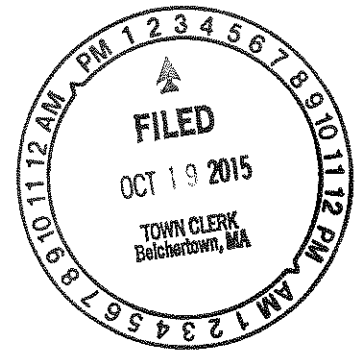


**TOWN OF BELCHERTOWN
BOARD OF SELECTMEN'S MEETING MINUTES
MONDAY, AUGUST 24, 2015
Selectmen's Meeting Room, Lawrence Memorial Hall**



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

- 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 #1608 was signed for \$720,487.37
 - b) Routine documents
 - c) Approval of Minutes: Ms. Aldrich moved the Board accept the minutes of July 13, 2015. Seconded by Mr. Archible. Motion passes 5 – 0.
- 3) **Additions to the Agenda:** None.
- 4) **Appearances Before the Board:** None.
- 5) **Discussion/Action Items:**
 - a. One Day Auction License – Spellman Property, Corner of Bardwell Street: Mr. Barnett moved the Board grant a one day auction license for the Spellman property on the corner of Bardwell Street to be held on September 12, 1015. Seconded by Ms. Aldrich. Motion passes 5 – 0.
 - b. Right of First Refusal – O'Brien, Map 248, Lot 20.10 (.32 Acre), Access Road, Aldrich Street: Mr. Aponte asked Gary Brougham, Town Administrator, to confirm that this was necessary to widen the access road from the 12 or so feet to 20 or so feet providing better access and had specifically been asked for by the Planning Board. He stated that one of the questions that pops up is this is unusual in that this particular land is leased and is not actually a purchase and sale. He stated that usually for a right of first refusal there is a bona fide purchase and sale for land that has been taken out of the chapter so this isn't really a right of first refusal.

Mr. Brougham stated this is the access road that will allow access to the cell tower that is being reviewed by the Planning Board on Aldrich Road. The property owners previously removed a parcel of land 100 by 100 from the Chapter to allow this use. When the Planning Board reviewed it one member of that Board felt it would be appropriate if this additional access corridor from Aldrich Street to the leased parcel was also removed which is the reason for this notice of right of first refusal. Normally a right of first refusal is because the property is being sold normally for development. He doesn't ever remember seeing one for a leased

parcel and he's not sure we have the legal authority to intervene in a lease process remains undetermined at this time.

Mr. Aponte agreed it's a sticky situation as this is not a purchase it's a lease and it's a sliver of a larger parcel that's being leased. Mr. Barnett stated that under Chapter 61A, which this property is in, gives them much less tax to pay but if they are going to sell it they have to offer it to the Town first. This sliver of property amounts to 14,100 sq ft and they are not selling it so there is nothing to offer to the Town as far as he can see. He doesn't believe it fits into the whole Chapter 61A scenario. Mr. Barnett believes the Selectmen should say its an improper request to be asking the Board to take 14,100 sq ft out of Chapter 61A which is leased land not for sale and asking us to tell them we don't want to buy it.

Mr. Archible stated that we are allowing them to take it out of Chapter 61A and having said that he will move that the Town not exercise their right of first refusal. Mr. Barnett feels the Board should ignore it and take no action. He doesn't feel it makes any difference. Mr. Archible then agreed with Mr. Barnett.

Mr. O'Connor asked to be clear on the discussion. He stated that if the Board takes no action or does not exercise it's right of first refusal it has no bearing on the proposed cell tower construction.

Mr. Archible amended the motion to take no action. Seconded by Mr. Barnett. Motion passes 5 – 0.

- c. Appointment of Member to Cultural Council: Mr. O'Connor presented the details. Mr. O'Connor moved the Board appoint Matt Grillo to the Cultural Council, term to expire June 30, 2018. Seconded by Mr. Archible. Motion passes 5 – 0.
- d. Endorse Amended Solar Agreement: Mr. Aponte stated this is a solar agreement with regards to the Housatanic Company that the Board has previously discussed and entered into a contract with but because of the new administration and administrative issues the Board needs to amend the solar agreement. He asked the town administrator to confirm the only change is the date. Mr. Brougham confirmed that he was correct. Mr. Aponte continued that everything else remains the same; the only thing that changes is the date which has been changed to today's date, August 24, 2015, to adhere to the new administration and the obligations that they have towards the green energy.

