

**TOWN OF BELCHERTOWN
BOARD OF SELECTMEN'S MEETING MINUTES
MONDAY, SEPTEMBER 10, 2018
Selectmen's Meeting Room, Lawrence Memorial Hall**



Present: George D. Archible, Gail Gramarossa, Brenda Q. Aldrich, Ed Boscher

Absent: Nicholas O'Connor

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 #1911 was signed for \$512,846.48.
- b) Routine documents
- c) Approval of Minutes:

3) Additions to the Agenda:

- McCarthy's Pub Request: Janice McCarthy is requesting permission to serve alcohol and food underneath a tent the weekend of the Belchertown Fair. This is an annual request made by Ms. McCarthy. Mr. Archible stated that Ms. McCarthy has always done a fine job of maintaining order. Mr. Archible moved the Board allow Ms. McCarthy's request to serve food and alcohol outside under a tent during the weekend of the Belchertown Fair. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.

4) Appearances Before the Board:

- 7:05 p.m. Class II Hearing – Ross Gardner, AAffordable Auto Sales: Ms. Gramarossa read the public hearing notice and opened the public hearing. Ross Gardner, the applicant was present for the hearing. The applicant confirmed that he had sent out the wrong letter notifying the abutters and had resent the correct letter. He submitted all the green cards to the Board.

He has an auto repair shop in Granby but is not able to get a Class II Dealer's license in that Town. In order to get a dealer license plate he has to have a Class II Dealer's license. This allows him to drive the vehicles and make sure they are running right. He takes great pride in the vehicles that he works on. He is looking to build his business by doing internet sales, being able to get the one car license and being able to expand so he can provide for his family.

Ms. Aldrich confirmed that he will not be working on cars at his house here in Belchertown. He confirmed that he would not. Any automotive work would be done at his shop in Granby.

Ms. Gramarossa confirmed that he would only have one car on his property for sale. He confirmed that there would only ever be one car for sale on it.

Mr. Archible confirmed that Mr. Ross was aware that he cannot do any mechanical repairs at this site. Mr. Ross confirmed that no work would be done at his residence.

Anna Izenstein from 277 Mill Valley Road had some concerns regarding the Class II Dealer's license. She questioned where the vehicle would be displayed and if there would be signage for his business and where it would be placed. About a month ago there had been a vehicle for sale and people parked on the grass while they came to look at it. The driveway that he uses has been surveyed and noted to be on her property. She had a land survey with her provided to her by her attorney prior to purchasing her house. She is not willing to have Mr. Ross advertise his business or keep a vehicle for sale for several reasons. She bought the house knowing it is a residential area, zoned as primary agriculture. She felt the applicant answered her concerns when he said he would not be working on vehicles on his property. However, in terms of safety she believes it would affect traffic in the area adversely as the property is on a blind curve. She does not want people using her property as a turn around. She doesn't want to hear noise from ongoing vehicle repairs.

Mr. Boscher also confirmed with the applicant that he would not be working on the vehicles. Mr. Ross confirmed that vehicles would not be worked on there. Mr. Boscher confirmed that Mr. Ross does not have a dealer plate. He was told that he does not have one as the Town of Granby wouldn't give him one. He currently has a vehicle trailer that he uses to transport cars. He mostly purchases vehicles that are in poor condition and repairs them to where they are running good and will pass inspection. Mr. Boscher questioned if he was aware of the neighbors' concerns.

Mr. Ross commented that he did not know of the concerns but understands them. He knew that the area of the yard that they have been maintaining was part of her property. They had planned on speaking to her about getting that portion of property because they would like to pave their driveway. They were going to see if she would be willing to take some of their property in the back as they have three acres in the back. They are thinking of relocating their mailbox to the end of their driveway as they are clumped together and it is difficult to find their house. Regarding the concern about the vehicle being close to the road he can keep it away from the road and just do internet sales. He will be doing things at normal hours and not disturbing the neighbors. He spoke directly to the neighbor and asked that she let him know if anything they are doing is bothering her to please let them know.

Mr. Boscher had concerns that the applicant was using the neighbor's driveway. The applicant and neighbor both confirmed that the applicant has their own driveway and were not using hers. A piece of the Affordable Auto Sales driveway encroaches on property owned by the abutter. The abutter gave the Board a parcel map that shows the encroachment onto her property.

