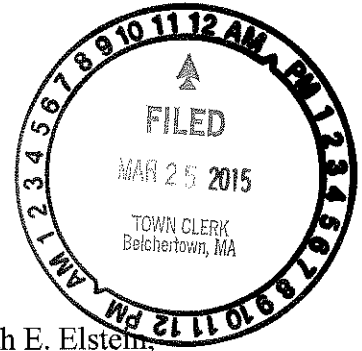


**TOWN OF BELCHERTOWN  
BOARD OF SELECTMEN'S MEETING MINUTES  
MONDAY, FEBRUARY 23, 2015  
Selectmen's Meeting Room, Lawrence Memorial Hall**



**Present:** Brenda Q. Aldrich, Ronald E. Aponte, George D. Archible, Kenneth E. Elstein, William R. Barnett

- 1) **Call to Order:** Chairman Aldrich called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.
  
- 2) **Sign Documents:**
  - a) Warrant #1534 was signed for \$1,743,725.15.
  - b) Routine documents
  - c) Approval of Minutes: Mr. Barnett moved the Board accept the minutes of September 17, 2014 as amended. Seconded by Mr. Archible. Motion passes 3 – yes, 2 – abstain (Aponte, Elstein). Mr. Elstein moved the Board accept the minutes of November 20, 2014. Seconded by Mr. Aponte. Motion passes 4 – yes, 1- abstain (Barnett). Mr. Elstein moved the Board accept the minutes of December 1, 2014. Seconded by Mr. Aponte. Motion passes 4 – yes, 1 – abstain (Barnett). Mr. Elstein moved the Board accept the minutes of January 12, 2015. Seconded by Mr. Aponte. Motion passes 4 – yes, 1 – abstain (Barnett). Mr. Elstein moved the Board accept the minutes of January 26, 2015. Seconded by Mr. Aponte. Motion passes 4 – yes, 1 – abstain (Archible). Mr. Aponte moved the Board accept the executive session minutes of November 24, 2014. Seconded by Mr. Archible. Motion passes 4 – yes, 1 – abstain (Elstein).
  
- 3) **Additions to the Agenda:**
  - Steve Williams, Director of Public Works: Mr. Archible presented the details. The Department of Public Works is pursuing a grant through the MassDOER's Green Communities Program. The grant allows the Town to compete for funding for special projects as one of seven cities/towns that have met the 20% energy reduction criteria. The grant would provide funding for new storm windows for the Finnerty House, new storm winds for the Recreation Building and Freedom Center. Also a new petroventd fuel operating key/card management system and software program. The total Green Communities grant is almost \$40,000.00.

Mr. Archible moved the Board approve the grant projects and that the Town Administrator be designated authorized signatory for this grant request. Seconded by Mr. Elstein. Motion passes 5 – 0.
  
- 4) **Appearances Before the Board:**
  - 7:35 p.m. Housing Authority – Joint Meeting to Interview/Appoint Member: Mr. Elstein indicated this is to fill the vacancy left by the resignation of Martina Robinson from tonight through the May 2015 election. He stated it doesn't feel

like much being it's only for three months but the reality is the position needs to be filled to allow meetings with a quorum and to attend to their business functions. George Dion from the Housing Authority was present. He stated that they do not have a quorum for this meeting as they have had another resignation. Colleen Toothill-Berte, Town Clerk, confirmed that it would be okay for the two remaining Housing Authority members to meet.

The Housing Authority Director was also present for this meeting but has no vote in the process. George Dion, Chairman of the Housing Authority Committee was present and informed the Board of Selectmen that the seat vacated by Martina Robinson needs to be filled so that they Committee has a quorum and is able to conduct their business. He indicated that Ken Dorey has applied for this position.

Mr. Dorey owned a business that his father started back in 1954. He retired from it in 1998 due to health reason, he has belonged to several clubs in Town and he has the desire to help out the Housing Authority.

Ms. Aldrich noted that he is an Eagle Scout and feels this says a lot about his wanting to help out. She asked the Board members if there were any questions.