Mr. Archible moved the Board endorse the amended Solar Agreement. Seconded by Mr. Barnett. Motion passes 5 – 0.

- e. Accept Resignation Meals on Wheels Driver: Mr. O'Connor presented the details. The Board acknowledged the resignation of Donna Brown as a Meals on Wheels Driver. a letter will be sent to Ms. Brown thanking her for her service to the Town.
- f. Accept Resignation Clapp Memorial Library Page: The Board acknowledged the resignation of Erika Graves as a page at the Clapp Memorial Library, effective

August 19, 2015. A letter will be sent to Ms. Graves thanking her for her service to the Town.

- g. Review / Refer Zone Change – Spellacy, 147 Bay Road: Mr. Barnett presented the details. There is a request to change zoning at 147 Bay Road. Right now the location is zoned industrial and the applicant is asking to change it to business zoned for the purpose of having a used car business.

The Town Administrator stated this is the former Harris Milk property. It is zoned industrial and many years ago there were car sales there but there has been a substantial enough lapse so it is no longer grandfathered. Mr. Bill Johnson who owns Hampshire Towing recently bought the former Harris Milk Garage and contiguous area. One of his tenants, Mr. Spellacy, submitted an application for a Class II license and then found out this was a problem. Mr. Spellacy has submitted the request for a zone change but he is not the property owner and there is nothing from Mr. Johnson indicating that he is okay with the zone change request. Mr. Brougham stated that he did speak with Mr. Johnson last Friday and he is okay with the request. After speaking to the Town Planner it may be a better plan when the Board refers this back to the Planning Office it's returned as opposed to changing the whole zoning on the parcel. With so limited industrial land in Belchertown it would be a major loss, the Town Planner thought it may be more prudent to continue with the industrial zone but require car sales to have a special permit issued by the Zoning Board of Appeals. This way it doesn't change the industrial zoning and the business opportunity remains in place. This will need to be referred back to the Planning Board.

Mr. Aponte thinks this is a very good idea. Mr. Brougham further indicated that either way it will take a Town Meeting vote and unfortunately for Mr. Spellacy it cannot be resolved in the next couple of weeks. Ms. Aldrich confirmed that Mr. Spellacy cannot make the request. Mr. Brougham confirmed that was correct but added that he spoke with Bill Johnson, the property owner. Mr. Johnson will continue to operate a heavy truck repair facility there; there is an inspection facility there that has been run by a Belchertown resident. He is under the impression that in the next month or so there will be a change of ownership with the inspection facility but there will continue to be an inspection bay. He is happy knowing that because all the heavy equipment trucks operated by the Town cannot go into just any inspection bay.

Mr. Aponte questioned if the Board does go the route of special permit to allow the usage then it goes the route of the ZBA. The ZBA will have to have public hearing and then they make their decision but there is no Town Meeting vote that is necessary. Mr. Brougham indicated that it would because our schedule of uses does not allow for car sales in an industrial zone with a special permit so we will have to amend our scheduled uses. Mr. Aponte stated there is more than enough opportunity for public input if the Board agrees to go that route. He likes the idea of the special permit.

The Board was in agreement with the idea of having a special permit to allow car sales in an industrial zoned area. Mr. Aponte asked the Town Administrator to pass along the Boards endorsement of the special permit for the sale of cars in an industrial zoned area.

- h. Review Preliminary Sub-Division Plan – Former Dudek Farm – Off Bardwell Street and North Washington Street: Mr. Barnett presented the details. There has been a request to put a subdivision off of Bardwell Street near North Washington Street. The Town Planner is requesting that the Board return any comments about whether or not there are any objections to this subdivision. It will be for 31 homes.

Mr. Brougham stated it's an 89 acre parcel of the former Dudek Farm. Some have frontage on an existing town road. There is also a preliminary subdivision plan for a 1200 ft cul-de-sac road of which some of the existing road front lots have wetlands between the road and the deeper parcel and would be accessed off the new cul-de-sac. He feels this plan is very ambitious. It is a very preliminary plan and the consultant working for the property owner has done his absolute best to develop every inch of land that is not wetland or a brook. It's reasonable to believe that there will be fewer lots after it goes through the formal process because some of this land is very wet.

