Town of West Brookfield-Board of Selectmen
Minutes of Meeting - Regular Session – October 30, 2012

LOCATION: Lower Level Conference Meeting Room – Town Hall  TIME: 6:15PM
PRESENT:  Mike Frew, Mark Long, Barry J. Nadon, Jr. – Selectmen, Johanna Barry – Exec Sec and members of the press.

Call To Order: 6:15PM - The meeting was called to order by Mike at 6:15pm

The Board executed the Payroll & Expense Warrants.

Accept Minutes:
Mark motioned to accept the minutes of October 2, 2012 (Regular Session), as submitted.  Second Barry.  The Board voted unanimously.

Mark motioned to accept the minutes of October 16, 2012 (Regular Session), as submitted.  Second Barry.  The Board voted unanimously.

Mark motioned to accept the minutes of October 16, 2012 (Executive Session), as submitted.  Second Barry.  The Board voted unanimously.

Zoning Board of Appeals – Minutes:
(David Broschart and Joan Veinot – ZBA members, Sarah Allen – Town Clerk and Joy Turturro – resident were present.) Ms. Turturro stated that she had requested Minutes from the Zoning Board of Appeals and had to wait approximately three (3) months before receiving Minutes that in her opinion were inaccurate and discriminatory towards her. Ms. Turturro stated that she originally went to the Town Clerk’s office to obtain copies of ZBA Minutes for 2010, 2011 & 2012 but was told by an Assistant Clerk that the Minutes were missing (not in the book in the Clerk’s Office) and later was instructed by the Town Clerk via an email to go to the board of origin; being the ZBA. Ms. Turturro stated that she contacted the ZBA and was told to go to the custodian of records, which is the Town Clerk. Ms. Turturro further stated that she paid for a copy of an audio CD of the July 10, 2012 ZBA Hearing. She stated that the tape terminated prior to the end of the meeting; however the Minutes covered the entire meeting. She questioned who created the Minutes, since Ms. Veinot had excused herself due to a “bias issue”. Mr. Broschart stated that the tape did indeed run out and that the balance of the meeting Minutes was created based off notes and memory of the members present. He further stated that the recording is just used as a tool by the Board and is not kept as a permanent record of their meetings. Mr. Broschart stated that there was confusion with the Minutes and that some of the Minutes had to be reproduced from notes. Veinot stated that she could not find the Minutes she was working on in her home office, as it was “a mess”, and therefore Minutes had to be reproduced from notes previously taken. Ms. Turturro stated that she believed some of the ZBA Minutes were missing, based on the postings by the ZBA. Mr. Broschart stated that the ZBA did not always hold monthly meetings. Ms. Turturro asked about the month of September 2012. She stated that the Town Clerk had a posting but that no Minutes were available. Ms. Allen stated that cancellations are not always reported to the Clerk’s Office. Ms. Turturro asked about the approval of the Special Permit for Ragged Hill Orchard. The Minutes state that this was approved in August 2012? Ms. Turturro stated that she believed that no decisions were made in August and that the ZBA made a decision sometime in September. Barry stated that he was present at the initial meeting which did not render a decision for Ragged Hill. Barry stated that several individuals spoke out against the solar farm and that no decisions were made. Ms. Turturro stated that she is just trying to get a true and accurate account of the meetings through the Boards Minutes. Mr. Broschart stated that he believes that the ZBA Minutes are accurate. He further stated that the ZBA has a protocol in place for futures meetings whereby all Minutes will be turned into the Town Clerk’s Office. Ms. Turturro asked why Ms. Veinot had excused herself from the meeting on July 10, 2012? Ms. Veinot did not reply. Ms. Turturro stated that she found it unsettling that the Minutes from 2010, 2011 & 2012 were missing from the Town Clerk’s office and then they suddenly reappeared. Ms. Turturro read the following excerpt from an email written to her from David Brochart dated 9 July 2012 stating that it was “Not clear why meeting minutes are not available. Have requested that Ms Veinot work with the Town Hall to attempt to restore records from any information she would have. Thank you for bringing this to our attention…."Mr. Broschart stated that the Zoning Board of Appeals is unapologetic for the way they conducted themselves. They believe that the Minutes on record are accurate and that they have provided Ms. Turturro with all of the Minutes she had requested. Ms. Turturro stated that she is just looking for clear and transparent records of each of the ZBA’s meetings. She is disheartened by the long wait for records which appear to be altered and biased. The Selectmen took no action.

