

**TOWN OF BELCHERTOWN
BOARD OF SELECTMEN'S MEETING MINUTES
MONDAY, MARCH 14, 2016
Selectmen's Meeting Room, Lawrence Memorial Hall**



Present: Ronald E. Aponte, Brenda Q. Aldrich, William R. Barnett, Nicholas O'Connor
Absent: George D. Archible

- 1) **Call to Order:** Chairman Aponte called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.
- 2) **Sign Documents:**
 - a) Warrant #1637 was signed for \$775,942.06.
 - b) Routine documents
 - c) Approval of Minutes: Ms. Aldrich moved the Board accept the minutes of Monday, February 8, 2016. Seconded by Mr. Barnett. Motion passes 3- yes, 1 – abstain (O'Connor). Ms. Aldrich moved the Board accept the minutes of February 22, 2016. Seconded by Mr. O'Connor. Motion passes 4 – 0.

3) **Additions to the Agenda:**

- Nomination of Search Committee for Recreation Director: Mr. O'Connor presented the details. As previously notified by Robert Opalenik at a previous Board of Selectmen meeting of his intent to retire on June 30, 2016 and we are now in March he feels it is appropriate at this time to put together a search committee similar to what was done for the chief of police job.

Mr. Aponte asked the Board if they were on board with beginning the process. All members were in agreement. Mr. O'Connor suggested seven members for the committee – member of the Recreation Commission, School Committee or School Department, Department of Public Works, three at large citizens and the Town Administrator.

Mr. Aponte moved the Board advertise for a Recreational Director Search Committee to consist of seven members to be comprised of one Recreation Committee member, one School Committee or School Department member, one Department of Public Works member, three at large citizens and the Town Administrator or his designee. Seconded by Mr. O'Connor. Motion passes 4 – 0. The advertisement will close on April 8, 2016. Letters to be reviewed by the Selectmen on April 11, 2016.

4) **Appearances Before the Board:**

- 7:33 p.m. Pole Hearing - #2016-05, Franklin Street Extension: Ms. Aldrich read the public notice and opened the public hearing. The petition is from Verizon and Massachusetts Electric Company and is to place one jointly owned pole on the southeasterly side of Franklin Street Extension at a point approximately ninety-six

feet easterly from the centerline of Franklin Street. It is to provide mid-span support to the existing pole line; and to provide for the distribution of intelligence and telecommunications, and for the transmission of high and low voltage electric current.

Andy Hufnagel from Verizon was present and Mandy from National Grid were present for the hearing. There were no comments from the public. Ms. Aldrich moved to close Pole Hearing #2016-05. Seconded by Mr. O'Connor. Motion passes 4 – 0.

Ms. Aldrich moved to approve the petition #2016-05. Seconded by Mr. O'Connor. Motion passes 4 – 0.

- 7:35 p.m. Public Hearing – Jovino Martins, CV Taxi: Mr. Aponte reminded everyone that Mr. Martins had previously been before the Board to provide details of his operation. The licensing has been processed and a CORI (background check) has been performed. A certificate of good standing was received from the Treasurer-Collector. Mr. Martins confirmed that he has proof of insurance and the taxi registration.

Mr. Martins will charge in two different ways. He will have metered fees as well as flat fees. Fees will be discussed between the customer and Mr. Martins. They will be able to decide how they want to pay. He will have signage for the vehicle showing that it is a taxi service. He will have it on the top of the vehicle and also on the sides of it. Mr. Aponte indicated the Building Inspector will have to sign off on the signage.

Mr. Aponte read the public hearing notice and opened the hearing. He then asked the Board members if they had any questions regarding this license. Mr. Barnett stated that it is nice that there is finally a taxi in Town.

Mr. Aponte asked if there were any questions, concerns or comments from the public. Ezekiel DeSousa stated he is from Belchertown and works at UMass. He finds it difficult with his schedule to take the bus to and from school and feels having a taxi service in Town will definitely be a benefit to him. There were no other comments from the public.

Mr. O'Connor moved to close the public hearing. Seconded by Ms. Aldrich. Motion passes 4 – 0.

