

**TOWN OF BELCHERTOWN  
BOARD OF SELECTMEN'S MEETING MINUTES  
MONDAY, FEBRUARY 25, 2019  
Selectmen's Meeting Room, Lawrence Memorial Hall**



**Present:** Nicholas O'Connor, George D. Archible, Gail Gramarossa, Brenda Q. Aldrich, Ed Boscher

**Call to Order:** Chairman O'Connor called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

**2) Sign Documents:**

- a) Warrant #1935 was signed for \$1,116,361.17.
- b) Routine documents
- c) Approval of Minutes: None.

**3) Additions to the Agenda:**

- Acknowledge Resignation Senior Center Custodian: Mr. Boscher presented the details to the Board. Ronald Duford has submitted his letter of resignation effective February 28, 2019. A letter will be sent to Mr. Duford thanking him for his service to the Town.
- Appointment Scholarship Committee: Mr. Boscher presented the details to the Board. Donna Lusignan, Chairman of the Scholarship Committee has submitted a letter of recommendation for the committee. Mr. Archible moved the Board appoint Sarah Edwards a parent in the Chestnut Hill Community School to fill the seat on the Scholarship Committee. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.

**4) Appearances Before the Board:**

- 7:03 p.m. – Pole Hearing #2019-07, Bardwell Street: Ms. Gramarossa read the pole hearing notice and opened the public hearing. Diane Clowes from National Grid stated that both pole hearings this evening are for the same project. The big picture is that they are reconductoring where it is. There are voltage issues in that area and with all the building going on they will be shifting some of the load from where it's fed over to the North Liberty side. Steve Williams, Director of Public Works has no concerns.

Mr. Archible moved to close the public hearing. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.

Mr. Archible moved to grant petition #2019-07. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.

- 7:06 p.m. – Pole Hearing #2019-08, Bardwell Street: Ms. Gramarossa read the pole hearing notice and opened the public hearing. Diane Clowes from National Grid stated it is the same process as the previous pole hearing. It is the same reconductoring process.

Steve Williams, Director of Public Works has no concerns. He met with Ms. Clowes in the field regarding both of these pole hearings.

Mr. Archible moved to close the public hearing. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.

Mr. Archible moved to grant petition #2019-18. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.

- 7:10 p.m. – Re-Vote to Adopt MGL Chapter 32B, Sections 21-22: Mr. O'Connor reminded everyone that the Board had voted to adopt MGL Chapter 32B, Sections 21-22 last week but due to a technical issues with the posting the Board will clarify (the day was incorrect but the date was correct) and re-vote as well.

Ms. Aldrich moved the Board accept MGL Chapter 32B, Sections 21-22. Motion seconded by Mr. Archible. Mr. O'Connor called for any further discussion on this topic from the Board. Mr. Boscher wanted to comment as he was not present for the vote last week. He wants the Board and everyone in the public to know that he did read every email and letter that was sent in. He also looked at all the communities in Massachusetts that have adopted these sections prior to us. He even looked at some of the surrounding communities such as Hadley, South Hadley, Ware and they have recommended it. He also talked to our Treasurer-Collector, Lisa Banner who has done an outstanding job watching over our finances at large. He understands it is an unpopular decision with some people but feels the Board has to vote to advance the whole town forward. He will be voting affirmative.

With no other comments from the Board, Mr. O'Connor called for a vote adopting MGL Ch. 32B, Sections 21 - 22. The motion passes 4 – yes, 1 – no (Gramarossa).

- 7:15 p.m. – Stormwater Committee: Steve Williams commented that the Stormwater Committee is before the Board to present the findings of the feasibility study that was funded through a 604B grant provided by Mass DEP. The main purpose of the grant was to study the financial impacts of the newly revised stormwater regulations from the EPA. The stormwater committee has been meeting regularly for a year to determine how to best address these impacts. They have steered the consultants working on this grant towards the feasibility of creating a utility. There are other options but the utility seemed to make the most sense.

The Stormwater Committee is made up mostly of department heads to include: Doug Albertson, Town Planner; Erica Cross, Conservation Administrator; Judy Metcalf, Director of Public Health, Steve Williams, Director of Public Works; Ted Bock, Fire Chief; Paul Adzima, Director of Inspection Services; Gary Brougham, Town Administrator. the committee also worked very closely with Lisa Banner, Treasure-Collector, Jay Whelihan, Director of Assessments; Kevin Hannon, IT Director on a lot of technical stuff. The committee received a lot of assistance from the Pioneer Valley Planning Commission. Patty Gambarini from the PVPC is here tonight for the discussions. They helped with the grant application and the

grant administration as well as the solicitation of consultants. There were two separate consultants on this project; Wood Environmental who did the financial study evaluating the different funding mechanisms and for the financial impacts to the Town we used Fuss and O'Neil.

