

**TOWN OF BELCHERTOWN  
BOARD OF SELECTMEN'S MEETING MINUTES  
MONDAY, JUNE 25, 2018  
Selectmen's Meeting Room, Lawrence Memorial Hall**

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

**Absent:** Brenda Q. Aldrich

**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 #      was signed for \$4,107,042.39.
- b) Routine documents
- c) Approval of Minutes: Due to a type on the minutes they have been sent back to be updated. Minutes will be reviewed at the next meeting.

**3) Additions to the Agenda:**

- Retirement(s) Belchertown Police Department – Mr. O'Connor presented the details to the Board. Sergeant William Panto has submitted his letter or retirement On August 30, 2018. He has served the Town as a police officer for almost 25 years. The Board acknowledged Sergeant Panto's retirement. A letter will be sent to Sergeant Panto thanking him for his many years of service to the Town.

Mr. O'Connor also announced that Part-Time Officer Jeremiah McBride has decided to retire from the Belchertown Police Department after having served the Town for 22 years. The Board acknowledged Officer McBride's retirement. A letter will be sent to Officer McBride thanking him for his many years of service.

- Retirement – Belchertown Senior Center: Mr. Boscher presented the details to the Board. Dianne Radebaugh submitted a letter indicating the Supportive Day Program will be closing on Friday, June 29, 2018. She will be using vacation time until July 30, 2018. She will retire effective July 31, 2018. The Board acknowledged her retirement. A letter will be sent to Ms. Radebaugh thanking her for her many years of service to the Town.
- Appoint Department of Public Works Seasonal Laborer: Per the recommendation of Steve Williams, Director of Public Works, Mr. Archible moved to appoint Nicholas Leduc to the position of temporary seasonal laborer, effective immediately. Motion seconded by Mr. O'Connor. Motion passes 4 – 0.
- Shared Public Nurse (w/Town of Ware) Contract for Endorsement: Gary Brougham, Town Administrator presented the details to the Board. He had positive comments regarding the position. It has been agreed to by both parties legal counsel. The Town's agree to share the services and costs associated with a Public Health Nurse.

Ms. Gramarossa moved the Board endorse the Intermunicipal Agreement between the Towns of Belchertown and Ware for Shared Public Health Nurse Services. Motion seconded by Mr. Archible. Motion passes 4 – 0. The position will be advertised.

**4) Appearances Before the Board:**

- 7:35 p.m. Thomas Ciolek: Mr. Ciolek was present. Mr. O'Connor gave a brief overview of the previous discussion regarding Mr. Ciolek's request to ride the rail bed trail on his ATV with his son.

Mr. Ciolek explained that he had been stopped by two EPO's. He had a discussion with the EPO officers about riding on the trails. They explained that it is not permitted and that you have to have property owner permission to be on them. The EPO explained that the Town owns the property and suggested going before the Board asking for permission to ride his ATV with his son on this trail. He wants to do this as his son has severe autism. He has minimal communication meaning he is non-verbal; he does a little bit of signing and a little bit of picture communication. He has always liked therapeutic riding whether in a car or on an ATV or snowmobile. As he has gotten older his son likes to go at a calmer, slower ride on a flat trail going only about 15 – 20 mph. The rail trail is a smooth trail. The EPO officer had told him in other towns special permission has been granted allowing individuals to ride their ATV.

Mr. Ciolek commented that he does have insurance; he owns a farm so he has a farm policy that covers the ATV. He would have his lawyer write up documentation stating that he would hold the Town harmless if anything were to happen. He doesn't want the Town to deal with complaints from residents if there are any problems with him being on the trail. He would be willing to put a pylon flag on his ATV so that it would be readily identified. He could use his son's handicap placard or a sign for slow moving triangle that he uses for other farm equipment. He indicated they would only be out there twice a month, every other weekend. He is not looking to inconvenience any one and understands if the Town says no.

Ms. Gramarossa commented that Mr. Ciolek had anticipated some of the questions she would ask. She questioned the type of protective gear that they wear while riding on the ATV. He provided the information to her. He also provided information on how they ride; for example if they encounter horses they pull over and let the horses go by first.

Mr. O'Connor asked for clarification if it's Mr. Ciolek operating the ATV or his son. He was told that it 100% him. His son doesn't have the capacity to drive the ATV.

Mr. Boscher questioned if he recalled the special exemptions made in other towns. He was told that he only remembered the exception made in South Hadley and provided the information as he knew it.

Mr. O'Connor commented that the biggest concern he had at the last meeting was if this is precedent setting. It was questioned if the ATV community would come out and use it as an example. He does feel it is a legitimate request and doesn't have an issue with the request itself.

Mr. Archible indicated he is an ATV enthusiast. He had ridden on that trail for many years. There is a forum for all ATV users in New England. Our Board of Selectmen is being watched on this decision tonight. It was posted that they would get in line with hardship cases on coming to Belchertown to use the rail trail. He feels this will open a can of worms and would vote no on this request.

