

**TOWN OF BELCHERTOWN
BOARD OF SELECTMEN'S MEETING MINUTES
MONDAY, JANUARY 27, 2020
Selectmen's Meeting Room, Lawrence Memorial Hall**



Present: Ed Boscher, Gail Gramarossa, Jen D. Turner, Brenda Q. Aldrich

Absent: Nicholas O'Connor

Call to Order: Chairman Boscher called the meeting to order at 7:15 p.m. with the Pledge of Allegiance.

2) Sign Documents:

- a) Warrant #2031 was signed for \$1,004,040.49 bringing the fiscal year to date total to \$42,305,956.84.
- b) Routine documents
- c) Approval of Minutes: None.

3) Additions to the Agenda: None.

4) Appearances Before the Board:

- 7:17 p.m. Ratify Collective Bargaining Agreement – Town of Belchertown/International Association of Firefighters, Local 5042, AFL-CIO: The town administrator remarked that it took many months to finalize. The department continues to transition to meet the needs of the town and there was a lot of need in this document to recognize some of the omissions that weren't priority in their first contract. This agreement is consistent with the other recently ratified town labor union agreements. Language has been amended in the contract that was for light duty, injured on duty and maternity leave. There was also a great deal of discussion about residency requirements and that has been forgiven. Future hires have the ability to live within 12 air miles of the station. Due to a recent retirement it is now possible to allow a promotion of four firefighters to an officer status so there is supervision on each shift. It is a real benefit to the department.

Firefighter Rob Van Zandt also commented that this contract is moving the department forward and agreed that it is a benefit to the department. He thanked everyone involved in the contract negotiations.

Ms. Aldrich also commented that the negotiations were drawn out but that it was a pleasure to work with everyone. They worked towards what was in the best interest of the town.

Ms. Aldrich moved the board ratify the bargaining agreement – Town of Belchertown/International Association of Firefighters, Local 5042, AFL-CIO. Motion seconded by Ms. Turner. Motion passes 4 – 0.

- 7:20 p.m. Erica Cross, Conservation Administrator

- Conservation Restriction, Hickory Hills: Ms. Cross commented that this restriction dates back to 2008 with an administrative consent order from DEP due to the fill of some wetlands. She has finally been able to secure an approvable grant of restriction. This restriction limits the Hickory Hills subdivision area to fill in the wetland it already has. This is a legal mechanism where the conservation commission accepts this restriction from any further wetland fill. The selectmen need to approve and accept the restriction limiting discharge of dredged and filled material.

Mr. Boscher questioned what would happen if there was any more fill done on this project. Ms. Cross explained what would happen if they were to do so. The major function of the restriction is to warn potential future owners that no additional fill will be allowed.

Ms. Gramarossa questioned if someone noticed that the wetland was being filled if they would contact the conservation department. Ms. Cross commented that they absolutely could contact her as it is part of her job.

Mr. Boscher questioned if there would be any penalties if the wetlands were filled in any further. Ms. Cross remarked that there would be penalties but not through the conservation office. The penalties could be as high as \$25,000 per day/per violation by DEP. There have been fines issued on this site.

Ms. Turner moved the Board approve and accept grant of restriction limiting discharge of dredged and fill material for the Hickory Hills subdivision. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.

- Mass Trails Grant: Ms. Cross intends to submit a Mass Trails grant that is due this Saturday. It is for a variety of items with the focus on what is the old railroad bed. The grant is up to \$300,000 in funding and requires a 20% match. The match can be in cash and they do have some in reserve specifically for this property, in kind services can also be a part of the match. A consultant has also offered to donate portions of their services to make up the rest of the match.

They will be asking for a boundary survey of the currently held plans making sure there is no encroachment. They will also be asking for an evaluation of the trestle bridge even though it's structurally sound there are some rail ties that need to be restored. It includes the engineering, design and permitting including the existing trail bed and any repairs that need to be done. They are in the engineering, design and permitting phase. It is a one year permit and Mass Trails would expect to see an implementation project behind it.

Along with this to make it more attractive they are looking to make some improvement and formalization of the parking areas including kiosks and signage that indicate what type of use is appropriate.