Mr. Archible stated he had none and that he knows Ken very well and moves the Board appoint Ken to the position of the vacancy of Martina Robinson to the next election. Mr. Aponte seconded the motion. He also had a comment. He worked for several years on the EDIC with Mr. Dorey and if he brings the same skill, passion and determination that he brought to the EDIC to the Housing Authority they will be in good shape. He feels Ken will be a valuable addition to the Housing Authority. Mr. Elstein stated that this is a very important Board because it affects the lives of the people who live within the apartments there. Like so many of our Boards it's a thankless but it's a very important function. Mr. Barnett stated he can't think of a better person for the job. Housing members also voted. Motion passes 7 – 0.

**5) Discussion/Action Items:**

- a. Vote to Authorize Two Housing Authority Seats (Resident Member and 3-Year Term) on Election Ballot: Mr. Aponte indicated that these are two vacant seats one of which will be discussed later in the meeting. Both seats will need to be placed on the upcoming May election ballot.

Mr. Elstein moved the vacancy on the Housing Authority created by the resignation of Martina Robinson be placed on the ballot for the 2015 Annual Town Election for the remainder of the unexpired term to expire May 2016. Seconded by Mr. Aponte. Motion passes 5 – 0.

- b. Acknowledge Recreation Department Employee's Retirement Notice: Mr. Aponte presented the details. Deb Dorval, a long time employee at the Recreation Department announced her retirement effective April 1, 2015. She will be sorely

missed at the Recreation Department. Mr. Aponte requested the Town Administrator to send a letter of appreciation to Ms. Dorval.

Mr. Aponte mentioned that this will not be a one-to-one replacement as the Recreation Director will do a little re-organizing. Gary Brougham, Town Administrator stated that the Director has done some amendments to the job description and will be putting greater reliance on two other employees. The changes were approved by the Personnel Board last Thursday.

- c. Vote Snow Emergency – Snow and Ice Removal Budget: Mr. Archible presented the details. The Town Accountant has advised we are approximately \$35,000 in deficit with the snow budget and expects the number to increase considerably once the contractors submit their invoices. Mr. Archible is willing to say its about \$75,000 and not \$35,000. He stated if it's under \$100,000 he will be happy.

Mr. Barnett stated that the Board only needs to declare a snow emergency. Mr. Aponte explained there is so much in the budget that was appropriated back at the last town meeting and technically by law if the bills go above and beyond that the town accountant doesn't have the ability to pay for that because its outside the budget; however, he believes that with the snow removal account if the Board declares a snow removal emergency that now gives her the ability to be able to write checks above and beyond the budget. Ms. Aldrich feels it was good that the Board had the foresight to add a little extra money to the snow removal budget.

Mr. Archible moved the Board declare a snow emergency so we can get these funds rolling. Seconded by Mr. Barnett. Motion passes 5 – 0. Ms. Aldrich acknowledged what a fabulous job the highway department has done clearing the streets.

- d. Award Bid #2015-01 – Sale of Town Owned Equipment: Mr. Archible presented the details. Per the recommendation of Steve Williams, Director of Public Works Mr. Archible moved the bids be awarded as follows:
- Husqvarna Tractor/Mower: Walter Bosworth of 15 Sargent Street, bid amount of \$55.00
  - 1987 Chevrolet D30 Pickup: James Hodgen, 40 Sargent Street, bid amount of \$1500.00
  - 1987 Ford E350 Van: James Hodgen, 40 Sargent Street, bid amount \$300.

Seconded by Mr. Aponte. Motion passes 5 – 0.

- e. Review and Update Policy: Closing Hours and Holiday Regulations for Establishments Licensed for the Sale of Alcoholic Beverages: Mr. Elstein presented the details. The legislators changed the rules on when alcohol can be sold on Sundays. Instead of package stores opening at noon on Sundays they can no open at 10:00 am if they choose to. That being said there is a set of rules that were last revised in January of 1996.