Mr. Archible commented that the applicant has a business in the Town of Granby who won't give him a Class II Dealer's License but he wants the Town of

Belchertown to give him one. He further commented that the property is not zoned for this business and he has a negative feeling regarding the license. The applicant responded that Belchertown has given out other licenses like this. He spoke with Paul Adzima, Director of Inspection Services, who informed him that there are other licenses that have done this so they can have the dealer plate which allows them to get into the auctions to buy and sell vehicles. You have to have the Class II License to get into the auctions. When he applied in Granby the application came back to him with the words NO on it with no explanation. He never pursued why he wasn't given the license. He is in good standing with his business in Granby. He feels this license will help him to further his business. He spends a lot of time making vehicles reliable, legal and safe.

Mr. Boscher asked the Town Administrator if the license would only be for Affordable Auto Sales. The Town Administrator confirmed the license is assigned to a location. His Belchertown license is not good in Granby; however, if he's seeking dealer plates and had the license in Belchertown that would probably satisfy the Registry of Motor Vehicles requirements to get a dealer plate. We have had other licenses in Town that are similar. We had one on Federal Street that used the license to get into the auctions. He never sold a car from his property. There is one currently off of Barton Avenue. He buys and sells at an auction. He feels what is being asked from a legal aspect is allowed. The concerns he would have would be those between the applicant and the abutter. If they want time to see if they can reconcile their differences the Board could continue the hearing.

Ms. Gramarossa asked about signage. The applicant stated the Registry of Motor Vehicles requires some sort of signage stating where you are. It could be a simple as lettering on a mailbox. They would move their mailbox closer to their property.

Ms. Gramarossa moved the Board continue the hearing until their next meeting which is September 24th and that the parties involved have a conversation and come back with something in writing. Motion seconded by Mr. Boscher. Motion passes 4 – 0.

5) Discussion/Action Items:

- a. Accept Member's Resignation from Cultural Council: Mr. Boscher presented the details to the Board. The Board accepted the resignation of Rachel Martins from the Cultural Council. A letter will be sent to Ms. Martins thanking her for her service to the Town.
- b. Accept Home Delivered Meals Driver's Resignation: Ms. Boscher presented the details to the Board. Graeme Reid resigned from as a Meal on Wheels driver, effective September 28, 2018.
- c. Appointment of Home Delivered Meals Driver: Mr. Boscher presented the details to the Board. Per the recommendation of Jessica Langlois, Director of the Senior Center, Mr. Boscher moved to appoint Joseph Tominsky as the new Meals on Wheels driver, effective September 28, 2018. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.
- d. Review/Endorse Harris Way Easement: Gary Brougham, Town Administrator presented the details to the Board. Harris Way was a subdivision proposed and

constructed nearly 20 years ago. The road was never finished to the standard that would be required to be accepted as a Town Way. The Director of Public Works has been working with the family who was not responsible for the initial permitting. One of the requirements was to obtain a permanent easement for drainage across a partial of land initially owned by Mr. Harris. It is now owned by Universal Forest Products and they are granting the Town the easement in perpetuity. The Board has to vote to endorse it and as it has to be notarized one of the Board members who is able to come to town hall and sign in front of a notary should not sign this evening.

Mr. Boscher moved the Board endorse the Harris Way Easement as submitted. Motion seconded by Ms. Aldrich. Motion passes 4 – 0. Ms. Gramarossa will not sign this evening but will sign the document in front of the Town Clerk so that it is notarized.

