

**Buckland Select Board
Meeting Minutes
September 14, 2021 5:30 p.m.
Meeting Via Zoom**

Listing of Topics

Appointments

- > 5:30 p.m. - Board of Health, update re: COVID-19.

Agenda Items

- > Animal Control Bylaw, Restrictions at Cricket Field.
- > Personnel Updates:
 - > Police Chief Vacancy.
 - > Auxiliary Officer Appointment.
 - > Wastewater Treatment Staffing MOU.
 - > Highway Superintendent, Highway Laborer.
- > FY23 Budget Calendar.
- > Committee Appointment(s) - Local Cultural Council, Finance Committee.

Documents to Sign

- > Single Precinct Authorization.
- > Conway TIP Construction Services - Nitsch Engineering Contract.
- > Minutes August 24 and August 31, 2021.
- > McCusker PSA Conway Street.
- > Sidewalk Use Permit - Greenfield Church of Christ.
- > FCSWMD Household Hazardous Waste Collection Day MOU.

Items Not Reasonably Anticipated by Chair 48 Hours in Advance of Meeting

Select Board Member Concerns

Town Administrator's Report

Public Comment

Volunteer Recognition

Announcements

Attendees

Zachary Turner - Select Board Chair
Barry Del Castilho - Select Board Member
Clinton Phillips - Select Board Member

Heather Butler - Buckland Town Administrator
 Kyle Dragon - Animal Control Officer
 James Sullivan - Falls Cable
 Karen Blom - Buckland Town Clerk
 Cindy Schwartz - Buckland Recreation Commission
 Mary Bolduc - Boards' Clerk
 Marilyn Kelsey - Resident

Meeting

Mr. Turner, Chair, opened the meeting at 5:33 p.m.

Appointments

> 5:30 p.m. - Board of Health, update re: COVID-19 - The Board of Health was not present due to the scheduling conflict of their own meeting. Mr. Turner read a comment issued by the Board of Health regarding current mask mandate and responses to it. Board discussion followed supporting the work of the Buckland Board of Health, their knowledge, and guidance. It was stated that there is some resistance by businesses and patrons for masking, but pointed out that Buckland does not stand alone in their approach, with about 16 other county/area towns following similar protocols put into effect at or around the same date. Current uptick in COVID-19 (and variants) cases was emphasized and concern was expressed for lack of clarity on mask mandate enforcement. The Buckland BOH mask order can be viewed on the town website as an attachment to this meeting.

Agenda Items

Animal Control Bylaw, Restrictions at Cricket Field - Mr. Turner recapped the passing of the Animal Control Bylaw at Annual Town Meeting, the letter received from the president of Buckland youth baseball, and the concerns that have been addressed and discussed regarding the issue of dog feces on playing fields.

Board discussion began by addressing how this problem could be handled within the newly voted bylaw until it was pointed out by Mr. Del Castilho that the bylaw had not yet been returned/approved by the Attorney General. Thus, the current dog bylaw would be in effect until such time as approval from AG's office is received. Kyle Dragon read applicable language in existing bylaw. Mr. Del Castilho suggested the possibility of approaching the subject from the position of the fields in question being town owned property. Could banning dogs be done as owner of the property rather than reference to a dog/animal bylaw?

Because this agenda item only stipulated Cricket Field, rather than both that and the Recreation Area, it was determined to address at another meeting when the agenda will include both Cricket Field and the Rec Area. Also, the newly voted Animal Control Bylaw could be approved by the Attorney General in the meantime.

Personnel Updates

Police Chief Vacancy - Mr. Turner wrote to the Shelburne Select Board regarding the retirement of Chief Hicks and inquiring about Shelburne's interest in shared police service. Shelburne will address at their next meeting and respond to Mr. Turner.

Auxiliary Officer Appointment - Kurt Gilmore has requested the appointment of James Hicks as an auxiliary officer, who will also help with scheduling reserve officers for the many details now necessary, especially due to road construction projects. Ms. Blom, Town Clerk, inquired if she needed to swear him in as an auxiliary officer to which Ms. Butler responded that yes, she did. Mr. Phillips moved to appoint James Hicks as an auxiliary officer, seconded by Mr. Turner. Vote in favor of motion: Del Castilho, yes; Phillips, yes; Turner, yes.

Wastewater Treatment Staffing MOU - This had been discussed at the Sewer Commissioners' meeting. Ms. Butler stated that the DEP stipulates employees will work in compliance with state requirements, noting that activities such as lawn mowing are not collection duties. Board discussion followed on DEP vs town input regarding job description, and how to revise the description to comply. Also, discrepancy between Charlemont operating as Class 2 or Class 4 is to be resolved with the DEP.