Mr. Elstein feels the Board should amend the regulations for Belchertown to reflect what package stores are allowed to do. He moved that in our regulations for establishments licensed for the sale alcoholic beverages we amend 5B to "Package Goods" stores shall not sell or deliver alcoholic beverages before 10:00 a.m. Seconded by Mr. Aponte. Motion passes 5 – 0.

- f. Endorse Audit Engagement Letter: Mr. Barnett presented the details. Once a year the Town is required to have someone come in and perform an audit and to determine that we are not in violation of the law. The Town has been using Scanlon & Associates for many years and they have an excellent reputation. Scanlon & Associates is asking that they be allowed to perform the Town's audit again this year.

Mr. Barnett moved the Board appoint Scanlon & Associates to do our audit ending fiscal year 2014. Seconded by Mr. Elstein. Motion passes 5 – 0.

- g. Set Special and Annual Town Meeting; Set Deadlines for Submission of Warrant Articles: Mr. Barnett presented the information to the Selectmen for setting the deadline for the submission of Warrant Articles for the Special Town Meeting and the deadline for the submission of Warrant Articles for the Annual Town Meeting. Mr. Barnett pointed out that by Massachusetts law in the Special Town meeting if 100 people sign a citizens petition whether the Board of Selectmen want it on the meeting or not it has to be placed there as long as its in time for printing and for the Annual Town meeting its 10 people for a citizens petition.

Mr. Barnett moved the Board set the date of the Special Town Meeting for May 11, 2015 @ 7:00 p.m. at Belchertown High School with the deadline to submit Warrant Articles as Thursday, March 25, 2015 at 4:00 p.m. Seconded by Mr. Aponte. Motion passes 5 – 0.

Mr. Barnett moved the Board set the date of the Annual Town Meeting for May 11, 2015 @ 7:30 p.m. at Belchertown High School with the deadline to submit Warrant Articles as Wednesday, April 1, 2015 at 4:00 p.m. Seconded by Mr. Elstein. Motion passes 5 – 0

Mr. Archible moved the Board move their by-weekly Board of Selectmen on May 11, 2015 to the Belchertown High School at 6:30 p.m. Seconded by Mr. Barnett. Motion passes 5 – 0.

- h. Greene Right of First Refusal: Mr. Aponte presented the details. He indicated that this request to remove a parcel of land from a chapter 61B is a little bit more complex. The request is from Richard and Barbara Greene. The entire parcel is a little over 6 acres with approximately 2.5 acres being where the mini-golf course is located. There is another about 3.5 acres that is deeded to the Town for Conservation Restriction for some other things we had done for the solar facility that was recently put in there. There is approximately another 1.5 acres that is kind of in question. Attorneys are now looking to make sure that the Board of Selectmen has acknowledged and had a formal vote indicating they waive the right of first refusal. There is no purchase and sale in place for this property at this time

and this is being done more to help eliminate a delay down the road when the property is sold.

Mr. Aponte moves the Board waive the right of first refusal for the 6 acre parcel of land that the Greene's have in the vicinity of the mini-golf course. Seconded by Mr. Barnett. Mr. Elstein indicated he has a question. Some of the property is going to be deeded to the Town; does the Board have to accept that? The Town Administrator indicated that the conservation restriction is part of the 17 acres that was part of the solar facility that has been built. Mr. Brougham stated the Greene's have already come to the Assessor's Office and removed the land but the Assessor's Office is asking the Board to decline the right of first refusal because there really is no single method; a property owner can come in and take their property out which some have done paying back taxes and the fiscal lien is released. When there is a purchase and sale a purchase and sale agreement to the Town and the Town has 120 days from the date of the purchase and sale to match and exercise the right of first refusal. Many years ago there was no problem. If the property owner came in and took their land out but more recently some of the title examiners are saying the Town was never offered the right of first refusal. The Assessor's are now asking the Board to refuse the right of refusal so that the property can be released, the Greene's have paid the roll back taxes and the lien can be released so there will be no hold up when the property gets sold.

