

**TOWN OF BELCHERTOWN
BOARD OF SELECTMEN'S MEETING MINUTES
MONDAY, February 24, 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 #2035 was signed for \$1,242,088.61 bringing the fiscal year to date total to \$47,294,469.26. Mr. Boscher questioned the town administrator if there is enough money to finish the fiscal year. He was assured there is enough money.
- b) Routine documents
- c) Approval of Minutes: None.

3) Additions to the Agenda:

- Cold Spring Country Club Liquor License - Willie from Cold Spring Country Club came in hoping to discuss a license situation. Mr. Boscher reported that it is a somewhat time sensitive issue for the country club. The town administrator passed a letter to the chairman that was handed to him from Attorney Maynard who is counsel for the country club. Cold Spring Country Club is asking the Board to revoke the liquor license that was issued to The Club House. There is a very short window for the golf course. Willie reported they try to open by May 1st. He explained the situation to the board about the restaurant and liquor license. The first year it did very well but the second year it went downhill. They fell behind on paying vendors including money to Cold Spring Country Club. One of the vendors actually began taking equipment back so technically there is no place to operate the restaurant. He also confirmed the lease expired with the restaurant. They have been working really hard to try and get a new restaurant tenant which is why they are eager to get this resolved.

Ms. Aldrich confirmed there is a new tenant but that they are waiting for a liquor license. They cannot get one because the former tenant is holding the license and does not want to surrender it. Ms. Aldrich thinks it would be appropriate for the people who want the liquor license to come before the board.

The town administrator explained the situation. The former lease holder renewed the new liquor license for 2020 and it is not transferable. He called ABCC for guidance on a legal perspective and was advised it is between the property owner and tenant and could not demand to have the license surrendered. ABCC recommended speaking to our town counsel. Town counsel also said this is a matter between the former tenant and Cold Spring Country Club. It's frustrating as the former tenant has no lease and cannot open a restaurant and it can't be

transferred to a different location in town and the property owner has a very interested operator that wants to come in.

Attorney Maynard commented that the suggestion would be that there is no way for the current license holder to be in compliance with the requirements or as the licensing authority to revoke a license. Ms. Gramarossa confirmed the steps that would be necessary. According to Attorney Maynard there is a contractual agreement between the former tenant and Cold Spring that says if the tenant was to vacate the property he was to assign the liquor license to Cold Spring but the tenant is choosing not to do that. Going through the court could be a year before anything is resolved.

Mr. Boscher doesn't know if the Board can revoke it but feels like it is a legal matter. It was asked when the lease expired. The board signed the license prior to the lease expiring.

Attorney Maynard asked if the Board can get involved without being sued to please do so. Mr. Brougham will check again with town counsel and the ABCC. The Board will revisit this possibly next week.

4) Appearances Before the Board:

- 7:20 p.m. Richard Barry – Pioneer Valley Farms: Mr. Barry, Attorney Maynard and Niko were present for the appearance. Mr. Barry confirmed that he had contacted the Chief of Police who approved their security plan. They also spoke with the conservation commission whose only concern is the stormwater drainage. He confirmed with the commission that the greenhouses will not be near the streams in the area. The Board of Health's only concern was the runoff and what will happen with the wastewater. The Board of Health also questioned whether the property passed a perc test which it did and they have a copy of it. Attorney Maynard commented that there will be some comments forthcoming from the fire department regarding turnaround and such for the fire apparatus. Attorney Maynard confirmed for Mr. Boscher that the fire department is waiting for an official request from him regarding the project.

Mr. Boscher questioned if there was any word from the planning department. Mr. Barry remarked that there is none as the planning board comes after this process. The planning board will require completed documents such as completed site plans. It is a process that takes place after the host agreement. The host agreement is subject to getting the approvals from all other boards.

Attorney Maynard commented that the Board has just received the first draft of a host agreement with his client. They are trying to get through the first step of this conversation. It is a very similar agreement that they are working on with the Town of Ashby on a similar project.

Ms. Gramarossa commented that in a recent conversation with Judy Metcalf, Board of Health Director, she was reminded that from the Board of Health perspective that there has not been enough information regarding things such as staff bathrooms, wastewater disposal, and odor control. She wants to hear their comments. Mr. Barry commented that prior to the hearing before the planning board all of the town departments that have concerns give their comments to the planning board. They intend to have four bathrooms with four greenhouses. Each facility will have a bathroom. Each facility will have a shower because it is a setting where people can't just walk in with their street clothes. He also commented that the Cannabis Control Commission is quite stringent with their requirements even more so than towns and planning boards. They will want to capture runoff, it will be treated and they will use it. Wastewater will go back into a different tank and it will be hauled away. Nico remarked that they will be upgrading their water system to be a sterilize re-use system which will cost about \$75,000. He explained how the system will work to the board.

