

**TOWN OF BELCHERTOWN
BOARD OF SELECTMEN'S MEETING MINUTES
MONDAY, APRIL 10, 2017
Selectmen's Meeting Room, Lawrence Memorial Hall**



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

Call to Order: Chairman Archible called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

2) Sign Documents:

- a) Warrant #1741 was signed for \$ 664,907.64.
- b) Routine documents
- c) Approval of Minutes: Mr. O'Connor moved the Board accept the minutes of February 27, 2017. Motion seconded by Ms. Aldrich. Motion passes 5 – 0. Mr. O'Connor moved the Board accept the minutes of March 27, 2017. Motion seconded by Mr. Aponte. Motion passes 5 – 0.

3) Additions to the Agenda:

4) Appearances Before the Board:

- 7:35 p.m. Town Way Hearing – Sheffield Estates: Mr. O'Connor read the notice of intention of the Board of Selectmen to lay out a town way and public hearing. Mr. Archible asked Steve Williams, Director of Public Works to explain the process.

He explained there is a total of 1.7 miles of roadway and listed the streets that are involved. The acceptance of the roadways is the last step in the process of making these town roads. By accepting these roads it makes them eligible for Chapter 90 funding for road maintenance and repairs. It benefits the property owners because they become official town ways which allows for greater flexibility in what maintenance is done on these roads.

He reviewed the steps that occur prior to these roads being accepted as town ways. The first step is normally the developer petitioning the Selectmen to lay them out. In this case the DPW acted on behalf of the developer as the Planning Board had voted previously to hold the developer in default of the sub-division permit so it reverted to the town. The next step is for the Board of Selectmen to vote its intention to lay out the way which the Board did on February 13, 2017 and it was referred to the Planning Board for their report. The Planning Board has voted their approval for this subdivision to be accepted. DPW obtained a certified abutters list so they could be notified of the hearing. The next step is tonight's public hearing and the Board of Selectmen vote. If the Board votes to lay these roads out as town way, the plans go to the town clerk's office where they are on file for review and then go to town meeting for a vote.

Mr. Williams explained the three different easements that he will have to work with if the town way is approved at town meeting. There will be easements that will be acquired. None of them are for new infrastructure. Anywhere that we need an easement there is a pipe, a swale or a pond. We will not be taking

property indiscriminately. They will be for rights of entry to maintain a pipe, a swale a pond or the roadway.

Chairman Archible opened the discussion to residents who had concerns. Pam White on Waterford Drive was concerned when she saw the signs. She thought this was for something new that the town would be doing. Mr. Williams stated it isn't new the town just needs to have the legal ownership of the roads.

Mr. Barnett stated he believed the town could not repave these roads unless they became town roadways; pot holes could be filled in but that is all that can be done. Mr. Williams stated he was correct.

Another resident questioned if it will change future property taxes. He was told that it shouldn't change anything because everything is already in place but he would have to check with the assessor's office to make sure.

Lloyd Harris questioned that the easements would have to be recreated and questioned if those will have to be signed by the residents as part of the process. He was told that it might not necessarily need the resident's signature. Mr. Williams indicated that the language that goes to town meeting will include imminent domain which will allow the town to take property. In this case it is used for people that can't be reached, owners unknown. He reassured the residents that the town is not taking that property that we only need easements. He explained an easement vs. property taking.

Chuck Arthur of 144 Sheffield Dr. wondered if this has any effects on existing covenants. Mr. Williams stated that whatever covenants they had available to use in the past they used. Mr. Arthur wanted to know if any covenants change. Mr. Williams does not believe they do.

Mr. Brougham explained that what Mr. Williams is doing is standard practice of how a town makes a road a public way. Mr. Williams is doing what the developer would normally have to do. The developer was able to go to the top of the hill without cleaning up the earlier sections of the development. The benefit is once it is accepted as a town way it goes on the inventory of accepted public streets the town receives Chapter 90 money to help maintain these roads.

Paul Ziemba of 8 Lexington Drive questioned if there would be any cost to the residents. He was told that there is no cost to the residents but there is a great cost to the town. Mr. Williams told the residents if they want to see the plan in great detail they can come to his office to do so.

Mr. O'Connor moved to close the public hearing. Motion seconded by Mr. Aponte. Motion passes 5 – 0.

