Town of West Brookfield-Board of Selectmen
Minutes of Meeting - Regular Session – July 31, 2012

LOCATION: Town Hall – Lower Level Conference Meeting Room TIME: 5:00PM
PRESENT: Mike Frew, Mark Long, Barry Nadon Jr. – Selectmen, Johanna Barry – Executive Secretary, members of the press and cable t.v.

Call To Order: 5:17PM - The meeting was called to order by Mike at 5:17pm

5:18 PM Executive Session – Police Chief:
At the request of the Police Chief, Mark motioned to go into Executive Session under #5 to investigate charges of criminal misconduct or to consider the filing of criminal complaints. The Board will reconvene into open session directly thereafter.
Second Barry. The Board voted Mark – yes, Barry – yes and Mike – yes.

The Board reconvened into open session at 5:29 PM.

Chairman Frew asked Fire Chief Paul Lupacchino if he wished to go into Executive Session to discuss the complaints from Ye Olde Tavern, Heritage Trail Apartments & Fran Knapik – Brookhaven RH Project Manager. The Fire Chief stated “No.”

Chairman Frew stated that he would take complaints one at a time beginning with Ye Olde Tavern.

Ye Olde Tavern:
Roger & Cindy Larson were present for Ye Olde Tavern (Tavern). Cindy stated that she has been corresponding with individual members of the Board of Selectmen. She feels as though she is being harassed by the Fire Chief. Cindy stated that the Fire Chief had berated her on Thanksgiving Eve. She stated that the Chief told her that “If she was his friend he would help her and if she wasn’t, he would not help her.” Cindy stated that the Fire Chief told her he did not have to make an appointment to view her facility. She stated that the Fire Marshall found six (6) issues during his inspection. Shortly thereafter the Fire Chief issued a Sprinkler Order, which has since been appealed by the Ye Olde Tavern. She stated that when her and her husband agreed to install the 911 system suggested by the Fire Chief he wanted more and would not agree. Cindy stated that she is looking forward to going before the Sprinkler Board to state her case.

Kevin Dorman (Former Owner) stated that the Town had signed off five (5) years ago. He stated that Fire Chief Batchelor thought of the Tavern as a restaurant, therefore he did not require sprinklers. Kevin stated that he resented the Fire Chief stating that the Tavern was not up to code during the sale to the Larsons.

Fire Chief Lupacchino stated that if he caused anyone any undo stress he apologizes, as that was never his intent. He stated that the Tavern is still under order to install sprinklers. He stated that the Larson’s lawyer had asked to have all contact go through him, rather than the Larsons. He stated that he spoke with Fire Services and Counsel regarding the 2005 Fire Act. He stated that the Tavern had a 527 Inspection performed and not a full inspection during the sale of the business. He stated that he had encouraged the Larsons to file an appeal if they were aggrieved with his Order. He stated that the Larson’s attorney had extended the Hearing – not him. He stated that he agreed to extend the Hearing, as the Larsons attorney was unable to attend. The Larsons attorney stated to me that the Sprinkler Order appeared to be valid and that he would rather not have to go through the appeals process. The Chief stated that he was trying to work out a three (3) year extension to install the sprinkler system with the Larson’s attorney. It was agreed that a Fire Alarm Smoke Detection & Notification System could be installed rather than paying for Fire Standby, until a sprinkler system could be installed. This would provide monitoring by an outside company. Crowd Management requirements did not appear to be being met. The Chief stated that the Tavern is certified, but the business is not always abiding by the Crowd Management rules/regs. The Tavern would be required to have permits for any festivities while they were waiting to install the sprinklers. The Fire Department is willing to waive any fees. Crowd Control would be required.

Kevin Dorman stated that on August 1, 2007 when the sale went through the Fire Chief, Tim Batchelor and Deputy Chief, Bob Benson felt as though this was a restaurant and not a bar.

Fire Chief Lupacchino explained 527 Fire Regulations and Co-Compliance Inspections to the Board.