Mr. Aponte moved the Board of Selectmen acting as license commissioners award a taxi license to Jovino Martins, CV Taxi doing business out of 28 Federal Street, Apartment E3, Belchertown. Seconded by Ms. Aldrich. Mr. Aponte stated that Mr. Martins has to make sure all the outstanding issues have been signed off on. Motion passes 4 – 0.

Mr. Aponte moved the Board authorize the Chair to endorse the application for taxi driver/chauffeur license under the name of Jovino Martins. Seconded by Ms. Aldrich. Motion passes 4 – 0.

- 7:45 p.m. Town Way Hearing – Crestview Acres, Inc.: Mr. O'Connor read the public hearing notice and opened the public hearing. Steve Williams, Director of Public Works was present for the hearing to provide a brief overview. The roadway acceptance is the last step in the development process. The maintenance transfers from the developer to the Town. There are a series of steps that have to take place. First is the petition to the Board of Selectmen to request to layout the way which the Board votes their intent to lay it out which occurred on October 26, 2015. At that time the Board of Selectmen refers it to the Planning Board for their report and they responded back to on November 19, 2015. Once that report is back a public hearing is scheduled and the abutters are notified by the Department of Public Works which part of tonight's meeting. The public hearing notifies the abutters and allows them to bring forth their questions or concerns to see if they can be resolved before Town Meeting. Following tonight's meeting the plan will be filed with the Town Clerk. If it is approved at town meeting Town Counsel will begin title certification, looking at easements and once all easements are acquired and recorded it will be an official Town Way.

Mr. Williams stated the benefits to it becoming a Town Way are that the long term maintenance will be potentially funded by Chapter 90 road program, State monies.

There were no questions, comments or concerns from the Board of Selectmen or from the public. Mr. O'Connor moved to close the public hearing. Seconded by Ms. Aldrich. Motion passes 4 – 0.

Mr. O'Connor moved the Board accept the Order of Layout of Crestview Drive. Seconded by Mr. Barnett. Motion passes 4 – 0.

- 7:55 p.m. Town Way Hearing – Old Sawmill Road, Hunters Ridge – Phases I & II: Mr. Barnett read the public hearing notice and opened the hearing. Steve Williams, Director of Public Works reiterated the process for Laying Out a Town Way. (See above – Crestview Acres).

The Board of Selectmen had no comments, questions or concerns. Mr. Aponte asked if there were any comments, concerns or questions from the public. Jim Kenney a resident of Town stated he is in support of this. He indicated he is confused with the Planning Board subdivision regulation being so strict and not allowing the cul-de-sacs to be more than 1,200 ft – he questioned if they can now do 3,000 ft cul-de-sacs.

Mr. Williams pointed out that when Mr. Barnett read the public hearing notice that this is Phase I & II only. The Phase III extension will be more towards Mr. Kenney's comments. He continued that in spite of their own regulations the Planning Board did approve this to put finality to the subdivision. Mr. Williams feels this is more of a Planning Board question and should be asked of them.

Mr. Aponte feels the Board is only focusing on Phases I & II and not the subdivision in its entirety. He feels the Board should approve this but will reach out to the Town Planner and have him touch base with Mr. Kenney.

Gary Brougham, Town Administrator also presented an overview of the project detailing why some things happened the way they did. The developer was not able to follow through on his plans to come out to Route 9 because of the solar field and National Heritage. The developer bought a piece of property next to the mini golf course hoping to have an exit to be used by emergency vehicles only. The Planning Board and the developer came to an agreement in that the developer installed a cistern and cut back on his development of Phase III. Following Mr. Brougham's explanation, Mr. Kenney stated he is all set and would speak to Mr. Albertson himself at some point.

Ms. Aldrich moved to close the public hearing. Seconded by Mr. O'Connor. Motion passes 4 – 0.

Mr. Aponte moved the Board accept the Order of Layout of Old Sawmill Road – Hunters Ridge, Phase I & II. Seconded by Mr. O'Connor. Motion passes 4 – 0.