Mr. Barry asked Nico to explain the odor situation with the greenhouses. He explained that the CCC requires some type of odor suppression with the greenhouses. The ones that are building with Nexus has a kit that goes around the outside that sprays a deodorizing mist around the outside – it basically neutralizes the smell. The outdoors is the big concern and they have no plans to grow any plants outdoors. There will be no light [pollution either. As soon as the sun begins to go do they will have the shades closed per CCC guidelines.

Mr. Boscher questioned if the other growers were on town water. He was told they will also be on wells. He questioned how much water they expect to use and how it will impact the water table in the area. Nico believes they will be able to run most of the year just off rainwater or at least 40 – 50% of it. Greenhouse crops use less water.

Ms. Gramarossa wants to be sure that the applicant works closed with the Board of Health Director regarding the issue of odor. As other communities are still having problems with odors and applicants are having to go back and retro-fit their buildings she wants this applicant to get it right at the start.

Ms. Turner commented that the conservation administrator is in support of the proposed location.

Ms. Gramarossa questioned if the applicant had thought more about their community outreach meeting. Nico responded that they are willing to hold two outreach meetings as the board previously suggested but their first step is coming to the board to see if they are willing to do a host agreement. As they've already held outreach meetings in another location they know the types of questions that will be asked and the concerns abutters may have.

Ms. Gramarossa questioned where the applicant is in regards to pending litigation. Mr. Barry questioned what litigation she was referring to. She responded that she believed he was in the middle of litigation around the proposed property. Mr. Barry responded that there was litigation regarding a portion of the road and it was appealed. The town won the appeal. It is his understanding that the case continues as there are other issues. He doesn't care about the road if he gets his facility. He would have no problem having his attorney on that issue contacting the town attorney and putting it on hold until he sees where everything goes. Attorney Maynard while not involved in that litigation sees no reason to go forward with it if his client is granted the application as the property is going in another direction. Ms. Aldrich questioned if the Board gives the host agreement then Mr. Barry will drop the litigation. She was told if he gets a permit from the planning board he will drop it otherwise he will need the road. He doesn't need the road for this project. He has 660 ft. of road frontage that is part of the approved road. Both Attorney Maynard and Mr. Barry feels this is the ideal use for this property. It is a financial benefit for the town also.

Mr. Boscher questioned the town administrator if he had any thoughts on this project. Mr. Brougham gave a history of this property going back to when he began working for the town in 1993. He feels that this seems like a practical use of this property. He also reviewed the process the applicant must go through to get a permit from the town. It then goes to the Cannabis Control Commission for their review/decision. He would like to have happen is some agreement that the board will continue to discuss the host agreement and make it clear that the discussion shouldn't be centered around litigation. He believes that Mr. Barry needs to have some confidence that there is a willingness to review this permit in an objective and sincere manner.

Mr. Boscher is leaning toward the concept of the host agreement but doesn't want to give it if the community outreach meetings come back negative. Ms. Turner is in support of moving forward in negotiating the host agreement. Ms. Gramarossa still wants to hear from the other departments that the applicant needs to speak with before moving forward. She also wants time to review the draft host agreement that she received today as she hasn't looked at it yet. Ms. Aldrich has the same concerns. She also wants to see what the fire chief has to say about the plans. Mr. Barry assured the Board that whatever the planning board asks he will do because he has to.

Attorney Maynard commented that the principle difference between the host agreement they have with the Town of Ashby and the template they received from the town is the difference between the community impact fee and the community benefit fee. Ashby does not have a community benefit fee; they put the draft host agreement with Belchertown but left it blank. There are at least six cities and towns that have had their records subpoenaed and they don't want that to happen here. They may or may not propose it in the final draft agreement. Ms. Gramarossa commented that the Board knows they can't demand anything that is

not in line with what the State is saying. She further mentioned that our host agreement has a section for voluntary non-profit contributions.

Mr. Boscher wants the applicant to talk with the fire chief. He wants them to also do the community outreach before coming back to the board. Mr. Barry will not do a community outreach prior to a having a host agreement. It usually comes after the agreed upon host agreement. Mr. Boscher feels it is important to hear from the community. Mr. Barry feels there are plenty of opportunities for the residents to come to public hearings before the board of selectmen and the planning board. Nico also commented that the community outreach is geared more toward abutters and they will not have any. He did agree to do a community outreach meeting prior to coming before the board but they will not allow residents on the property as it is a security issue.

Attorney Maynard will send a letter to the fire chief asking for at least preliminary information regarding this project. Mr. Boscher wants the community outreach meeting to be held no earlier than 6:30 – 7:00 p.m.

Mr. Brougham recommended talking to the director of public works about the road. He also recommended putting up a gate at the beginning of their property where the road ends. Mr. Barry stated there will be a gate there. They will pave that section of road and will be responsible for maintaining it.

Following their community outreach meeting and discussion with the fire chief the applicant will come back to the board to discuss the host agreement.