Rich Niles from Wood Environment provided a power point presentation detailing the scope of the mandate, funding options and implementation criteria. The MS4 Municipal Separate Storm Sewer System Permit) is a federal permit issued by EPA but actually co-issued by Mass DEP and is an unfunded mandate. It regulates stormwater discharge to improve water quality. Stormwater is a major source of pollution to waterways. There are five communities in the Pioneer Valley that have received waivers.

Mr. Boscher questioned how these communities received waivers and asked if we applied to one. Ms. Gambarini answered that it is based on population threshold and if you are below a certain threshold you can apply for it. They also look at the water quality implications of those regulated areas. Belchertown is considered urbanized and does not meet the criteria for the waiver. It was clarified that portions of the town are considered urbanized. The whole town is not actually regulated. Mr. Williams commented that one of the problems we have had with this permit is that our urbanized area is tributary to Ludlow Reservoir.

There are six minimum control measures that EPA has in it and the town needs to specify how we are going to meet each of those requirements. There are certain activities that you have to do to educate the public about stormwater. Mr. Niles reviewed all of the minimum control measures and how the town could meet the requirements. He also reviewed some of the significant permit changes that became effective July 1, 2018.

Mr. Williams commented that last May the Committee brought a by-law to Town Meeting to be approved to create the authority to eliminate illicit discharge that discharges into the system and then developed a plan. Both of these are in place now. It impacts a lot of different departments between DPW, Conservation, Board of Health, Building because we don't know where these things come from so it's a very cooperative effort for all those departments.

Mr. Niles continued that they took a look at infrastructure to get a sense of the scale of the infrastructure. There are over 30 miles of drain pipe, 800 ft. of culverts with some of it still being assessed. After reviewing the entire infrastructure he estimates it is about \$25 million to replace it all. He then reviewed the current budget for stormwater management. There are no funds in our budget for capital improvements for stormwater.

As part of the study Fuss & O'Neil developed costs for the next five years that line up with the MS4 permit. The five year average annual cost will be \$390,800. Mr. Niles reviewed the requirements for the five year term of the MS4 permit. It does not include capital expenditures. These costs are primarily based on permit compliance, enhanced operations and maintenance of the system. Mr. Boscher questioned if the plan is for the coordinator and the manager to be two new full

time positions or will someone move into these positions. Mr. Williams responded that they are both new positions. There is no-one existing that will fill them. The stormwater coordinator will work primarily with the conservation administrator and that person would be doing construction site management and post construction site management. This person will be doing inspections of ongoing projects as well as follow-up inspections of completed projects and doing enforcement. Right now there is no one responsible for doing that. The highway foreman position would be coordinating the outflow inspections, the catch basin inspections, coordinating the work to clean the catch basins, street sweeping, and those kinds of things. Mr. Williams confirmed for Mr. Boscher that his department will be doing that work. One of these new positions will be working for the DPW and one will be working for the Conservation Department. Mr. Boscher questioned if DPW will need more DPW positions. Mr. Williams confirmed that right now in the budget he has requested the foreman position because they have yet determined how to fund it. This is the only position that is being requested. As the town gets further into the permit there may be a need for additional positions but that will be determined as time goes on. Mr. Niles commented that some of the services will be subcontracted. Mr. Boscher had questions regarding the salary for the full-time employee. Mr. Williams answered his questions. These employees will need a certification. Erica Cross, Conservation Administrator has taken a certification class. She commented that there are several different classes that can be taken.

Mr. Niles continued as part of the study they looked at funding options for future costs. There are only a few options to generate the type of revenue that is necessary. The most common is a tax increase. There is under MGL Ch. 259, Section 39M a Municipal Water Infrastructure Investment Fund which is dedicated tax revenue. Money has to be voted as part of the town budget. It can be based on property value with a surcharge up to 3% and the use of these funds is not limited to just stormwater. They also looked at creating a user fee – a Stormwater Utility. It would be a dedicated funding source for stormwater only. It is based on impervious cover, not property value. There are opportunities for credit for on-site stormwater management. The Board of Selectmen will need to vote to accept it and it would have to be voted on at town meeting. He reviewed the pros and cons of all funding options. Mr. Boscher asked about the credits that are available with the Stormwater Utility Fee. Credits are typically given for reducing the burden on the system; either reducing the town's cost to operate it or reducing your contribution to that system. A lot of communities give credits for managing stormwater quality or quantity. He went into further detail about credits as well as rate structure options.

The recommendations from the Stormwater Advisory Committee included the following - Program Costs: include compliance, operations and maintenance activities, staff additions and operations/emergency reserve. It does not include capital expenditures. Funding Options: a stormwater fee based on impervious cover to fund the stormwater program with the fairest and most equitable approach. Revenue Generation: the average revenue to be billed for the first three years in the amount of \$416,975. This includes the cost to run the program, pay for credits and cover billing and collections. Potential Rates: a flat rate approach

being the preferred option. Credit Program: should be included to support proper on-site management of stormwater.