- 8:05 p.m. Town Way Hearing – Oasis Drive at Stonegate Farms: Ms. Aldrich read the public hearing notice and opened the public hearing. Steve Williams, Director of Public Works reiterated the process for Laying Out a Town Way. (See above – Crestview Acres).

There were no comments, questions or concerns from the Board of Selectmen or from the public.

Ms. Aldrich moved to close the public hearing. Seconded by Mr. O'Connor. Motion passes 4 – 0.

Mr. Aponte moved the Board accept the Order of Layout of Oasis Drive at Stonegate Farms. Seconded by Ms. Aldrich. Motion passes 4 – 0.

- 8:15 p.m. LeeAnne Connolly, Conservation Administrator – VanZandt Deed Restriction: Ms. Connolly was present and presented the details. She explained this is a formality as the hearing process has already been done. The applicants have gone through the Planning Board and the Conservation Commission for approval for a common drive to access four single family homes. It was agreed upon by all parties that there be a deed restriction limiting the amount of wetland alteration to a total of 3,784 sq ft. The document has been signed by the applicant and the Conservation Commission. The Board of Selectmen needs to also sign the document.

Mr. Aponte moved to accept the deed restriction as presented. Seconded by Ms. Aldrich. Motion passes 4 – 0.

5) Discussion/Action Items:

- a. Disclosure by Municipal Employee of Financial Interest in a Municipal Contract: Mr. Barnett presented the details to the Board. The Town Clerk is seeking an endorsement of an official disclosure by a municipal employee of financial interest in a municipal contract form. Mr. Hansbury was a full-time employee of the Belchertown School Department and is now a substitute teacher He has been appointed to be an assistant registrar, a compensated position. Ms. Aldrich moved to approve Mr. Hansbury's Disclosure by Municipal Employee of Financial Interest in a Municipal Contract. Seconded by Mr. O'Connor. Motion passes 4 – 0.
- b. Acknowledge Notice of Retirement – Planning Board Technical Assistant: Mr. Barnett presented the details. Susan Gay has submitted her letter of resignation from the Planning Board, effective April 15, 2016 with a retirement date of April 16, 2016. Ms. Gay has worked for the Planning Board for many years.

Mr. Barnett moved the Board accept the resignation and retirement of Susan Gay from the Planning Board. A letter will be sent to Ms. Gay thanking her for her many years of service to the Town. Motion passes 4 – 0.

- c. Appoint Trustee for the Calvin Bridgman Library Fund: Mr. O'Connor presented the details. Nicole Dunham has submitted a letter of interest to serve as a Trustee. Mr. Aponte explained that this member is appointed at Town Meeting; however, due to a resignation, the Board of Selectmen appoints a member until the Town Meeting vote on May 9, 2016.

Mr. O'Connor moved to appoint Nicole Dunham as Trustee for the Calvin Bridgman Library Fund, term to expire May 9, 2016. Seconded by Ms. Aldrich. Motion passes 4 – 0.

- d. Appoint Member to Board of Registrars: Mr. Barnett presented the details. The Belchertown Republican Town Committee nominates three names to fill the upcoming expiration of one of the Republican Members of the Board of Registrars. Mr. Barnett moved to re-appoint Mary Catherine Knight to the Board of Registrars, term to expire March 31, 2019. Seconded by Ms. Aldrich. Motion passes 4 – 0.
- e. Review ZBA Special Permit and Variance Application – 88 Channel Drive, Belchertown: Mr. Barnett presented the details. The Zoning Board of Appeals has submitted an application for an appeal of a decision made by the Building Inspector/Zoning Enforcement Officer for 88 Channel Drive, not to issue a building permit. Channel Drive is not an accepted Town Road. The issue is regarding two adjoining lots which the owner stated can be combined. The Zoning Officer informed the owner that there was a five year period allowed the practice of combining lots years ago but that option is no longer viable. The owner then applied for a variance for a building permit which was also denied which is the reason for the appeal.

Mr. Barnett remembers a few years ago another resident wanted to build three houses in this same area and was denied by the Planning Board resulting in a lawsuit that the Town won. There is a precedent denying the building in this area.