- e. Review Preliminary Subdivision Plan (Great Hills) – W.D. Cowls, Inc., Off Gulf Road: Ms. Gramarossa moved the Board send this back to the Planning Board for their review. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.
- f. Review Preliminary Subdivision Plan (Bramble Estates) – W.D. Cowls, Inc., Pondview Circle: Ms. Aldrich moved the Board send this back to the Planning Board for their review. Motion seconded by Mr. Boscher. Motion passes 4 – 0.
- g. Review Preliminary Subdivision Plan (Sanford Lot) – W.D. Cowls, Inc., Waterford Drive: Ms. Aldrich moved the Board send this back to the Planning Board for their review. Motion seconded by Mr. Boscher. Motion passes 4 – 0.
- h. Review Preliminary Subdivision Plan (Solis Road) – W.D. Cowls, Inc., Off Gulf Road: Ms. Aldrich moved the Board send this back to the Planning Board for their review. Motion seconded by Ms. Gramarossa. Mr. Boscher commented that it's really important that everyone who is watching understands that all of the W.D. Cowls Preliminary Subdivision plans are really only a place holder. They don't have to follow these plans. They keep the zoning as is for seven months but could go out as far as eight years. He wanted everyone to know that the Board is sending them back because they don't have anything substantial to discuss. Mr. Archible called for the vote. Motion passes 4 – 0.
- i. Review Preliminary Subdivision Plan (Shea Farm Subdivision) – W.D. Cowls, Inc., Off Green Avenue: Ms. Aldrich moved the Board send this back to the Planning Board for their review. Motion seconded by Ms. Gramarossa. Motion passes 4 – 0.
- j. Preliminary Subdivision Plan (Rockrimmon Estates) – Partyka, Jr., R. & M. Zielinski, Off Rockrimmon Street: Mr. Brougham commented that the first five plans the Board referred back are placeholders. This may not be a solar application but a true subdivision. There are up to 52 house lots with this plan. Mr. Boscher feels there is nothing of substance for the Board to talk about with this plan. Ms. Aldrich moved the Board send this back to the Planning Board for their review. Motion seconded by Mr. Boscher. Motion passes 4 – 0.
- k. Preliminary Subdivision Plan (Railroad Street Commons) – D. & K. Delise, Off Railroad Street: Mr. Boscher moved the Board send this back to the Planning Board for their review. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.
- l. Preliminary Subdivision Plan (Ware Road Commons) – R. & K. Ferenz, Off Ware Road: Ms. Aldrich moved the Board send this back to the Planning Board for their review. Motion seconded by Mr. Boscher. Motion passes 4 – 0.

m. Review/Discuss Draft Marijuana Host Agreement: Mr. Brougham presented the details to the Board. Town Counsel has approved it to form. This will allow the Town to begin discussion with distributors and cultivators of marijuana. It is 12 pages in length, addresses the fees that we would ask the business owner to pay; it has standard language about security, location and payments – things you would normally find in a contract. He is hoping the Board will allow him to release it to the business owners who are anxious to move the process along. He also asked that the Board identify who was going to negotiate for the Town. He is asking the Board if they want to take a shot at it tonight or wait until the next meeting on the 24th. He does want to be able to release the agreement out to the business owners so that they can get the ball rolling. The host agreement is a prerequisite to obtaining their State license.

Mr. Archible does not want to delay this any longer. He would like to see Mr. Brougham do the negotiating.

Ms. Aldrich agrees that the Board should release it. She commented the Committee did a fabulous job with the agreement.

Ms. Aldrich moved the Board release the agreement tonight.

Mr. Boscher asked if he could ask questions about other considerations. He asked for confirmation that the Police Department was involved with the agreement. Confirmation was given regarding the Police Departments involvement. He asked if the schools were involved. Ms. Gramarossa stated they were not directly involved but as the liaison to the schools she has been speaking with them regarding it. She commented that one of the biggest concerns is making sure that the vendors are going to be complying with the law. It is a product for those 21 years old and older. The Planning Board has done a good job with zoning bylaws restricting how close a marijuana facility can be to a school location and other locations where young people might be involved. She further reviewed the Police Chief's involvement with the agreement expanding on his concerns and security measures in place. She feels there is both financial as well as other language in the host agreement that makes it easier to monitor at the local level making sure they are in compliance.

The overall feeling of the committee was that these were going to be very lucrative licenses. These businesses stand to do well and that it wasn't the goal of the committee in an over-reach way to try and get too much financial resource from them. She felt it was fair.

Mr. Boscher also asked if there were any other concerns that the group might have had. Ms. Gramarossa stated that the committee wanted to be explicit on the safety and security language.

Mr. Boscher seconded the motion made by Ms. Aldrich to release the agreement tonight. Motion passes 4 – 0.

Ms. Gramarossa mentioned that some of the committee had plans to do a site visit at a medical marijuana site that is already up and running in the Springfield area.

Mr. Brougham mentioned that there were several individuals who have been anxiously waiting for this host agreement. One of them is Mr. Anthony Parinello who owns two of the four licenses in New Hampshire. He is here to night and would like to address the Board. Mr. Parinello commented that he knows these are a lot of work as he has done them in other communities. He can't proceed with the State license until he has the host agreement in hand. He asked the Board to give the town administrator the opportunity to negotiate on behalf of the Town as time is of the essence.

Ms. Aldrich feels that Mr. Brougham should do the negotiating as has been working with these people and was on the committee. Ms. Aldrich moved the Board allow Gary Brougham, Town Administrator; KP Law and Jay Whelihan, Director of Assessments, to negotiate the contracts. Motion seconded by Mr. Boscher. Motion passes 4 – 0.

