

**Buckland Select Board
Meeting Minutes
October 26, 2021 5:30 p.m.
Meeting Via Zoom**

Listing of Topics

Appointments

> 6:00 p.m.: Public Hearing: FY20 CDBG, Breezeway Farms Consultants

Agenda Items

> Temporary Order of Leash Restraint - Cricket Field

Documents to Sign

- > Curb Cut application, 118 Elm Street
- > Parade Permit application, Rag Shag Parade
- > Minutes Oct. 5, 2021 and Oct. 12, 2021

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

Select Board Members Zachary Turner, Barry Del Castilho, and Clinton Phillips; Town Administrator Heather Butler; James Sullivan, Falls Cable; Mary Bolduc, Boards Clerk; Linda Overing, Breezeway Farms Consulting; Paul Bernier; Raymond Lanza-Weil; Cindy Schwartz; Rafael Kelman; Dominic Poli; Doug Smith; Kate Conlon; Lynn S.; Lucy; Paul Timmons; Amanda Kingsley; Shen; Sonny Walters; Charlene Bernier; Terry Rutherford; Carmela Lanza-Weil; Kyle Dragon; Marilyn Kelsey; Tom Beech; Deborah Yaffee.

Meeting - Meeting was opened by Zachary Turner, Select Board Chair, at 5:34 p.m.

Appointments -

6:00 p.m. Public Hearing: FY20 CDBG, Breezeway Farm Consultants - Linda Overing of Breezeway Farm Consultants explained the subject of and reason for the hearing. A requirement of the FY20 GDBG grant is to solicit public input while the grant is still

open. The grant includes 1.) the infrastructure project improving the lower end of Ashfield Street, and 2.) the Food Pantry.

Ms. Overing explained the improvements as a result of the construction on lower Ashfield Street; replacing clay pipes, improving water supply; replacing sidewalk and retaining walls; new road pavement to be concluded in the spring.

The Food Pantry located at Cowell Gym was initially a choice pantry, but during COVID changed to a distribution model with pick ups at the rear of the gymnasium. Home deliveries were also made. Participants can again shop in person. Participation is down, but it was noted that there are other sources addressing food insecurity. Currently 63% of those using the Food Pantry are from Buckland.

There have been personnel changes; a new person with 20 years experience at the Hadley Food Pantry is coming on board effective November 1. Deborah Yaffee, former assistant for the Brown Bag Program, offered public comment in support of the new hire. Ms. Yaffee knows this person and reported them to be very capable.

Ms. Yaffee also commented on the new sidewalks as part of the lower Ashfield Street construction, stating that her understanding was they were supposed to be wider; they appear not to be. She questioned the placement of a hydrant in the middle of the sidewalk noting the inconvenience to wheelchairs. Ms. Overing will check with the engineer to seek answers to Ms. Yaffee's concerns.

Carmela Lanza-Weil suggested that for future detours a greater effort be made to post speeding warnings; she cited the increased traffic on residential streets due to re-routing of traffic.

Mr. Del Castilho expressed concern that it is often difficult to get public input on projects and wants it on the record that this project was successful.

Agenda Items -

Temporary Order of Leash Restraint, Cricket Field - The Dog Bylaw voted on at annual Town Meeting is now in effect allowing discussion on how to proceed with restricting dogs from Cricket Field and the Buckland Recreation area, particularly the ball fields.

Mr. Turner recapped the origin of the bylaw, complaints of dog waste on the ball fields used by the local youth baseball league, and the suggestion of a dog park at Cricket Field. ACO Kyle Dragon stated that a temporary leash law will not keep dogs off the fields. Mr. Del Castilho stated that the Board should move toward the original request to prohibit dogs on the fields in question.

A hearing to address the possibilities, temporary leash restraint vs prohibiting dogs on said fields, was discussed. Mr. Dragon stated that the bylaw only governs leash restraint, so the question will concern prohibiting dogs. Mr. Turner asked Ms. Butler to confer with town counsel; she confirmed the request of the Board to inquire if the bylaw

will allow prohibiting dogs on fields, going beyond the temporary leash law. Mr. Del Castilho suggested checking with Cindy Schwartz for her input on areas she would want included. In addition to the ball fields, Ms. Schwartz would like to also include the playground at the Buckland Recreation Area. She did not include the basketball court.

An effort is still being made to secure fencing for a dog park. Mr. Dragon reported that Amherst is working on a dog park and suggested that Buckland check to see who Amherst is using as a provider for their fencing.

Ms. Schwartz will draft guidelines specifying areas of concern at Cricket Field and Buckland Recreation Area.

Documents to sign -

Curb Cut application . 118 Elm Street - Stephen Brackett is requesting a curb cut to add a driveway to 118 Elm Street. Driveway will be compacted gravel, and request has been signed by Police and Fire Chiefs, and the Highway Department. Mr. Phillips moved to approve/sign seconded by Mr. Del Castilho. Vote in favor of the motion: Phillips, yes; Del Castilho, yes; Turner, yes.

Rag Shag Parade - Mr. Phillips moved to sign/approve the parade permit, seconded by Mr. Del Castilho. Vote in favor of the motion: Del Castilho, yes; Phillips, yes; Turner, yes.