Mr. Ciolek was questioned as to where he rides the ATV. He informed the Board as to the areas that he rides. He feels his situation is unique and is not trying to lessen other people's disabilities. He believes there is a law that would allow his son to use this trail on the ATV as he would not be able to access it and enjoy it in any other manner. He feels it would be nice if the ATV clubs could have something similar to the snowmobile club.

Mr. O'Connor suggested limiting how long the Board would approve this request if granted so the Board could evaluate to see if this worked or if it created problems. He questioned the Board if they would be agreeable to a temporary permit. Ms. Gramarossa commented she would be open to a trial to see if there were any concerns. Mr. O'Connor appreciated the fact that Mr. Ciolek is trying to do the right thing in seeking permission to ride the trail while others are on it illegally. Mr. Boscher feels that Mr. Ciolek has proven himself to be a responsible citizen of the town for a long time.

Mr. O'Connor moved the Board, with everything that was discussed, the letter holding the town not liable, carrying insurance and identifying himself and his son through the manner described with the flag, to keep the speed way down, following those conditions he... at this point a resident asked to be heard.

Dan Beaudette from 251 Cold Spring Road, Belchertown asked if public comment was going to be allowed on this request. Mr. O'Connor commented that after the motion was made he would allow comments.

Mr. O'Connor moved that he was going to approve it until the end of the calendar year 2018 with the preconditions motioned prior to Mr. Beaudette. Motion seconded by Mr. Boscher.

Mr. Archible has concerns in approving this request. Ms. Gramarossa questioned if something should be added so that if there are complaints the Board will revisit this before the six month deadline. Mr. Ciolek is willing to report any concerns by other users on the trail to the town administrator.

Mr. Beaudette questioned what the standard would be for the next person who comes in requesting to use the trail. He questioned the criteria and commented that it can't be arbitrary. It will open the Board to questionable motives. He feels that once this is established as a pattern then many people will be asking for

permission. He questioned if we would allow people from other towns to come in and use their ATV's on our trails. He questioned if the town would take care of the damage done to the trails from these machines. He expressed concerns regarding the waiver of liability and law suits that may be filed as well as concerns for people who walk the trails or ride their horses on them.

Mr. O'Connor commented on how these concerns are not shared with the snowmobiles that are all over these same trails in the winter and questioned how this is that much different than that. Mr. Beaudette commented that they are used on the snow and only certain people are using them at that time. He further commented that the snowmobile club maintains that trail; they pay the money to take care of it. He feels that the town has a moral obligation to the snowmobile club to allow them to use it unless the town sets a policy as to who can use the trail.

Ms. Gramarossa stated that this request is an issue of equal access to this trail as it seems like a unique circumstance. It would be fairly infrequent use and that it opens the possibility of other people asking to use the trail on their ATV.

Colleen DuroShea from Bay Road addressed the Board. She walks on the trails a lot and balance is a problem for her. The ATV's are disrupting for her. She did acknowledge that Mr. Ciolek was asking for permission but there are plenty of others on their ATV's who haven't requested permission. Mr. O'Connor agreed that is one of his points is that there are others who are riding without permission.

Dan Beaudette indicated the trails are managed by the conservation commission. Mr. O'Connor indicated some of them but not all of them. The conservation commission should be contacted regarding this request.

Martha DuroShea from 670 Bay Road also addressed the Board. She walks the trails and has similar concerns with ATV's on the trails. She is a high school teacher who teaches special education and volunteers at a horse farm for disabled riders. She realizes this is a hard issue to discuss. She helps develop accommodations for disabled students. She feels this request is to accommodate one person and takes away from other disabled people.

Mr. Ciolek is not looking to cause any trouble. The transportation is an ATV but the situation is about his son who is disabled. He understands the concerns but is willing to take steps that would allow him to access the trails. He thinks there is a statute that allows people with disabilities to access by whatever means possible they can access state or federal land. It would be difficult to get his son out on the trails if not on an ATV or snowmobile.

Mr. Boscher commented that his heart goes out to Mr. Ciolek but having heard all the concerns from the residents he would have to vote no to the request. If it was just about him and his son he would have no problem voting no.

Mr. O'Connor commented that he is persuaded by the arguments he heard tonight. He understands that allowing it makes the trail less accessible to other residents. He will also vote no.

Mr. O'Connor stated the motion has been to allow the request with a six month limit in order to review, along with the liability clause and insurance. It was also seconded. He asked for a call on all those in favor of allowing a six month permission to use the trail. Ms. Gramarossa voted in favor. Vote was 1 – yes (Gramarossa), 3 – no (Boscher, O'Connor, Archible).

Mr. Ciolek will follow up with the statue that he believes will allow him to ride on the trails with his son. Once he has the statue he will come back before the Board.