- n. Amend Membership of Patrick Center Re-Use Committee: Mr. Archible commented the Cultural Committee wants to be a part of the Patrick Center Committee but feels it is already a large enough committee. Ms. Gramarossa explained that she has been speaking with the Cultural Council as has Mr. O'Connor. The Cultural Council feels they should have a say as this area may become an areas where cultural events may be occurring. They have someone in mind that is willing to represent the Cultural Council on this committee.

Mr. Boscher totally understands the position. He feels the town is built on volunteers and if someone is raising their hand and wanting to help he is okay with one more person on the committee. Mr. Brougham commented that the person the Council wants to appoint is not yet a member of the Cultural Committee. He is requesting a letter from the Cultural Council to appoint them as a Cultural Council member at which point they can be appointed to the Patrick Center Re-Use Committee.

Ms. Aldrich moved the Board appoint the following individuals to the Patrick Center Re-Use Committee: Nick O'Connor, Selectman; Gary Brougham, Town Administrator; Steven Williams, Director of Public Works; Michael Knapp, Chairman – School Committee; Kyle Thibeault, Director of Parks and Recreation; Lori Allen, Belchertown Family Center Coordinator; Jill Bierly, Member – Historical Commission and Jessica Langlois, Executive Director of the Council on Aging. Motion seconded by Mr. Boscher. Motion passes 4 – 0.

- o. Miscellaneous Matters: None.

6) Town Administrator's Report:

- Reminded everyone that Wednesday at 2:00 pm is the official ribbon cutting ceremony for Christopher Heights Belchertown.
- More recently we learned of a press release photo op across from the Police Station in the vicinity of the failed tennis courts to officially announce Senator Lesser's ability to secure funding in the environmental bond bill recently signed by

Governor Baker for a spray park. This will take place at 1:15 p.m. prior to the ribbon cutting ceremony.

- He gave an update on the Chestnut Hill Community School pool that had been closed for scheduled maintenance and then it was learned that part of the under decking in the vicinity of the skimmer pocket had started to break away and fall into the sand filter below the public access point. The School Department felt it was appropriate to hire a structural engineer to evaluate it. They came back with a recommendation that will give us a temporary fix. We will be looking at a more costly, permanent fix down the road. We are hopeful to have the temporary fix in by Wednesday but the pool will not open before Saturday.
- This Sunday the tents for the Annual Belchertown Fair will be going up beginning at around 1:00 p.m. If anyone is available to help, please show up. It will be greatly appreciated.
- The foundation at Pride Park has been poured. Ms. Gramarossa questioned if there was going to be an electric charging station at Pride Park. Mr. Brougham did not know if they planned on having an electric charging station. He will look into it and get back to her with an answer.

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

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

Ms. Gramarossa: Thanked the Speaking Out About Addiction and Recovery Group (SOAAR) that had a lot going on during their 5K race and event on Saturday. It was her first experience being in the Dunk Tank. She highly recommends it. Chairman O'Connor also participated in the Dunk Tank. She appreciates all the time and energy that went into the event.

She is still meeting with her liaison groups and in the next couple of weeks she will meet with the Historical Commission and the Agricultural Commission. She is looking forward to meeting with them.

Ms. Aldrich: Also thanked SOAAR. She felt the younger people that were on the Common are beginning to understand what is going on with drug addiction. It was nice to hear the bands playing in the evening.

She congratulated Sgt. Panto again on his retirement. It was a great turnout for his retirement party.

Mr. Boscher: Echoed Ms. Gramarossa and Ms. Aldrich regarding the SOAAR event. It is one of the things that makes our community that much greater.

He reminded everyone that tomorrow is September 11th. Our thoughts go out to those who were impacted by this tragedy. Tomorrow should be a thoughtful day as we remember all those who were lost.

Mr. Archible: Thanked the electricians who worked on the gazebo on the Common. They did the work free of charge. The gazebo looks good. He is not sure if the sound system will be in prior to the Belchertown Fair.

He thanked Mr. Brougham for 25 years of dedicated service to the Town. Ms. Aldrich commented she appreciates everything he does for the Town.

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

10) **Adjournment:** Meeting adjourned at 8:11 p.m.

Minutes submitted by Gary L. Brougham, Town Administrator

Board approved/endorsed: Sept. 24, 2018

Board of Selectmen - Town of Belchertown

Endorsed by a majority:

(Absent)
Nicholas O'Connor, Chairman

Gail R. Gramarossa
Gail Gramarossa

Ed B
Ed Boscher

George D. Archible
George D. Archible

Brenda Q. Aldrich
Brenda Q. Aldrich