They are also looking for appropriation of a P & F of TIP money through DOT which would enable them to look at large scale construction on either end. She understands that there are people who don't want the rail trail in their backyard and this will allow them to come up with a different design. There is no threat of eminent domain and that should eliminate a lot of concerns that people had previously with the rail trail. She explained the possible connectivity of the rail trail in the south end or town. These plans will alleviate the concerns that residents have had in the past.

Ms. Cross does not need the Board of Selectmen's signatures for this application but would like to have the Board's support. She showed the board the plans that she will be submitting with the application. The plans will not be made public until after the application has been submitted.

Mr. Boscher commented that it looks like a lot of work has already been done and this will be a surprise to people. Ms. Cross doesn't feel like it will be a surprise as a lot of the work that's been done has been to make sure that the people who have had concerns in the past are able to express their concerns and work with them.

Ms. Gramarossa mentioned the match aspect of the grant. She sees it as grant money, town money, volunteers, and advocacy groups with everyone working together. Ms. Cross was in complete agreement. She commented that any volunteer groups that want to help implement the plan would be welcomed. It will all come through the conservation office. The volunteer potential hours have not been counted towards the match as our balance is happening without it. Ms. Gramarossa feels that the more residents and community volunteers who are involved and can talk positively about this project to those who may have some negative feelings about the project from years ago.

Mr. Boscher is comfortable giving his support to apply for this grant.

Ms. Turner moved that the board support the application to the Mass Trails grant. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.

- 7:40 p.m. Attorney Richard Maynard – Host Community Agreements: Pioneer Valley Farms: Attorney Maynard introduced himself to the board. He commented that the host agreement may be getting a little ahead of where his clients are with their proposed project. They are here to introduce the project to the board and to get some input regarding the project. His clients are doing a very similar project in another location. He also gave a brief background on his clients.

Richard Barry introduced himself to the board. He is a long time resident of Belchertown. He raised his children in Belchertown. He introduced a partner in the company who will be responsible for cultivation operation. There are two other partners - Marcel Nunes and Mr. Barry's son Robert who is also involved in the operation.

They have 28 ½ acres of land on Munsell Road that is zoned appropriately for this project. They are proposing to build a 40,000 sq. ft. facility. The nearest house will be 2,000 ft. away. There are no close neighbors. They want to do it in two phases consisting of two – 20,000 sq. ft. facilities on the site. It would be less than 4% of the land mass of their property. The project has a strong revenue stream as it's the beginning of the food chain in cultivation. Massachusetts has only licensed 22 cultivation operations. The dispensaries in Massachusetts are not allowed to buy their product outside of the Commonwealth. Mr. Boscher questioned if it was the federal government that didn't allow it. He was told it's both the federal government that doesn't allow shipments outside of the state but the Cannabis Control Commission does not allow it. Mr. Barry feels he has the ideal location as they will not be close to any residents.

Mr. Boscher asked Mr. Barry to speak of the topography of the proposed site. He questioned how much of that property isn't usable land. He is concerned about the neighbors as no-one is going to want to see a facility close by. Mr. Barry commented that no-one is going to see this facility as it will be in the middle of the woods. They have spent a considerable amount of money on wetland studies, feasibility studies and they have a place where they can put the facilities so it won't interfere with anything. They are far enough from wetlands and streams. Their plans will have to go before the planning board and conservation commission as appropriate. Before going before those boards they will need to have a host agreement. The build out of this project is probably between six to eight million dollars. They will be state of the art greenhouses. They will have heat control, humidity control, sprinkler control – it will be a totally controlled environment.

Mr. Barry's consultant on the project on this project as well as the other project they are working on explained that the environmental impact is very small. The greenhouse will not have lights blaring out of it all night long as the CCC does not allow any light pollution. There will not be a lot of people coming and going all the time as you would with a dispensary. It will be low traffic, low pollution, any irrigation water will have to be trucked away. The CCC is very stringent with what leaves the facility, the waste streams have to be taken care of - runoff water will not be dumped out the back of the greenhouse. As soon as it gets dark all lights are off in the greenhouse and if they are kept on there will be shades to protect the outside from any light.

Ms. Gramarossa asked for confirmation that there are already some communities in the State who are using this type of greenhouse. She was told that there are other communities utilizing these greenhouses. She also asked that they think about how they will do their required community outreach meeting when the time comes. Hearing from neighbors allows the applicants to think about what they need to do in their proposal. She feels that more than one community outreach meeting is not a bad thing.