5) Discussion/Action Items:

- a. Appointment of Auxiliary Police Officers: Ms. Aldrich presented the details to the Board. Per the recommendation of Chief Pronovost, Ms. Aldrich moved to appoint Austin Marone and Alex Lavigne to the position of auxiliary police officers, effective February 18, 2020. Motion seconded by Ms. Gramarossa. Motion passes 4 – 0.
- b. Appointment of Part-Time Senior Center Van Driver: Ms. Gramarossa presented the details to the Board. Per the recommendation of Jessica Langlois, Executive Director of the Senior Center, Ms. Gramarossa moved the Board appoint Edward Ciosek to the position of part-time Senior Center Van Driver, effective immediately and pending the outcome of the CORI check. Motion seconded by Ms. Aldrich. Motion passes 4 – 0. Mr. Boscher had concerns that the Board is appointing a lot of van drivers. The town administrator remarked that there had been a few recently appointed but they declined to accept the position.
- c. Review Revisions/Approve Nomination Form for Town Meeting Awards: Ms. Gramarossa updated the board on the status of the nomination forms for the town meeting awards. She presented the draft forms to the board. She also wants to have the list of prior award recipients to go along with the nomination forms. Mr. Boscher moved the board accept the draft nomination forms. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.

- d. Review Articles Submitted for the Annual Town Meeting: Mr. Boscher asked the town administrator to review article #10 – the revolving funds. Mr. Brougham confirmed these are existing programs and the funds are authorized every year.

Mr. Boscher also questioned article #15 – the lease purchase of a one ton dump truck. He was told there are a number of vehicles that are on a rotation and this could be just to re-authorize a lease that is already in existence or to replace a vehicle that has been paid down on a lease agreement.

Ms. Turner questioned warrant article #8. She was told it is an annual authorization to allow the board to apply for funding and grants that come from the State.

The Board was in agreement the list looks good so far.

- e. Sign Presidential Primary Warrant: Mr. Boscher questioned the town administrator if the Board has to approve the presidential primary warrant. The town administrator confirmed that the Board needs to vote to endorse the presidential primary warrant. Ms. Aldrich moved the Board endorse the presidential primary warrant as submitted. Motion seconded by Ms. Turner. Motion passes 4 – 0.
- f. Miscellaneous Matters:

6) Town Administrator's Report:

- Next week there will be another tax abatement committee meeting.
- The Board has a visitor tonight – Jake Oliveira who is running for Representative Petrolati's seat. Mr. Oliveira is from Ludlow. He reminded the Board of what his district would be if he were to be elected.

7) Review of Weekly Mail: No discussion held.

8) Individual Board Members' Reports:

Ms. Aldrich: Congratulated Officer Rob Mann and Sara Bessonette from the Treasurer-Collector's Office as they were married this past weekend!

Ms. Gramarossa: She has been working with BOAT and the schools on a drug free communities grant. The funding was just released from the federal government. She is meeting with BOAT and the schools a couple of times this week as the deadline to apply is April 6th. She thinks we have a good chance of getting the grant.

March 3rd is primary day and early voting will take place this week at the Town Clerk's office.

She ran into Eric Weiss from PVPC. He mentioned that they have set aside money to help communities in their region regarding succession planning. They will be doing training and technical advising and we will not have to apply for a grant for help with that.

Ms. Turner: She and Mr. O'Connor talked about the money that Senator Lesser had appropriated for the splash park. There still is about \$50,000 of that money remaining to spend. Mr. O'Connor wants the board to think about what we should use it on. The tennis courts have been removed and Mr. O'Connor thinks that two basketball courts should go there and the building with the restrooms should be rehabbed and opened. Ms. Gramarossa questioned if the money needs to be spent by the end of this fiscal year. It is believed that is correct. Mr. Boscher wants this placed as a discussion item for the next board of selectmen meeting.

Ms. Turner questioned if the board was inviting the Belchertown Cultural Alliance to next week's board meeting.

She acknowledged that the Community Preservation Committee is doing great work allocating money.

Mr. Boscher: We are in the middle of budget season. He appreciates all the department heads and different groups coming before the board and the finance committee.

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

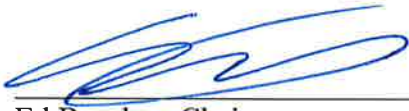
10) **Adjournment:** Meeting adjourned at 8:35 p.m.

Minutes submitted by Gary L. Brougham, Town Administrator

Board approved/endorsed: 3/9/20

Board of Selectmen - Town of Belchertown

Endorsed by a majority:



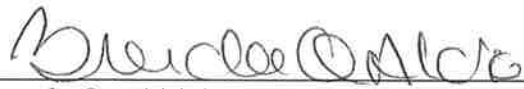
Ed Boscher, Chairman



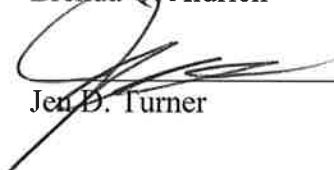
Gail Gramarossa

(absent)

Nicholas O'Connor



Brenda Q. Aldrich



Jen D. Turner