Cindy Larson stated that she is performing Crowd Management for events over 100 people. She stated that she was still waiting for information from the Fire Chief with regards to her Sprinkler Order. Cindy & Roger stated that 79% of their business is food, 20 is alcohol and 4% is entertainment.

The Fire Chief stated that he deals directly with the Larsons attorney that is why they have not heard from him directly.
Brookhaven Rest Home:
Fran Knapik, Project Manager for the addition at Brookhaven Rest Home, stated that he did not know why he was before the Board. He stated that he had emailed Kevin Paquette privately and did not know that Kevin was going to make his email public. He stated that he needed to make a correction. In his email he stated that Nancy had been pressured to create a scholarship for the Rescue. He stated that Nancy offered the scholarship and was never pressured by Paul. He stated that when Paul came with the State Fire Marshall’s representative it was “..a minutia”. Twenty three (23) violations. It was tedious. The Home lost over $100,000 in revenue. There were delays. It could have gone a lot smoother. He stated that the Fire Chief has usurped into where he needs to save the world. He stated that the Fire Chief had referenced the Tavern, Gerry Martin and Doug Aspinall stating “I’ll get them next.” Fran stated that it was the most unpleasant dealing with a town official he has ever had in his many years of service.

Nancy Bessardi stated that she has never felt intimidated by the Fire Chief. He has a strong personality. The Fire Chief has a tremendous responsibility. He would quote a lot of codes. The Chief kept stating that he was trying to help me. The Chief is all about codes. My sprinkler guy – Joe Augusto – is very reputable and was totally frustrated. She stated that she respects the Chief and his position. She stated that Fran was a former Selectman. She felt that there was frustration with the size and scope of the project, with all of the required codes etc. She believes that the Chief wants top notch safety in West Brookfield. She stated that she did not ever believe that there would be reciprocity.

Fire Chief Lupacchino stated that if he caused anyone any undo stress he apologizes, as that was never his intent. The Chief stated that this was a large project. Nancy tried to be the General Contractor. The Chief stated that he had received a call from the Building Inspector looking to issue a Building Permit and questioning the fact that he had not seen engineered (stamped) plans. The Chief stated that he asked the Building Inspector to issue the Permit, as not to hold up the project, as he felt that Nancy would “do the right thing.” Two sets of plans were submitted to the Department of Fire Services. Plans were sent back from the Department of Fire Services with violations that needed to be corrected. The Chief stated that he met with Nancy to explain the corrections that needed to be addressed. Glycol Systems were moving to become ban around this time. I advised the client, Brookhaven RH. Nancy was adamant about the safety of her residents. I educated her on her options. I do not make up these rules, I just enforce them. The Department of Fire Services told the Chief that the Alarm plans submitted were the worst set of plans they had ever seen. The installer apparently was not certified to install the system. The Chief told Nancy that an electrician and licensed architect would need to sign off on the plans. The architect (certified in alarm design) would not sign off on the plans. Nancy installed a state of the art system. Nancy fired the company and moved to a different installer, and then everything went along fine. He stated that he was neither rude nor unprofessional. He never made a visit without a purpose. He met with the Department of Fire Services at the half way point on the MA Turnpike one time to try to expedite this project.

The Selectmen asked the Fire Chief in what context did he reference the Tavern, Gerry Martin and Doug Aspinall. The Chief stated that Fran had asked about a newspaper article regarding 1 East Main Street. The Chief stated to Fran that he would be following up on the Sprinkler Orders issued to 1 East Main Street as well as the Tavern. He stated that they had a conversation about Fire Chief Wrobel making Gerry Martin install sprinklers under what was then a new 7500 sq ft regulation.

Nancy originally wanted to use Houston Security; however they stated that it was difficult to work in West Brookfield. I do not hire fly by night companies. I did make a bad choice when I was unable to use Houston, but in the end I ended up with Berthiaume Electric, who a very reputable.