The town administrator commented that many departments in town are familiar with this property. The area that is being proposed is well away from the area of any homes with no current opportunity for anyone to develop in that area. The closest development is a subdivision that Mr. Barry and his partner bought out of foreclosure. They did everything they said they would to complete the subdivision so he has a track record of getting things done. There are significant areas on this property that are sensitive environmentally; however the area they are proposing is high and dry ground. The biggest obstacle will be surface rock. He reminded the board there are three things that are required; the community outreach meeting, the host agreement and a special permit through the planning board. He believes Mr. Barry wants to begin with the host agreement before he spends a lot of money on engineering and application fees.

Attorney Maynard commented that this use of the property would have the least amount of impact on the area.

Mr. Boscher feels uncomfortable about a host agreement before the other stuff is done. The board has not heard from the chief of police about their proposed security. He questioned what happens if the planning department denies the special permit. He would feel much more comfortable if those other hoops were checked off prior to asking for a host agreement. He feels it would be premature for the board to agree to a host agreement. Ms. Aldrich was in agreement that the chief of police should first sign off on the security plan prior to a host agreement. Ms. Gramarossa agrees the board should be consistent in getting the chief's approval on security and for the applicant securing and finalizing stuff with his partners such as who is involved and who will be taken leadership on the project. She wants the board to be consistent as we have other applicants who have done the host agreement prior to going before the planning board.

Mr. Barry pointed out that the applicants that have already done host agreements have done so in buildings that already exist. He is planning on building new which is entirely different. Without a host agreement the CCC won't issue a license. He also explained that the normal procedure is to get the host agreement, then do the community outreach meeting(s) and finally go before the planning board. To get to the point of going to the planning board they will be looking at spending around \$75,000 for plans and such. It doesn't make sense for them to do that first and then find the town won't give them a host agreement. The host agreement can

be contingent on getting through the special permitting process as is done in other towns.

Mr. Brougham thought that the applicant could go to Nexus and ask for a cut sheet which is a generic layout of the building plan. Mr. Barry will look into getting that information.

Ms. Gramarossa suggested he look at the town's template of the host agreement so he knows what we expect.

The applicant will obtain the cut sheet and have preliminary discussions with the chief of police, fire chief, and board of health and department of public works and then come back to the board. Mr. Boscher remarked that the board is supportive but wants more information.

- 7:55 p.m. Diane Mas, Eric Mas – Fuss & O'Neill; Belchertown Water District – Belchertown Water Tank Replacement, Park Street: Mr. Brougham recused himself from this discussion. Diane Mas introduced herself, Kevin Flynn, the project manager and Kevin Williams the Water District Superintendent, Sam Joyal, Water District Commissioner and Attorney Maynard. Steve Williams, Director of Public Works is also a part of this as the project was funded by a MVP (Municipal Vulnerability Preparedness) Grant. It is a water resilience grant that the town received working in partnership with the water district. The water tank in the center of town is close to 100 years old now and there are concerns about it. This grant is also coupled with the storm water reuse at the high school.

They are at the point where they have a good sense of where the new tank should be placed, the size it's going to be, what it's going to look like. An easement will be required from the Town as it will sit on town property about 60 ft. from the current tank. The easement area will be approximately 9,500 sq. ft. They have submitted a special permit and variance application to the ZBA. They have had a discussion with Denise Smith of the Historic District By-Law Commission as the current tank has two feet that just touch into the historic district. They will also be submitting site plan to the planning board as well. They will also have permitting to do through the State. The grant finishes up in June and they want all permitting done by the end of March to allow finalization of design.

Mr. Flynn showed the proposed plan to the Board. The existing tank is not in good condition and it would be very difficult to repair it. The biggest issue is that the existing tank cannot handle a 95 mph wind or one inch ice load on top of it. It would be cost prohibitive to fix it. The new tank will be about 52 ft. in diameter and will be very similar in style to the existing tank. The new tank will hold about 250,000 gallons of water. This will allow the Water District to meet Mass DEP requirements for storage. He went into greater detail on why the tank needs to match the Allen Street tank. He explained the area needed for the easement and why it was needed. The water tank supplies water during peak demand periods of use as well as providing fire protection. Moving the tank over will also allow

greater access to the barn that was recently built for the Fair equipment. They are also trying to minimize the amount of parking that will be disrupted during construction. Once the old tank is removed they have developed a plan for available parking. It doesn't look like there will be many parking spots eliminated. He also showed a picture of Park Street and the current tank as well as how it will look with the new tank.