Richard Clapham – Request for Audible Alarm:
Richard Clapham asked the Board to consider installing audible alarms on the crosswalks located on Route 9/Central/Cottage Streets. He stated that he has trouble crossing the street in his wheelchair and that the “chirping” would help him immensely, as he has trouble seeing the walk lights. The Board agreed to follow up with the Highway Superintendent to obtain pricing and possible grants. Mr. Clapham stated that the City of Worcester has been installing audible alarms and may have information.
Appointments/Resignations:
Mark motioned to accept Edwin Ward’s resignation from the Computer Technology Committee. Second Mark. The Board voted unanimously.

Barry motioned to appoint Eric Von Bleicken to the Music Committee. Second Mark. The Board voted unanimously.

Upon recommendation by the Police Chief, Mark voted to appoint Alan R. Jeskey, Sturbridge, as a Constable. Second Barry. The Board voted unanimously.

White Christmas Announcement:
Charlotte Boos, Chair of the White Christmas Committee, wrote the Board to announce that White Christmas will be held on Sunday, December 2, 2012 from 11:30am to 8:00pm. Barry motioned to support December 2, 2012 as the date for White Christmas. Second Mark. The Board voted unanimously.

2013 Special Use Permit:
Barry motioned to approve a Special Permit for the Last Cast Anglers for August 17, 2013, as submitted. Second Mark. The Board voted unanimously.

Swain/Barry – Request to Use Great Hall & One Day Liquor License:
Barry motioned to allow S. Patrick Swain and Johanna Barry use of the Great Hall on Friday, 21 December 2012 in conjunction with a one day liquor license. Second Mark. The Board voted unanimously.