Gary Brougham, Town Administrator stated it is typical for the appeals to be sent to other boards and committees in Town for their comments. In this case the building

inspector has denied the application and there is a previous decision in land court that denied building lots for the right reasons stated. This meeting tonight is not the decision to approve or deny the request but simply to provide feedback. He feels the Board of Selectmen has no choice but to support the decision of the Town's building inspector

Following a discussion the Board was in agreement to support the decision of the Town's Building Inspector. The Board will send a letter stating they are in agreement with the Town Building Inspector.

- f. Executive Session – MGL Chapter 30A, Section 21, Subsections 2, 3 and 6: Ms. Aldrich moved the Board enter executive session at the conclusion of their regular session pursuant to MGL Chapter 30A, Section 21, Subsections 2, 3 and 6 and not to reconvene in open meeting. Seconded by Mr. O'Connor. Roll call vote: Aponte – yes, Aldrich – yes, O'Connor – yes, Barnett – yes.
- g. Miscellaneous Matters: None.

6) Town Administrator's Report:

- The Annual Pathfinder budget meeting will be held this Wednesday at Pathfinder.
- Attended the Property and Transportation subcommittee meeting of the school committee last week. Once again the topic of capital funding was brought up. The school committee did submit the warrant article for annual town meeting for the storage tank removal. The cost is now \$282,000.
- The finance committee will be meeting tomorrow night. The Town still does not have the Pathfinder budget, we don't have the State budget, the committee is still meeting with department heads and are still assessing our new growth,
- A week ago the Town hosted a Massachusetts Municipal Association legislative breakfast. There were about 40 area municipal leaders in attendance.
- There has been talk about the proposal to introduce timber rattlesnakes to Quabbin. There is a hearing at Quabbin this evening to discuss this. There are two petitions on Masslive one in support and one against having the snakes at Quabbin. He will try and get the information that was presented this evening. Mr. Aponte would like to reach out to the Town of Ware to see if there could be a joint meeting regarding the snakes. Gary Brougham, Town Administrator will reach out to the Town of Ware and Mr. French and the Department of Conservation and Recreation who are in support of placing the snakes at Quabbin.

7) Review of Weekly Mail:

#14 & #18) Michael Cavatorta wrote to the Board concerning the planned treatment of Lake Holland. He feels the process building up to permitting of herbicide treatment at Lake Holland was not fair and equitable. He wants an additional process to express concerns for this treatment.

LeeAnne Connolly, Conservation Administrator presented the details of the treatment of the three lakes to the Board. Mr. Cavatorta thinks there should be a better process in place to allow residents to express their concerns.

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

Ms. Aldrich: Met with the School Committee. They will be putting together a School Study Report Committee looking at the feasibility of building a new school. It will take about two years to get a report from this committee. It was mentioned at the meeting that there was talk in Ware of regionalizing their schools and that they wanted to regionalize with Belchertown. She wanted to make sure everyone know that is not going to happen. The Ware Selectboard voted to not regionalize their schools. On April 12th Senator Lesser will be attending the School Committee meeting.

Mr. Barnett: The Hampshire County Selectboard will be holding a meeting this Thursday at the South Hadley Town Hall.

He also mentioned that he read that the Quabbin Health District was under criticism which includes Belchertown, Pelham and Ware. In the Town of Ware they have a collection box for used needles so they don't end up in the parks where children play. The cost of this box is \$4,000. The box is emptied four times a year at a cost of \$1,500. Belchertown does not have a box and he thinks that the Board should support having one in Town. Mr. Barnett believes the Quabbin Health District is submitted a request to the Finance Committee to support funding this.

Mr. O'Connor: Reported on the DART initiative. The Town will get a full report in about a month. It is posted on the American Association of Architects website.

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

10) **Adjournment:** Meeting adjourned at 9:04 p.m.

Minutes submitted by Gary L. Brougham, Town Administrator


Board approved/endorsed: _____

Board of Selectmen - Town of Belchertown

Endorsed by a majority:



Ronald E. Aponte, Chairman




Brenda Q. Aldrich

(absent)

George D. Archible

William R. Barnett



Nicholas O'Connor