Ms. Gramarossa questioned the timeline. Mr. Flynn responded that they will hopefully finish permitting by the end of March, finish design by the end of May and then have the first wave of the MVP grant completed by the end of June. It gets them to design documents that can be used for bidding. In April they will apply for the next phase of the grant which is for the construction. The tank is between 1.5 and 2.2 million dollars but it could change. They are assuming they will get the next phase of the grant in August and they would have to get going very quickly to have a small portion of the construction season, maybe taking down the old tank and preparing the site and as they get into the next construction season next spring. It will only take a couple of months to build the tank.

Ms. Mas commented that the MVP program is very competitive and the town was very lucky to have received the money for this beginning phase.

Mr. Boscher has concerns about the parking spaces between the Old Town Hall and the Church especially when both places are being used. He is concerned that the new tank will impact a bunch of parking spaces. Mr. Flynn agree that some spaces will be lost but other spaces will be added. Mr. Boscher questioned why the new tank couldn't be moved closer to where the current tank sits. He was told there are concerns about ice coming off the tank and hitting the new fair shed and Old Town Hall. Placing it where they are suggesting eliminates those concerns.

Ms. Aldrich questioned how Fair Weekend would be effected if any of the work were to begin in August/September. The goal would be to avoid doing any work around the Fair.

Mr. Boscher questioned Steve Williams about parking in that area and resurrecting the idea of making Park Street a one-way street. Mr. Williams commented that he could reach out to the Pioneer Valley Planning Commission for technical assistance. If the Board is really interested in looking into it he can make the request separate from part of the Water District project. Mr. Boscher feels they are interrelated. Ms. Turner commented that she and Ms. Gramarossa met with PVPC and already filed for DLTA funding and part of it was about parking around the Common.

Sam Joyal, Water District Commissioner commented that one of the reasons to move the tank is the Old Town Hall as well as the Fair barn behind it. If a fire happened to those buildings all the way would be used on the tank to save it allowing the building to burn. He thinks moving the tank over is the best possible solution.

Ms. Gramarossa commented that as the tower begins to come down the town archivist may want some pieces to preserve in the Stone House.

Ms. Aldrich moved the Board grant the easement on Park Street to the Water District for the replacement of the water storage tank. Motion seconded by Ms. Gramarossa. Motion passes 4 – 0.

5) Discussion/Action Items:

- a. Add Appointment Term – Recent Appointment of Veterans’ Agent: Mr. Boscher presented the details. Mr. Boscher moved the Board appoint Charly Lawrence as the Veterans’ Agent, effective Monday, December 2, 2019 with a term to expire April 30, 2020. Motion seconded by Ms. Turner. Motion passes 4 – 0.
- b. Appoint Affordable Housing Tax Abatement Review Committee: Mr. Boscher commented this is the latest step in the Sportshaven Mobile Home. Mr. Brougham presented the details to the Board. Town Counsel provided guidance on abating the tax arrears for Sportshaven. A committee needs to be appointed to include the Assessor, the Treasurer-Collector, the Town Planner, the Town Administrator and a member of the Board of Selectmen to negotiate with the Tenant’s Association. The agreement can’t be signed until the transfer of ownership to the Tenant’s Association takes place. Mr. Boscher commented that Ms. Gramarossa should be the Board representative as she has worked with Sportshaven in the past on the Board of Health. Board members were in agreement. Mr. Boscher moved to appoint Doug Albertson, Jay Whelihan, Lisa Banner, Gail Gramarossa, and Gary Brougham to the Affordable Housing Tax Abatement Review Committee. Motion seconded by Ms. Aldrich. Term to expire at the submission of final report. Motion passes 4 – 0.
- c. Review Remaining Steps for Board of Selectman Name Change: Ms. Gramarossa presented the details to the Board. She reviewed the steps that have already taken place. The overwhelming comments were supportive of changing the name of Board of Selectmen and bringing it to the ATM for a vote. She recommends changing the name from Board of Selectmen to Select Board. Ms. Gramarossa moved that the Board bring this to Town Meeting using the warrant article that town counsel drafted and that the name change would be from Board of Selectmen to Select Board. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.
- d. Review Special Permit Application for Non-Medical Marijuana Establishment (Indoor Cultivator), High Peaks Dispensary, LLC, 401 Mill Valley Road: Ms. Turner presented the details to the Board. The public hearing will be on February 11, 2020. Although the applicant stated their security plan is confidential and shared only with the police department, Mr. Boscher feels the Board of Selectmen should see the plan. Following further discussion the Board agreed they had no concerns regarding the special permit.
- e. Green Communities Grant Notice: Ms. Gramarossa presented the details to the Board. The DPW and School Department have looked at the grant and feel it is not appropriate for them at this time. She is asking that the Board keep this in mind as we go through the budget process.