Mr. Aponte moved that the Board of Selectmen endorse the order of layout for Sheffield Estates comprised of Sheffield Drive, Spring Hill Road, Waterford Drive and Lexington Drive. Motion seconded by Ms. Aldrich. Motion passes 4 – yes, 1 abstain (Barnett).

- 8:00 p.m. Wong Garden Liquor License Transfer Hearing: Mr. O'Connor read the public hearing notice and opened the hearing. Attorney Thomas Wilson

was present representing Fu Di Tan. He indicated she had purchased Wong Garden back in November and had a different attorney at that time. The former attorney believed that when they changed the paperwork she would have a liquor license which is not the case. When she came to him they filled out all the appropriate paperwork to transfer the liquor license. He has all the green cards returned from the abutters. The notice for the transfer has been placed in the newspaper. She is TIP certified and has worked in the restaurant business. The new owner will make sure all employees are TIP certified if they are not already certified.

Mr. Aponte stated that the Board takes it very seriously that no alcohol is served to minors. He knows there are fake id's out there and knows that there is certain equipment that can be utilized; he questioned if there are plans to implement something like that. Attorney Wilson indicated he had spoken with his clients regarding this type of equipment. Once they have been approved for the liquor license they will be looking into purchasing this type of equipment.

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

Mr. O'Connor moved the Board approve the transfer of the liquor license for Wong Garden. Motion seconded by Ms. Aldrich. Motion passes 5 - 0.

5) Discussion/Action Items:

- a. Accept Heavy Equipment Operator I Employee Resignation: Mr. Archible presented the details to the Board. Dillion Bachand has submitted his letter of resignation. He has a CDL license as well as a hoisting license and will be moving on to Columbia Gas. A letter will be sent to Mr. Bachand thanking him for his service to the town.
- b. Accept Full-Time Firefighter/Paramedic Resignation; Appointment to Part-Time: Mr. Aponte presented the details to the Board. Ms. Lisa Hermanson has submitted her letter of resignation as a full-time firefighter/paramedic. The Board accepted the resignation of Lisa Hermanson as a full-time firefighter/paramedic.

Mr. Aponte also noted that Ms. Hermanson is moving on to another full-time employer but has requested to stay on as a part-time firefighter/paramedic. Mr. Aponte moved the Board appoint Ms. Hermanson to a position of part-time firefighter/paramedic. Motion seconded by Mr. O'Connor. Motion passes 5 – 0.

- c. Changes to Membership – Historic District By-Law Commission: Mr. O'Connor presented the details to the Board. It is a change in membership to the Commission. Mr. O'Connor moved that the organization of the History District By-Law Commission is as follows:
 - Historic Association Seat – Denise Smith (6/30/18)
 - Architect Seat – Jonathan Spiegel (6/30/18)
 - Real Estate Seat – Peter Roberts (6/30/17)
 - Owner in District Seat – Tom Stockton (6/30/19)
 - At Large – Irene Mariettos (6/30/17)
 - 2 Vacant at Large Seats
 - Associate Member – Anna Szmyd Marques (6/30/17)

Motion seconded by Ms. Aldrich. Motion passes 5 – 0.

- d. Appointment of Animal Control Officer and Assistants: Mr. Aponte presented the details to the Board. The terms expire for the Animal Control Department on April 30, 2017.

Mr. Aponte moved to appoint the following:

- Anna Fenton, Animal Control Officer, term to expire April 30, 2018
- Janet Lipscomb, 1st Assistant, term to expire April 30, 2018
- Lawrence Belbin, 2nd Assistant, term to expire April 30, 2018

Motion seconded by Mr. Barnett. Motion passes 5 – 0.

- e. Appointment of Veterans' Service Agent: Mr. Archible presented the details to the Board. The term for the Veterans' Service Agent expires April 30, 2017.

Mr. Archible moved to appoint Raymond Janke as the Veterans' Service Agent, term May 1, 2017 through April 30, 2018. Motion seconded by Mr. Aponte. Motion passes 5 – 0.

- f. FY18 Budget Discussion: Mr. Aponte presented the details to the Board reminding everyone that the Board of Selectmen, the Finance Committee and the School Committee met last week and has some "relatively" final numbers for the budget. There are a few potential concerns with regards to the budget due to a snow deficit and a health insurance deficit. Also the House has preliminary discussed the State budget.