Fran stated that he acted as the General Contractor. He admitted that he had a learning curve. He stated that he and Nancy had been a couple for about 18 years and that he had her best interest in mind. He stated that he had no pre-installment complaints. He felt that the Fire Chief did “some leading” that should not have been done. He stated that his was the biggest sprinkler system he had ever done, which is why he had a learning curve. He stated that one of the installers did in fact have the appropriate licensing. In the end, good results were received and Nancy has a state of the art facility.

The Chief stated that Fran & Nancy have both been very cooperative. He further stated that Glycol is about two (2) weeks away from being ban by the Department of Fire Services, so the advice he gave to Nancy was sound.

Heritage Trail Apartments:
Kevin Paquette stated that he felt that the Fire Chief was rude to his tenants. The Chief was unprofessional and used profanities with his basement tenant. Kevin stated that he felt misled by the Fire Chief. He stated that his hard wire systems may have been out of date. Kevin stated that his maintenance man (Fran Shonio) and Officer Harold Parker both were on site at a recent alarm call. According to Kevin, both stated that the Fire Chief was on site, was agitated and was going to get me for the illegal apartments. He stated that the Fire Chief threatened to bring in the Fire Marshall. He stated that his maintenance man had informed him that the Fire Chief was soliciting letters of support from his tenants.

Jason Paquette (brother) asked why the Fire Chief had not performed inspectors during prior sales/transfers of the property. He further stated that many tenants had passed through the basement apartment.
Francis Shonio (Maintenance) stated that he could not confirm or deny the foul language. “It’s all hearsay.” He stated that the Fire Chief did say the Kevin could get into a lot of trouble over the illegal apartment in the basement. He further stated that the Fire Chief was at no time unprofessional during his interactions.

Fire Chief Lupacchino stated that if he caused anyone any undo stress he apologizes, as that was never his intent. The Chief stated that he was called by Kevin Paquette for a Certificate of Compliance due to the sale of the apartments from Darren Paquette to Kevin. 148 26(c) states that six (6) or more apartments must have heat/smoke detection systems. Buildings #2 and #3 were in question. Building #2 had a basement apartment that would stay occupied. Building #3 would not host basement apartments and was being disassembled. The Fire Chief stated that he observed a door with a padlock in the basement. According to the Chief, Kevin stated that it was storage for his nephew. If the basement were to remain unoccupied, pole stations would not be required. He finished his inspection and stated that Kevin had done a nice job cleaning the hallways. The Chief stated that he left the inspection with a good impression. Some time later the Chief attended a medical call in Building #3. He noticed that there was a decorative wreath and mat near the storage door in the basement. He contacted the Building Inspector to see if Kevin had pulled a permit to install an apartment. The Building Inspector stated that he did not have a permit on file for a new apartment. The Chief stated that he informed the Building Inspector that it appeared that a larger window had been installed with rod iron rails. (an egress window) The Chief stated that if the basement had an apartment, pole stations would be required. Any structure with six or more apartments requires pole stations. According to the Chief, tenants submitted letters on their own stating the Chief was professional. The Chief stated that he does not threaten to “sick the Fire Marshall” on people, he simply states that he uses the Fire Marshall’s personnel for second opinions when enforcing questionable codes.

The Board read two (2) legal opinions into the record by Atty. Barbara Saint Andre regarding codes.

The Board also read letters of support for the Fire Chief from Colleen Mucha, WBES Principal, Officer Edwin Ward, Lisa Remiszewski, Mike Barrett – Northeast Pizza, Peter Gogos – P&S Pizza, Alice O’Connor and Dan Haagensen – DFS.

The Board agreed to close the Hearing.

Mark motioned to accept Sarah Allen’s resignation from the Common Committee. Second Barry. The Board voted unanimously.

Barry motioned to adjourn at 7:04pm. Second Mark. The Board voted unanimously.

Respectfully submitted,

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Chairman     Vice Chairman    Clerk