported to Chief Malouin that the decision was made to move the Police Department to the meeting room at the Town Office. A tile sample will be taken to a test facility in Windsor, CT for testing. Chief Malouin will drop that off. The Police Department will arrange to move the items. The safes will need dollies. Mr. Willard stated he had some dollies. A storage box will need to be rented and a dumpster will be needed.

**Action Items:**

**Fourth of July Committee:**

The Select Board were asked to submit some names for the Marshall, Volunteer of the Year and Lifetime Achievement Award to July 4 Committee. The Select Board came up with names to submit to the committee. Ms. Lessard will let Ms. Kellogg know those names.

**Appointment to Cultural Council:**

Ms Lena Garcia had submitted a letter requesting to be appointed to the Cultural Council. As there are several vacancies, Ms. Colson-Montgomery made a motion, seconded by Mr. Willard, and unanimously voted to appoint Ms. Lena Garcia to the Cultural Council for a two-year term to expire 6/30/25.

**Set Date for Town Property and Building Visits:**

The Select Board agreed to set the date for Wednesday, May 31 to do the visits. The meeting will take place at noon.

**Meeting Adjourned:**

Ms. Colson-Montgomery made a motion, seconded by Ms. Willard and unanimously voted to adjourn the meeting at 7:10 p.m. The vote was unanimous.