Mr. Del Castilho questioned wording of direct "supervision", recalling that the word "guidance" had been decided upon. Ms. Butler is to make the change and send to Shelburne legal for review.

Highway Superintendent, Highway Laborer - Ms. Butler reported that highway superintendent applications received are better suited to a foreman position, and asked the Board if they wanted to proceed with a screening process or move straight to interviews; Board members agreed to move ahead with interviews. When asked the difference between foreman and superintendent, Ms. Butler replied that the primary distinction is that a foreman does not pay invoices, but would order supplies and maintain equipment. Board discussion followed on a foreman vs a superintendent to fill the position, and whether or not the former could be hired when the latter position was posted; Ms. Butler saw no legal issue. Mr. Del Castilho questioned whether or not persons who would have applied for a foreman position did not apply because the advertised opening was for a highway superintendent. He stated that the Board has the right to reject all applications and re-advertise/post the position.

Ms. Butler told Board members that the applications would be in their inboxes first thing in the morning (September 15, 2021). Mr. Turner inquired if the town has a foreman job description; could Ms. Butler please include it when she forwards applications.

FY23 Budget Calendar - Mr. Turner stated the unofficial beginning of FY23 will be on September 27 when the Finance Committee meets. Ms. Butler reported that the Finance Committee will use the same budget format they followed pre-pandemic, and want to adhere to a schedule which will align with Annual Town Meeting in May. Mr. Del Castilho stated that he would like to schedule a joint meeting of the Select Board and Finance Committee early on in the budget process. Mr. Turner agreed, referencing the

joint meeting that occurred last year. Ms. Butler reported that the Finance Committee would like Select Board liaison meetings with department heads as has occurred in the past; those meetings should be scheduled prior to Select Board and Finance Committee convening jointly. No vote was necessary for calendar; it is simply an informative document.

Committee Appointment(s): Local Cultural Council, Finance Committee - Ms. Blom explained that the Cultural Council can have up to nine members; currently there are only four. Further, Council members are limited to two consecutive terms and all four current members are in their second term. Chairperson Laura Cunningham provided a list of four persons involved in the arts community as recommendations, with the plan that the overlapping terms will be beneficial to the new members and the Council. The recommendations were: Brook Batteau of School Street, Brenda Parella of Cross Street, Arthur Samuelson of Ashfield Street, and Cynthia Fisher of Forgette Road. Mr. Del Castilho moved to appoint the four recommendations, seconded by Mr. Phillips. Vote in favor of the motion: Phillips, yes; De Castilho, yes; Turner, yes. Ms. Blom informed the Board that the Cultural Council is scheduled to meet the next day, September 15, so she advised the Council Chair that new members would have to be sworn in prior to meeting.

A Finance Committee member resigned due to moving to Shelburne, leaving the Committee with only four members. They are looking for someone to fill the vacancy. Mr. Turner advised Ms. Blom that if there are no Buckland applicants, they can look outside the Town of Buckland.

Documents to Sign

Single Precinct Authorization - Ms. Blom recapped for the Board the origin of the Single Precinct Authorization and related documents as a result of the 2020 Census. Following a brief Board discussion, Mr. Del Castilho moved to sign/approve documents, seconded by Mr. Phillips. Vote in favor of motion: Phillips, yes; Turner, yes; Del Castilho, yes. Motion approved unanimously. Document(s) can be viewed on the Town website as an attachment to this meeting.

Conway TIP Construction Services, Nitsch Engineering Contract - Ms. Butler explained that this is for onsite engineering services. DOT requires an engineer on site at all times during construction. Contract is for \$75,900. Document can be viewed on Town website as an attached to this meeting. Mr. Phillips moved to sign, seconded by Mr. Del Castilho. Vote in favor of motion: Phillips, yes; Del Castilho, yes; Turner, yes. Motion approved unanimously.

Minutes August 24 and August 31, 2021 - August 31, 2021 was not available. Mr. Phillips moved to approve/sign August 24, 2021 minutes, seconded by Mr. Del Castilho. Vote in favor of motion: Phillips, yes; Del Castilho, yes; Turner, yes.

McCusker PSA Conway Street - Ms. Butler gave an overview of the project stating it goes along with the Shared Streets Grant, and has been reviewed by town counsel. A

Phase 1 Brownfields Report came back rather ambiguous, neither confirming nor denying the presence of materials. Area is to be built up by adding fill so as not to disturb the soil. There will be bicycle racks and a bench at the site. No town vote was necessary because it is a park area and no appropriation was needed. The document mistakenly identifies "State Street" rather than the appropriate "Conway Street". Mr. Phillips moved to sign, with the stipulation that the street name be corrected to specify Conway Street; Mr. Del Castilho seconded. Vote in favor of the motion: Phillips, yes; Del Castilho, yes; Turner, yes. Document can be viewed on Town website as an attachment to this meeting.