Mr. Brougham was questioned if there were any more definitive numbers for the snow deficit. He was told that there were not as of today; we are still working with the same number that they had in the last budget meeting.

Mr. Aponte stated that one of the ways the town was going to address the deficit for the FY17 budget was to take an additional \$150,000 from stabilization and put it toward reducing the deficit. Additional money will be taken from stabilization for the FY18 budget.

- g. Review Draft Warrant Articles for Special and Annual Town Meetings: Mr. Barnett presented the details of the two articles for the special town meeting. Mr. Barnett moved the Board allow the two warrant articles for the special town meeting. Motion seconded by Mr. Aponte. Motion passes 5 – 0.

Mr. Aponte presented the details of the first ten annual town meeting warrant articles. He indicated the first ten are general housekeeping articles. Article ten – revolving funds can be a little confusing. He explained that money that comes in for the town beach, or any other department, can then be used to pay for expenses for it. Mr. Aponte moved the Board present articles one through ten as presented in their packet to annual town meeting. Motion seconded by Mr. O'Connor. Motion passes 5 – 0.

Mr. Barnett presented the details of articles 11 through 20. Article 11 has to do with compensation / classification plans. Mr. Barnett asked Mr. Williams to explain this article. Mr. Brougham explained that the intent of article 11 is to adjust the compensation chart of the non-bargaining unit of employees. All of the union employees are getting 2% cost of living increases and if the Board is in agreement all of the non-bargaining unit employees will have their chart adjusted with a 2% cost of living. Mr. O'Connor confirmed that costs of living increases

are separate from step increases. Mr. Aponte stated that it is accurate if the employee hasn't reached the top of their grade.

Mr. Aponte questioned the minimal hours paid as well as the double time for certain holidays and longevity. He questioned when the Board received the request for these changes. Mr. Brougham informed him it was received on February 13th which was well before the deadline for warrant articles.

Mr. Brougham clarified that within the bargaining unit of the DPW there are certain holidays that the employees get double time. The non-bargaining employees of the DPW are asking for the same consideration. Also, the union employees receive a higher amount of longevity than the non-bargaining employees so they are asking for it to be made equitable.

Mr. O'Connor is concerned that there is a \$250,000 increase in salaries related to step increases, cost of living and longevity pay. He did the math and stated it is a quarter of a million dollars on the three increases. He understands trying to keep equity between bargaining and non-bargaining employees but feels the unions are there to provide that leverage to the bargaining unit employees.

Mr. Aponte is not a fan of longevity but stated it is what it is. He cannot support increasing it for the by-law employees. He feels it will not always be perfect and that the non-union employees don't have union dues taken out of their paychecks.

Mr. O'Connor feels that bargaining unit and non-bargaining employees are not the same. He again stated that the Board has leverage over the personnel by-law employees. He rejects the increases for this group of employees. He wants to see increases based on merit. Needs lists are a higher priority for him.

Mr. Aponte stated he can support the 2% cost of living increases in keeping with the equity of the bargaining units but he cannot support the longevity.

Mr. O'Connor stated he only supports the increases for double time for the non-union DPW workers in article #11; he supports nothing else in this article. Mr. Aponte will support the 2% c.o.l.a.

Ms. Aldrich wants to hold this for further discussion at the next meeting to have time to get the actual cost to the town for these increases. Mr. O'Connor again stated it is \$250,000. Mr. Brougham stated that Mr. O'Connor is coming up with the \$250,000 for ALL of the town departments of which 60-65% are collective bargaining employees. Mr. O'Connor stated its \$250,000 outside of collective bargaining. Mr. Brougham indicated that everything that is being asked for in this article is what is provided in the union contracts. Each union contract receives a step increase, c.o.l.a and longevity. He stated the Board shouldn't not just give c.o.l.a as that voids out the intent of the compensation study that the town paid a lot of money to do several years ago.

Mr. Aponte stated that if the town starts to lose equity between the non-bargaining and bargaining units it will be only a matter of time before the non-bargaining group becomes a bargaining group.

Mr. O'Connor believed the non-bargaining employees were getting a total of a 4.5% increase while the bargaining units were only getting the 2% step increase. He asked Steve Williams for confirmation on if the union employee's steps were based on evaluations. Mr. Williams explained the step increases for both his department and town hall employees. He also explained how compensation had fallen behind when the town wasn't keeping up with being in line with salaries and that the town lost a lot of good employees because of it. He believes all the employees within the town should be treated the same.