Ms. Aldrich called for the vote. Motion passes 5 – 0.

- i. Request from McCarthy's Pub: Mr. Aponte presented the details. There is a request from Janice McCarthy from McCarthy's Pub indicating that she would like to erect a tent in their parking lot in conjunction with their Leprechaun Fund Raiser Event. This is a fundraiser for the Shriner's Children's Hospital and has been very successful. McCarthy's Pub is usually one of the top supporters in contributions for this particular event. She wants the tent up for Sunday, March 15<sup>th</sup>, Monday, March 16<sup>th</sup> and Tuesday, March 17<sup>th</sup>. She has indicated that she will not necessarily be serving alcohol out of the tent; it is considered more of an over-flow area from what she indicates. Mr. Aponte indicated that it is not specified in the letter but he believes she will utilize the tent for over-flow during all her hours of operation.

Mr. Brougham indicated that it would be used on the day of the Leprechaun Plunge and then again on St. Patrick's Day. He does not believe she plans on using it for Monday, March 16<sup>th</sup>. Mr. Aponte stated the only concern he has is obviously the noise issue. Mr. Archible stated windows are closed as it's very cold outside. Mr. Brougham indicated it will be a heated tent with walls secured with fencing. People will be able to buy alcoholic beverages inside the Pub and carry them out into the tent but there are no sales under the tent. Mr. Aponte feels this is not unlike what she does for the Belchertown Fair weekend.

Mr. Aponte moved the Board allow the tent to be erected for that time frame with the safeguards in place as mentioned by Mr. Brougham. Seconded by Mr. Archible. Motion passes 5 – 0.

j. Miscellaneous Matters: None.

- 6) **Town Administrator's Report:** Mr. Brougham spoke again about the ongoing storm work that has been plaguing the DPW. We were about \$35,000.00 in the red when the Town Accountant asked the Board to declare a snow emergency. The Town is probably closer to \$75,000.00 in the red now. The amount of snow on the roadsides has required DPW to bring in additional contractors to push back intersections. The Town is spending money daily whether there's snow or not to try and improve these unsafe conditions. The highway department mechanics are doing a great job keeping the trucks running this winter.

He and Mr. Aponte and various other Town Officials have been working closely with the EDIC and Mass Development and there are some tentative pre-construction meeting dates being tossed around. He expects this week or early next week there will be a pre-construction meeting at the Police Station to talk about demolition on those buildings that will be raised to make way for Pad I development. Grantham Group is coming to the Planning Board tomorrow night to talk more about the assisted living. We are starting to see some good momentum on the former Belchertown State School land.

The Finance Committee is meeting tomorrow night. The Council on Aging, Clapp Memorial Library and the Animal Control Department are coming in to meet with them. There was a department heads meeting several weeks ago and offered everyone the opportunity to meet with the Finance Committee. Not all departments are coming in but each department was asked to submit level service budgets. We are still really uncertain about our budget situation with the new Governor, a number of new legislators - a number of people who for years were involved (Senator Candaras), Senator Brewer chaired the Ways and Means Committee on the Senate side and worked on the budget. He's hoping that by the end of the first week of March there is a preliminary number for the budget so we can start to shape up the Town's budget. We will be hearing about Pathfinder's budget soon. Our new superintendent is trying to arrange a meeting with the school committee, the board of selectmen and the finance committee for the 17<sup>th</sup> of March. We are working to a Town budget.

- 7) **Review of Weekly Mail:**  
#15) The Hampshire County Sheriff's Office has sent a letter for Belchertown's Fee for the upcoming fiscal year. Mr. Aponte indicated it's a little bit of good news. The Town has an agreement with the Hampshire County Sheriff's Office instead of utilizing our own Town jail to house prisoners especially over weekends and overnight we are able to utilize the Hampshire County Sheriff's Office. It has been very successful, very cost effective for the Town and the bit of good news that we have is that dues will remain the same for FY16 at \$13,917.00.