Sidewalk Use Permit, Greenfield Church of Christ - After brief Board discussion regarding whether the tent used would allow sufficient room for pedestrian traffic, Mr. Turner suggested approval of the permit (Sept 17-21) with the caveat of allowing ample pedestrian traffic area of 36 inches. Mr. Del Castilho so moved, seconded by Mr. Phillips. Vote in favor of motion: Phillips, yes; Del Castilho, yes; Turner, yes. Motion approved unanimously.

FCSWMD Household Hazardous Waste Collection Day MOU - Mr. Phillips moved to sign, seconded by Mr. Del Castilho. Vote in favor of motion: Phillips, yes; Del Castilho, yes; Turner, yes.

Items Not Reasonably Anticipated by Chair 48 Hours in Advance of Meeting

MVP Grants - Ms. Butler screen shared a letter from Governor Baker's office announcing a grant through the Municipal Vulnerability Preparedness Program in the amount of \$100,117 for the project "Watershed-Based Assessment & Climate Resiliency Plan for Clesson Brook". This grant, coupled with monies from a water quality grant, will support a watershed study for Buckland, Ashfield, and Hawley to prioritize vulnerabilities of Clesson Brook due to climate change, as well as ways to improve resiliency. Project will be put out to bid, and FRCOG will work with Ms. Butler. Mr. Phillips moved for the Select Board Chair to sign, seconded by Mr. Del Castilho. Vote in favor of motion: Phillips, yes; Del Castilho, yes; Turner, yes.

Trash Removal on State Street - A complaint has been made regarding the trash barrels on State Street being too full and needing more frequent weekend emptying. Mr. Turner stated that the town has put forth a great effort in terms of money and labor to address the issue, only to have it resurface. Ms. Butler reported that the greatest problem is pizza boxes because of their size; they fill barrels quickly and do not fit well into the size receptacle openings now in place. Board discussion addressed various scenarios by which to solve the problem: looking for larger receptacles to replace current trash barrels; having trash removed more frequently; removing picnic tables in the alley next to Town Hall to discourage the disposal of pizza boxes; mandating business owners to remove trash on weekends; mandating building owners to remove trash on weekends; or instituting a commercial tax rate to help pay for removal costs. A partnership with the town, business and building owners was also offered as a possibility. Additionally, a discussion with Buckland Pizza was suggested.

Red Gate Farm Easement for Septic - Document for this is available on the Town website as an attachment for this meeting. Red Gate Farm did not have an area that would perc adequately to allow for the septic system they propose to install. If the area on the other side of Cemetery Road percs successfully, they will need an easement for a sewer force main to go under Cemetery Road. No decision or vote necessary at this point, just a heads up to Select Board to be aware of the issue. Will be put on a future agenda pending perc results.

Select Board Member Concerns - There were no Select Board member concerns expressed at this meeting.

Town Administrator's Report - The new Facilities Department opened this morning (Sept. 14) starting with a ceiling tile project upstairs in Town Hall. A storage area for Facilities is being created in the old pool house at the Buckland Rec.

Ms. Butler stated that she could give an overview of current road projects in town, but they are covered and updated on the Town website. If anyone seeks further detail, they can contact her at Town Hall.

Public Comment - Public comment was contributed by Marlyn Kelsey during several discussions throughout the meeting. Originally intended for the BOH who was not in attendance, Ms. Kelsey asked for an explanation/clarity on the differing prices for recipients of the COVID-19 vaccine. She commented on the presence of dogs on public playing fields regarding the unhealthy presence of feces and suggested perhaps it could also be addressed with the BOH. On the same subject, she inquired about allowing non-service/comfort dogs into town hall suggesting there should be continuity for dog regulations on public property. During discussion of the FY23 calendar, Ms. Kelsey pointed to a funding deficit and asked how it was to be reconciled. At this point in the meeting specifically for public comment, Ms. Kelsey wanted to raise awareness that since the Pre-K program which Buckland taxpayers are currently covering will likely be included in federal spending, will or should there be a payback for taxpayers.

Volunteer Recognition - The recent appreciation event for vaccination workers at the Rec pavilion was a reminder of the great service provided by all those involved. Another shout out was given in recognition of their outstanding contribution and spirit of volunteerism.

Announcements - Everyone was reminded of the September 28, 2021 Planning Board Hearing for the proposed changes to Buckland's Zoning Bylaws focusing on housing in the village. Attendance is encouraged.

Respectfully Submitted by Mary Bolduc, Boards' Clerk, September 5, 2021

Signed:

Zachary Turner



Barry Del Castillo



Clinton Phillips