James Faust – Public Safety Issue:
Dr. Faust told the Board that he had recently read in the Telegram & Gazette troubling information about the Town’s Fire Chief. He stated that he did not like the accusations. He stated that Chief Lupacchino has 32 years of experience and it bothered him that Chief Lupacchino’s reputation was under attack. He stated that fire safety should be taken very seriously. He stated that he was surprised by what was written in the newspaper because he felt that the Chief had a stellar reputation. He asked the Board if there had been any follow up to what had been written in the newspaper. Barry stated that he was not picking on anyone and referenced Dr. Faust’s previous correspondence stating that Barry had a vendetta against a former Highway Superintendent. Barry stated that he had met with the Fire Chief for over two hours and that he had facilitated a platform for the Chief to face his accusers; as that it what the Fire Chief requested of Selectman Nadon. Dr. Faust asked why two (2) complaint letters were read at open Selectmen’s meetings. Barry stated that the Board did address two (2) letters but that he believed there really were no founded complaints. Dr. Faust stated that there should be something written in the newspaper to clear the Fire Chiefs reputation. Mike stated that “I have the utmost of respect for you. I am taking this very seriously. I do not believe that you have all of the facts.” Mike went on to state that he had met with personnel from the Department of Fire Services. He stated that he was told that the individual who had been accompanying the Fire Chief on inspections, in fact designs systems, and should not be conducting inspections with the Chief. Mike further stated that he had spoken with many individuals about the complaints lodged against the Chief. Dr. Faust stated that it appeared that the nasty complaint letters were written by those who were not in compliance with the fire codes. Dr. Faust wanted to know the status of those businesses who complained about the Chief. Mike stated that Ye Olde Tavern has filed an appeal with the Appeals Board. 1 East Main Street’s Appeal was denied and Brookhaven Rest Home simply complied with the Chiefs recommendations/orders. Mike stated that he would like to see the Chief received mentoring. Assistant Chief, Dan Santos stated that codes are codes and the Chief is just trying to enforce them. Barry stated that the Fire Chief was following legal counsel’s advice. Dr. Faust asked if Brookhaven or Paquette’s were in the right, or wrong? “It’s a persons reputation.” Dr. Faust stated that the doors were opened by the Board of Selectmen and that they should be managing this issue. He stated that he felt as though the Chief’s reputation was “hanging out there”. He stated that the Board should reinstate the Chiefs reputation if he is found not at fault. Mark stated that he disagreed with Dr. Faust on the process. He further stated that he had talked to many Fire Marshals who have commended the Board on their process. Lt. David Tebo stated that his Chief is protecting the Town, its citizens and the fire department. The Chief has been an outstanding mentor to the department. This all started because of three or four complaints from individuals with code violations. The Chief was supposed to be appointed last June. It’s costing money to go to legal counsel. Our department is 100% behind our Chief. Our Chief doesn’t write the laws, he just enforces them. He is obligated to act. You are causing turmoil with the fire department’s morale. Please address this situation immediately. Please know that we are upset and frustrated, but we are also united and stand behind our Chief. Joe Spadea, 121 Foster Hill Road, stated that he has lived in Town for over 27 years. He stated that he believes that the Chief is an outstanding individual in the community. He asked the Board to please look into your hearts and clear him if you can. Carol Santos stated that this in not about anyone’s personal issues. She reminded the Board that they are elected to represent the best interests of the Town. Mike noted that he had questioned the Chief mileage on his town vehicle when he was a new Selectman. He also stated that he has been victimized and has been shouted at by citizens riding by in their cars. Jesse Merriam asked if the Board was going to make the right decision? Mike stated that the Board would make the right decision for the Town. Robin Tebo stated that this situation is causing stress for all of the fire families. Carol Santos noted that if individuals have code violations the Board has to back those enforcing the codes. Assistant Fire Chief, Dan Santos stated that if someone has a code violation they should get written up; and then they have the right to Appeal. Lynn Lupacchino asked if the Chief was at fault? What did he do wrong? Mike stated that 1 East Main Street was denied an Appeal on the tardiness of their Appeal. Doug
Aspinall, owner 1 East Main Street, stated that he had filed a motion to reconsider the Appeal. Mike stated that the Board is looking into things. Lynn Lupacchino stated that “You’re doing a great job.” Present fire members left the conference room. Lt. David Tebo apologized for the department’s behavior and stated that this whole thing needs to be kept professional. Mike stated “I get yelled at.” Mark stated that this is the first time individuals have come forward in favor of the Chief. Carol Santos asked if the Board was considering not appointing the Fire Chief? Mark stated “Yes, maybe.” He further stated that he had talked to the Fire Marshalls, dispatchers and others. Lt. David Tebo stated that the Fire Chief was blind sided by the reading of the complaint letters. Joy Turturro stated that it appeared that this situation was causing turmoil and stress and that she believed Chief Lupacchino to be “a good man”. She further stated that he needs his name cleared and that time appears to be of the essence. Joy Turturro’s husband stated that the Chief had not been hired to be a people pleaser. There is a process that has to be followed. There has to be a decent way to handle this situation without smearing the Chief’s name. The disruption of the department’s harmony is very troubling.

Barry motioned to accept a 1986 (2,000) gal all wheel drive Tanker Pumper from the DCR and Military Excess Property for use by the Fire Department. Second Mark. The Board voted unanimously.

Barry motioned to go into Executive Session. Second Mark. The Board voted Barry – yes, Mark – yes and Mike – yes.

Respectfully submitted,

Chairman _____________________    Vice Chairman _____________________   Clerk _____________________