- 8) **Individual Board Members' Reports:**  
Mr. Archible: He received a call from a citizen in Belchertown who has not been able to get cable tv from Charter for 13 years. He is asking the media to put it out there and

get a feel for how many other people in town have not been able to have access to cable. He is asking residents to get in touch with him or anyone else on the Board so we can get a list of people who do want the services and hopefully we can help them out.

Mr. Elstein believes the Technology Advisory Committee is aware of this. There are people who live in just too rural an area to get it. Mr. Aponte stated there is a density provision within the actual contract itself. Mr. Archible indicated he had spoken with Mr. Louraine from the Technology Advisory Committee and hopefully he will be able to help out. Mr. Elstein feels there should be universal service like there is electricity and land line telephone and there isn't with cable.

Mr. Barnett: On March 21<sup>st</sup> the President of the Senate, Stanley Rosenberg, is once again having his Saturday in Northampton in conjunction with the Hampshire Council of Governments and the Franklin Council of Governments invite all government individuals to discuss what they perceive to be the major problems in Western Massachusetts. The Governor will be the guest of honor at this meeting. The Attorney General will also attend this meeting. All kinds of legislation will be discussed during this meeting. There will be several hundreds of people in attendance. He feels it would be worth the while of all the Board of Selectmen members to be there.

Mr. Elstein indicated that the agenda for this meeting has not yet been completed. The Attorney General will be talking about the open meeting law in particular. There are also several break out sessions, the Department of Revenue budgeting, another for Emergency Services. He feels there is a real opportunity for Selectmen, committee members and for Town officials to ask questions.

Mr. Aponte: Tomorrow the Grantham Group will be before the Planning Board reviewing the ALF proposed development. There will be finance committee meetings over the next several weeks. He also acknowledged his intent to run for re-election for the Board of Selectmen in the upcoming May election. He looks forward to hopefully being able to serve another three years as a selectman.

Ms. Aldrich: There was a wonderful article in the *Sentinel* about our firefighter's who did the American Lung Association Race up Boston Place. The group raised \$1,300.00 and Hulmes Transportation donated a van to transport the group to Boston. She commends them for doing this and to represent the Town for a cause was awesome.

She also wants to congratulate Girl Scout Troop 11061. They donated dozens of winter coats to the Amherst Survival Center over the weekend. They are working on their service badge and are a great group of girls.

Our sports teams are revving up. The swim team came in 4<sup>th</sup> place in the State in their division. It says something about the Recreation Department. The swimmers start

their swimming lessons that the Rec. Department provides when they are little. The Hockey Team begins playoffs tomorrow night. They are seeded fourth. Good luck to them. The Girls are starting their basketball tournament.

9) **Questions from the Press:** Jim Russell from the *Republican* asked where the meeting on the 21<sup>st</sup> is being held. He was told it is the Clarion Hotel in Northampton. He was told he is welcome to attend. It was confirmed that the agenda is not quite set for this meeting. He also questioned if the cable issue would be brought up at this meeting. Mr. Elstein stated he believes one of the breakout sessions is about broadband. He also asked for confirmation on several mail items.

10) **Adjournment:** Meeting adjourned at 8:37 p.m.

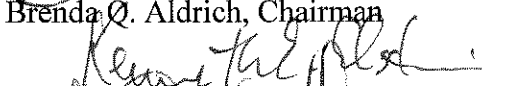
Minutes submitted by Gary L. Brougham, Town Administrator

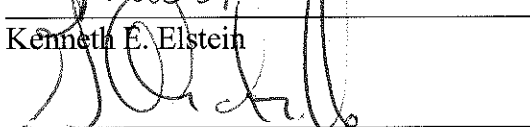
Board approved/endorsed: March 23, 2015


Board of Selectmen - Town of Belchertown


Endorsed by a majority:

  
Brenda Q. Aldrich, Chairman

  
Kenneth E. Elstein

  
George D. Archible

  
Ronald E. Aponte

  
William R. Barnett