Following Mr. Williams comments both Ms. Aldrich and Mr. Archible believe that this article should go to town meeting and that the town employees should be taken care of and treated fairly. Mr. Archible wants the voters to decide what the non-bargaining employees should receive for compensation.

The town accountant will be asked to provide the cost of these increases and this article will be discussed again at the next selectmen's meeting.

The Board continued to review the remaining warrant articles. Mr. Aponte moved the Board approve articles 11 – 20; removing articles 13 and 14 (storm water). Seconded by Mr. O'Connor. Motion passes 5 - 0.

Mr. Brougham indicated that article #21 is going to be deleted. Mr. Archible presented articles 22 through 30 to the Board. Following their review, Mr. Aponte moved the Board accept articles 21 through 30. Motion seconded by Mr. Barnett. Motion passes 5 – 0.

Ms. Aldrich presented articles 31 through 44 to the Board. Following their review, Mr. O'Connor moved the Board accept articles 31 through 44. Motion seconded by Mr. Aponte. Motion passes 5 – 0.

Mr. O'Connor presented articles 45 through 48, 50 and 51. Mr. Barnett sees no point in having article 49 which is for Belchertown to withdraw from the Hampshire Council of Governments. He stated it has been defeated twice at town meeting in the past. He reviewed the savings to the town for using the Hampshire Council of Governments. He indicated that the HCOG is considered by the State to be a County Governments. He also reviewed the programs offered by the Hampshire Council of Governments. He also went over the savings for the Hampshire Insurance Trust which is the insurance that is provided to the town employees. It is the 2nd largest insurance in the state.

Ms. Aldrich stated that if the town withdraws from the HCOG we will still be members of the Insurance Trust. Mr. Barnett doesn't agree. He sued the HCOG 15 years ago to pull out of it. The court ruling states we can't pull out of it. Mr. O'Connor stated that the town does not have to be part of the HCOG to participate in the Insurance Trust but if the HCOG falls below a certain population threshold and dissolves that is the issue. Since we are the largest population and if we withdraw it would destabilize it as an organization which would then potentially affect our insurance down the road. Ms. Aldrich doesn't feel that should be held over Belchertown's head. She wants to see this article remain on the warrant until we see some housekeeping at the top over at the Hampshire Council of Governments. Mr. Barnett spoke of the liability coverage that the HCOG has.

Board members believe that the people of town should be allowed to decide whether or not we stay in the HCOG. Mr. O'Connor wants to have more information for the public. He is not sure which numbers for savings are to be believed as there is such a difference between those given to us by the HCOG and those that the town has. Mr. Barnett does not want to see the state taking over the Insurance Trust which could happen if the HCOG were to be dissolved.

Mr. Brougham explained the two previous attempts to withdraw from the Hampshire Council of Governments.

Ms. Aldrich moved the Board accept articles 45 – 51. Motion seconded by Mr. Aponte. Motion passes 4 – yes, 1 – no (Barnett).

h. Miscellaneous Matters: None.

6) **Town Administrator's Report:** None.

7) **Review of Weekly Mail:**

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

Ms. Aldrich: She attended the Northwestern District Attorney's breakfast for child abuse. She went with Chief Pronovost and various other officers' from the Belchertown Police Department. It was an amazing event.

9) **Questions from the Press:**

Steve Hill from the *Sentinel* questioned the comment that the question of the town's liability was answered if the HCOG is dissolved. He was told it was and that the town is not held liable.

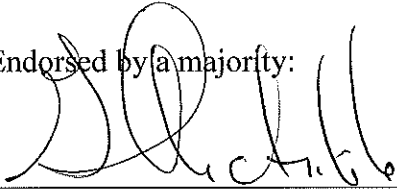
10) **Adjournment:** Meeting adjourned at 9:38 p.m.

Minutes submitted by Gary L. Brougham, Town Administrator

Board approved/endorsed: May 22, 2017

Board of Selectmen - Town of Belchertown

Endorsed by a majority:



George D. Archible, Chairman



Brenda Q. Aldrich

Ronald E. Aponte

William R. Barnett



Nicholas O'Connor