- f. **Town Administrator's Evaluation:** Mr. Boscher feels this should be tackled after a new board is sworn in following the election. He feels there are different categories that the board should look at with specific items in each category. He asked the town administrator what categories make sense to him as a town administrator. Mr. Brougham commented reliability, quality of work, supervision, long term planning, budgeting.

Ms. Gramarossa mentioned that at the MMA meeting she attended self-evaluations were mentioned as a tool. She also thinks that peer assessment is a good tool for evaluating the position. They have an idea on how that leader is doing in the position. Mr. Boscher disagreed with staff doing an evaluation on the administrator's position.

Ms. Aldrich questioned looking at evaluation forms from other towns for the town administrator/manager position.

Ms. Gramarossa wants the board to identify a process for the evaluation.

Ms. Turner feels the board should wait until after the May town meeting and election to sit down as a group with the town administrator to feel what the priorities should be. Mr. Boscher commented the town administrator's contract states an evaluation should be done yearly.

Mr. Brougham will check with other communities to see if he gets the forms that they use. He also believes the board should focus on goals and objectives, priorities, budgeting experience, leadership and knowledge of their position. Ms. Gramarossa will not be at the February 3rd meeting. The board will have the chief of police in on February 3rd for a preliminary evaluation discussion and a final discussion on February 10th. These will follow right after the discussions for the town administrator.

- g. **Miscellaneous Matters:** None.

6) Town Administrator's Report:

- The process of scheduling budget meetings has begun. There will be meetings on February 4th and 6th.
- Tomorrow night is the hearing for Evergreen for their site plan approval for Cannabis retail at George Hannum Road Plaza.

7) Review of Weekly Mail: No discussion held.

8) Individual Board Members' Reports:

Ms. Aldrich:

- She was on vacation last week. She did have a chance to talk to Chief Pronovost as to how it went last week with the people for the accreditation of the police department as they came in for two days. The first day went great and he's waiting to hear back but he was very pleased with it.

- Next Saturday is the Chocolate and Wine night at the library.

Ms. Gramarossa:

- There is still time to be a part of the solarize project. The town has reached tier 5 which means that enough people have signed on so the least expensive price is what everyone is able to get. Tomorrow night at Antonio's from 5:30 – 7:30 is free pizza night.
- On Wednesday, February 5th there will be another event to meet the solar people.

Ms. Turner:

- She and Ms. Gramarossa met with PVPC. The town planner has submitted some DLTA funds to revisit the community plan.
- If you want to get involved in the cultural council they have events coming up – Art Week, Food Truck events.
- She met with Claire O'Neil to discuss bringing attention to that area.

Mr. Boscher:

- The board had a joint meeting with the finance committee last week and budget season has been scheduled starting with department head presentations.

9) **Questions from the Press:** None.

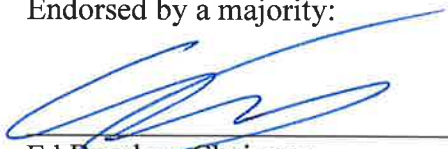
10) **Adjournment:** Meeting adjourned at 9:48 p.m.

Minutes submitted by Gary L. Brougham, Town Administrator

Board approved/endorsed: 3/2/20

Board of Selectmen - Town of Belchertown

Endorsed by a majority:




Ed Boscher, Chairman



Gail Gramarossa

(absent)

Nicholas O'Connor



Brenda Q. Aldrich



Jen D. Turner