There are some planned public engagements to include a press release and a meeting with a question and answer session. The goal is to promote awareness of stormwater needs, costs and recommendation from the Advisory Committee. They will seek feedback from the public.

Mr. Williams commented that no matter what way we fund this program it will take money from the taxpayers. The utility option was looked at because it's accountable, the money that is collected goes into that program and can't be used for anything else. If the Committee brings this to town meeting they need to be able to say what they expect the cost to be. If they go to town meeting it is to present a bylaw which is the draft that he will hand out to the Board this evening. He would like for the Board's comments back on the bylaw. It will establish the utility and authorize the Board of Selectmen to establish a fee like we do with our transfer station or the wastewater treatment plant. It is possible that the costs could change a little bit.

If the bylaw passes, it will be about 18 months before the town begins to collect any money. It will most likely put us in non-compliance for that period of time. When the EPA recognizes we are in non-compliance they will want to see that we are moving forward and making progress. The issuance of the permit was a shock and there was a lot of resistance to the permit being released. We were already into the fiscal year with no funding to meet the basic requirements of the permit. We are looking at ways that we can be in compliance. Our first report is due in September of this year. We are eight months into a permit that we have no means to fully comply with.

There is roughly \$40,000 - \$70,000 of development costs which needs to be built into existing budgets. Mr. Williams is hoping the Board will give some guidance this evening on how they want to proceed. If it is with the Stormwater Utility he will be meeting with the Stormwater Committee this week to try and establish a schedule for some question and answer meetings with the public. There will need to be a formal public hearing in front of the Board of Selectmen prior to town meeting regarding the utility.

Lew Loraine from *BCTV* asked if the public hearing could be held somewhere where they can tape and go live

Will Shattuck, a town resident questioned if everyone would be charged a fee or only those within the areas of stormwater. Mr. Williams responded it's a two part answer. The by-law would assess all properties with more than 200 sq. ft. of impervious area (developed property). Vacant land or agricultural land would not be included in the charge. Under the 2-tier system if we charged based on a flat rate of 1,000 sq. ft. of impervious area than not everyone would be charged the same. If we go to the ERU unit than everyone would be charged the same. The Committee asked that very question on how to charge; whether it should be based off the impervious area or a flat rate. It would be difficult to explain to people

because someone may have only a 1,300 sq. ft. house while someone else may have a 10,000 sq. ft. house.

Following discussion by the Board it was agreed to reschedule the discussion for the March 25<sup>th</sup> Board of Selectmen meeting.

**5) Discussion/Action Items:**

- a. Endorse Temporary Easement for Piper Farm Entrance – Maple & State Street Reconstruction Project: Steve Williams, Director of Public Works, presented the details to the Board. It is not endorsing an easement it's signing a certification that the easement itself and the work that's going to be conducted will not adversely impact the use of the property. This is in regards to the Maple and State Street project. The project is approximately \$5.5 million and is scheduled to be bid this fall with spring construction in 2020. The easement that is required is 621 sq. ft. for some tree removal, some grading and some driveway reconstruction. He recommends that the Board signs it and allow the Town to move forward with the acquisition of the easement.

Ms. Aldrich moved the Board accept the easement for the Piper Farm Entrance. Motion seconded by Mr. Archible. Motion passes 5 – 0.

- b. Acknowledge Social Services Coordinator's Notice of Retirement: Mr. Boscher presented the details to the Board. Diane Morgan has submitted her letter of retirement with the Council on Aging. Her last day at work will be March 29<sup>th</sup> and her retirement will begin on April 1, 2019. A letter will be sent to Ms. Morgan congratulating her on her retirement and thanking her for her service to the Town.
- c. Appoint Accounting Department Assistant: Per the recommendation of Jill Panto, Town Accountant, Mr. O'Connor moved to appoint Kimberly Racine to the position of Accounting Department Assistant, with a starting date of March 18, 2019. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.
- d. Appoint School Council Seat on the Scholarship Committee: Per the recommendation of Donna Lusignan, Chairman, Scholarship Committee, Mr. Boscher moved to appoint Sarah Edwards to the vacant seat of a parent serving on the School Council at CHCS, term to expire June 30, 2019. Motion seconded by Ms. Aldrich motion passes 5 – 0.
- e. Review Special Permit and Site Plan Review – Lumens Holdings 3, LLC, North Washington Street: Mr. O'Connor presented the details. It is another solar permit. The Board of Selectmen has no action to take. There is a public hearing on March 12<sup>th</sup> for this permit. This will be remanded back to the Planning Board for their review.
- f. Review Draft List of Annual Town Meeting Warrant Articles: The Board reviewed the draft list of annual town meeting warrant articles. There are potentially 33 warrant articles.
  - Mr. O'Connor moved the Board approve articles one through ten as documented. Motion seconded by Mr. Boscher. Motion passes 5 – 0.
  - Ms. Gramarossa moved the Board approve articles 11 through 13 as documented. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.
  - Mr. Archible moved to approve articles 14 – 16 as documented. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.