Minutes Oct. 5, 2021 and Oct. 12, 2021 - Only October 12 minutes were available for review. Mr. Del Castilho moved to approve, seconded by Mr. Turner. Vote in favor of motion: Del Castilho, yes; Turner, yes. (Mr. Phillips did not attend the October 12, 2021 meeting).

Items Not Reasonably Anticipated by Chair 48 Hours in Advance of Meeting - Ms. Butler reported that the Blue Rock would like to close Depot Street while holding an event on Friday, October 29. They have permission to use the Trolley Museum parking lot but need a one day liquor license to serve in that location because it is outside their permitted zone. Ms. Butler stated that this would be analogous to the Floodwater permit to serve at their outside seating venue. Following Board discussion addressing the need for a detail officer, proper insurance, and a short meeting to confirm all requirements are met and signatures collected, members decided to meet briefly Friday at 5:00 p.m. Mr. Turner will deliver documents to Blue Rock directly following meeting.

Select Board Member Concerns - Mr. Del Castilho pointed out that when Mr. Turner called the meeting to order he announced that it was the Select Board Meeting of October 12, 2021; it should be noted and corrected to October 26, 2021. Ms. Butler assured that the agenda was correctly titled/dated. Mr. Del Castilho also expressed concerns about the Board's ability to appropriately address citizen concerns as stated in Mr. Turner's opening remark/apology. He stated that the matter could not be debated in open session, and questioned whether the topic should be the subject of an Executive Session or discussed between the Chair and town counsel.

Town Administrator's Report - There was no Town Administrator's report.

Public Comment - Mr. Turner initiated the Public Comment portion of the meeting by acknowledging that there would be public comment concerning a recently published article in the Greenfield Recorder. He explained how, according to public meeting law, this matter would be handled. The Board would not be able to comment but would listen to and take seriously all public comment, take it under advisement, and decide with the advice of town counsel how to proceed. Further, he personally apologized for his quote in the newspaper article and emphasized it did not reflect the views of the other Board members. Public participation was as follows:

Terry Rutherford, a Shelburne resident stated she is survivor of sexual assault and found Mr. Turner's comment in the Recorder article to reflect an attitude that women do not matter, their safety does not matter. She further stated that the inaction of the Board/ administration creates a culture of predatory behavior. Ms. Rutherford questioned the lack of communication concerning the allegations against former Chief Hicks and other matters within the police department. She questioned the change of meeting format from in person to Zoom, and told the Board they need to do better.

Doug Smith, unrelated to discussion on former Police Chief, stated he had approached both the Select Board and Board of Health about a non-compliance warning he had received relative to masking. He asked how to appeal this warning.

Raymond Lanza-Weil stated he had questions that he knew could not be answered, but put them forth. Why wasn't the Chief suspended? What is town policy? Chief should have been put on desk duty at very least. Select Board should ensure the safety of all citizens.

Shen (no last name given) stated she has worked for several organizations and could not believe that the Chief was not suspended and was allowed to continue to work.

Carmela Lanza-Weil echoed all comments made thus far, and stated that the #MeToo movement has brought assault of women by men in power to the forefront. She emphasized her dismay over the issue and stated that the Select Board 1.) Should apologize to the citizens, and 2.) have protocols in place for administrative duty or desk duty.

Sonny Walters questioned the lack of communication with citizens, citing another incident two years ago that was never publicized. She further stated that the Town should communicate thoroughly and completely with residents.

Terry Rutherford asked why, during employee evaluation, could the former Chief submit a self evaluation. She noted there was a gap of 5 days between his retirement and rehire as an auxiliary officer, and inquired if a CORI check was conducted. She further stated that she did not trust his judgment.

Paul Bernier stated he would shelve his masking comments, and expressed his disappointment for the switch from an in person meeting to a Zoom format. Mr. Turner answered that the Board felt they may not be able to admit in person all who wanted to attend and still follow COVID guidelines. Mr. Bernier asked if masking could be put on the next agenda.

Rafael Kelman reported that while he lives in Charlemont, he conducts business in town and has a child at Mohawk Trail Regional School. He stated that concrete action should be taken and that everyone, all demographics, should be/feel safe.

Marilyn Kelsey asked the name Buckland town counsel, asked why they did not offer better advice, and felt they "dropped the ball." Mr. Turner gave Ms. Kelsey the name of the law firm providing town counsel.

Mr. Turner thanked everyone for their input, and assured them their concerns were heard.

Volunteer Recognition - The Shelburne Falls Fraternal Order of Eagles, organizers of the Rag Shag Parade, were recognized for their years of service making this festive Halloween event possible.

Announcements - There will be a drive-through paper shredding event on Saturday, October 30, 2021, from 9:00 a.m. until 12:00 noon in the Mohawk parking lot. With no further business to conduct, Mr. Del Castilho moved to adjourn, seconded by Mr. Phillips. Vote in favor of motion: Del Castilho, yes; Phillips, yes; Turner, yes. Meeting adjourned at 6:41 p.m.

Respectfully Submitted by Mary Bolduc, Boards' Clerk, November 9, 2021

Signed

Zachary Turner



Barry Del Castilho



Clinton Phillips