**5) Discussion/Action Items:**

- a. Complete Annual Appointments: Ms. Gramarossa read and moved to reappoint the following individuals to their positions:

<b><u>Agricultural Commission</u></b>		
<u>Name</u>	<u>Position</u>	<u>Term</u>
Thomas Hastings	Full Member	06/30/21
Louise Butler	Associate Member	06/30/19
Tammy Ryan	Associate Member	06/30/19
Sandra Brougham	Associate Member	06/30/19

Motion seconded by Mr. Archible. Motion passes 4 – 0.

Ms. Gramarossa moved Kathi Smith be reappointed a full member of the Lakes Committee, term to expire June 30, 2021. Motion seconded by Mr. Archible. Motion passes 4 – 0.

Mr. O'Connor read and moved to reappoint the following individuals to their positions.

<b><u>Technology Advisory Committee</u></b>		
<u>Name</u>	<u>Position</u>	<u>Term</u>
Frank Lomanno	Full Member	06/30/19
Lew Louraine	Full Member	06/30/19
Yosef Nimni	Full Member	06/30/19
Michael Zoufaly	Full Member	06/30/19
Cynthia Caporale	Full Member	06/30/19

Motion seconded by Mr. Archible. Motion passes 4 – 0.

<b><u>Zoning Board of Appeals</u></b>		
<u>Name</u>	<u>Position</u>	<u>Term</u>
Robert Vigneault	Associate Member	06/30/19
Mark Hebert	Full Member	06/30/21

Motion seconded by Mr. Archible. Motion passes 4 – 0.

- b. Municipal Transfers of Appropriations: Mr. O'Connor moved the Board allow the transfer of \$12,000 from the Council on Aging Salary to the Council on Aging Expenses. Motion seconded by Mr. Archible. Motion passes 4 – 0.

Mr. O'Connor moved the Board allow the transfer of \$219 from the General Insurance to Unemployment Expense. Motion seconded by Mr. Archible. Motion passes 4 – 0.

Mr. O'Connor moved the Board allow the transfer of \$540 from General Insurance to Health Insurance – Town Share. Motion seconded by Mr. Archible. Motion passes 4 – 0.

- c. Review Amended Site Plan Application – Summerhill Estates, 111 Daniel Shays Highway: Mr. O'Connor commented that he reviewed the plan. The Board of Selectmen has no concerns. The application will be referred back to the Planning Board for their review.
- d. Appointment of Members to Marijuana Host Agreement Task Force: Mr. O'Connor presented the details to the Board. Mr. O'Connor moved the Board appoint the members to the Marijuana Host Agreement Task Force, terms to expire June 30, 2019, members as follows: Board of Selectmen – Gail Gramarossa; Town Administrator – Gary Brougham; Board of Assessors – John Whelihan; Police Department – Chris Pronovost; At-Large Member – Linda Leduc; Planning Board – Daniel Beaudette; Board of Health – Judy Metcalf. Motion seconded by Mr. Boscher. Motion passes 4 – 0.
- e. Appointment of Members to Cultural Council: Per the recommendation of the Cultural Council, Ms. Gramarossa moved to appoint April Jasak-Bangs, term to expire June 30, 2020 and Jennifer Whitehead, term to expire June 30, 2021 to the Cultural Council. Motion seconded by Mr. Archible. Motion passes 4 – 0.
- f. Acknowledge Member's Resignation from Scholarship Committee: Mr. Boscher presented the details to the Board. Michael Knapp announced his resignation from the Scholarship Committee. A letter will be sent to Mr. Knapp thanking his for his service to the Town.
- g. Miscellaneous Matters:

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

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

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

Ms. Gramarossa: She is still learning things and meeting people. She thanked those who are moving on and those who will be joining us.

Mr. Boscher: He has been attending meetings.

Mr. O'Connor: The Food Truck Event was a great night. The next one will be even better.

The Granby Bow and Gun Club is not complying with their cease and desist order. Granby is moving thru the process. The court will not act on non-issues. Granby must act on other issues.

Mr. O'Connor wants another letter sent to the Town of Granby regarding our concerns. He is asking for clarification on the cease and desist. What exactly does it cover? He wants to have a copy of the cease and desist order.


- 9) **Questions from the Press:** None.
- 10) **Adjournment:** Meeting adjourned at 8:14 p.m.


Minutes submitted by Gary L. Brougham, Town Administrator


Board approved/endorsed: July 23, 2018

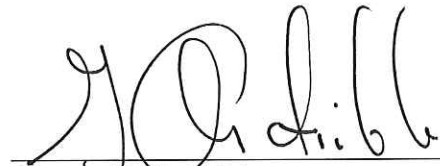
Board of Selectmen - Town of Belchertown

Endorsed by a majority:

  
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Nicholas O'Connor, Chairman

  
\_\_\_\_\_  
Gail Gramarossa

  
\_\_\_\_\_  
Ed Boscher

  
\_\_\_\_\_  
George D. Archible

\_\_\_\_\_  
(Absent)  
Brenda Q. Aldrich