- Ms. Gramarossa moved the Board approve articles 17 & 18. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.
- Ms. Gramarossa moved to keep article 19 on. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.
- Ms. Gramarossa moved to keep article 20 on the warrant. Motion seconded by Mr. Boscher. Motion passes 5 – 0.
- Ms. Gramarossa moved to keep article 21 on the warrant. Motion seconded by Mr. Boscher. Motion passes 5 – 0.
- Ms. Gramarossa moved to keep articles 22 – 28 on the warrant. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.
- Ms. Gramarossa moved to keep article 29 on the warrant. Motion seconded by Ms. Aldrich. Motion passes 5 – 0.
- Article 30 is a citizen's petition and remains on the warrant.
- Ms. Gramarossa moved to keep article 31 on the warrant. Motion seconded by Mr. Boscher. Motion passes 5 – 0.
- Article 32 is a citizen's petition and remains on the warrant.
- Following a conversation with the town administrator it was decided not to put the purchase of lots on North Washington Street on the annual town meeting but to include it with the articles for the special town meeting. These lots would possibly be used for the new school that is being considered.
- Mr. Brougham indicated there is one additional article. Over the last years the town has had a problem with Sportshaven and an absent landlord who currently owes over \$300,000 in back taxes to the Town. He and the Director of the Quabbin Health District have been to court multiple times with the attorney general's office, department of environmental protection, mass legal aide and representatives of the tenant's association many times in the last six months. There are new concepts about their being community block grant development money available to potentially repair some of the dilapidated infrastructure. He is concerned if the Town has to condemn the park as it will be a substantial loss to the Town. Judge Fields today ordered the Tenant's Association to have a new election and is encouraged with the discussion that there may be some money available through community development block grants. One of the pre-requisites of Sportshaven Mobile Park being considered for any State or Federal funding to repair the infrastructure is the taxes have to be forgiven. The Town has tried on multiple occasions to come up with a plan to have the taxes forgiven. The Town is never going to collect them but maybe going forward with a clean slate they could keep up. If things come together in the next four to six weeks he would like to have an article to ask the tax payers to forgive the taxes. Mr. O'Connor is really concerned about setting precedent with doing this. In this case if we don't forgive the taxes and improve the infrastructure the cost to the town will be far greater. Mr. Archible feels the residents of Sportshaven should be doing something to help themselves. They don't pay rent to the Tenant's Association and they need to do something to help themselves. Mr. Brougham commented that Judge Fields had summoned them to court in January and was very clear to them that they either step up or the park will be condemned and they will be looking for another place to live. Condemning the park will cost the town a lot of money.

g. Miscellaneous Matters: None.

6) **Town Administrator's Report:** The Finance Committee for tomorrow night is cancelled and rescheduled for March 6<sup>th</sup>.

7) **Review of Weekly Mail:** Reviewed, no discussion held.

8) **Individual Board Members' Reports:**

Ms. Gramarossa: Encouraged everyone to take the survey that is on the school website. This is for the process to look for qualifications for the new superintendent search. Also, she was asked to remind everyone that Friday night at the Nest the police department will be there at 7:00 p.m. to discuss their open door policy. The Nest is in the same plaza as Antonio's.

Mr. Archible: He has a MPO meeting tomorrow morning.

Mr. Boscher: The housing authority reached out to him. They are supposed to have a five person board but only have three people right now. They would like to appoint an individual who has expressed interest on serving on their board. They have advertised several times but haven't received any interest but now they have someone who is interested; he questioned what the quickest way would be to appoint this person. He has the letter and will give it to the town administrator to have it on the next agenda.

Mr. O'Connor: Will be going to Dover for the presentation of the accreditation of the police department.

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

10) **Adjournment:** Meeting adjourned at 9:08 p.m.

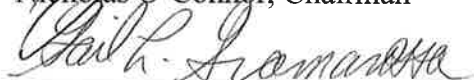
Minutes submitted by Gary L. Brougham, Town Administrator


Board approved/endorsed: 4/8/19

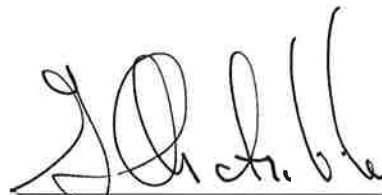
Board of Selectmen - Town of Belchertown


Endorsed by a majority:

  
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Nicholas O'Connor, Chairman

  
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Gail Gramarossa

  
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Ed Boscher

  
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George D. Archible

  
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Brenda Q. Aldrich