The Board asked about the old school house that is on this property. Mr. Brougham informed them that after the property was sold the first time, the new owner who is from Europe, approached him and indicated that he felt the old school house should stay with the Town and would like to see that work out somehow.

Conservation, Planning Department of Public Works will all have to review this plan. At this point it is a very preliminary plan; there are very few if any details other than a footprint and some of the noticeable hazards such as wetlands and intermittent streams.

Mr. Aponte agreed that they have many hurdles in front of them on top of a still relatively suppressed market they have their work cut out for them.

The Board agreed to refer the plan back to the Planning Board indicating they have no objection.

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

- 6) **Town Administrator's Report:** Construction on Rt. 181 is ongoing. There has been between 800 and 1,000 ft of pipe installed. Work is progressing reasonably well. The

road is down to one lane so there are delays. It will be a little more difficult once the school busses are running next week.

Mr. Aponte and I participated in a conference call last week re-energizing the Belchertown State School demolition, re-development. Mass Development is anxious to start focusing on the next phase of the development. This Wednesday Steve Williams, I and Eric Bernardin from VHB and Mass Development will be meeting to discuss the next MEPA proposal and development of the front field and where we are with the development of the Town's responsibility for the road that we have to build.

At the last meeting he spoke about the Fair Committee and there were a number of people who came forward and said they were interested in volunteering. Unfortunately none of those people showed up at the Fair Committee meeting. The Fair Committee is meeting again next Monday night at the Freedom Center. If anyone is interested please stop by.

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

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

Mr. O'Connor: Met with the Recreation Committee last Wednesday. It was productive; he got to meet all of the members of the committee. They are down one member and they are looking to fill that position. If anyone is interested they should submit a letter of interest. One of the big topics discussed was the tennis courts and specifically that they will be setting up meetings to logistically come up with planning around two or three different options in that space and also to maybe do a survey of public input.

Ms. Aldrich: She said her son called her from Boston as he had seen something on the news about the Belchertown Animal Control Officer, Anna Fenton. Anna had received a call that there was an abandoned toy poodle in Belchertown. The dog was allegedly stolen from North Carolina and brought to western Massachusetts. When Anna found the dog it wasn't a cute puppy but an older dog that had medical issues. She posted on her facebook page as well as with all her contacts with animal control. The animal control officer in North Carolina spotted the dog and recognized it as one that was missing in her community. They were in touch with Pilots for Paws to get this dog back to North Carolina. He was flown from Northampton to Allentown, Pennsylvania and from there to North Carolina. It is an amazing story. Thank you to Anna for putting all of her feelers out there to get this dog back home. The whole story was on Masslive and she believes it was channel 5 in Boston that carried the story.

Mr. Archible: He found out today for the people traveling on Rt. 181 there is going to be additional stoppages beginning tomorrow because Verizon and National Grid will also be work there moving poles. So that means where they are laying pipe there's a stop there and a quarter of a mile or a half a mile there could be another stop. People driving on this road will need to be patient.

Two weeks ago he announced that he wanted to make Belchertown a Purple Heart Community. Since then he has met with Ray Janke the Veterans' Service Agent and the Veterans' Service Advisory Board. It is almost 99% completed and at the September 14th Board of Selectmen meeting it will be on the agenda for the Board's signature and Belchertown will become a Purple Heart Community.

Also there is another venture with Holyoke. Holyoke is a Purple Heart Community and they have a Purple Heart Trail which is Rt. 202. They are trying to get the Town of Granby involved so they can add Rt 202 from Holyoke, South Hadley, Granby and now Belchertown heading up to be part of the Purple Heart Trail.

He also stated for the viewers who have turned in their DD214, if you served in the Middle East – Iraq, Afghanistan, Kuwait and Syria your names are being added to the War Memorial before Veterans' Day of this year. They have to have actually served in these countries and not just been state side.

Mr. Brougham questioned if someone has a DD214 where do they submit it. Mr. Archible stated the Belchertown VFW, PO Box 650, and Attention Archie.

Mr. Aponte: Commented on the status meeting that Mr. Brougham had talked about earlier with the EDIC, Town Officials and Mass Development. A key thing is the funding – they are starting to move the remediation north and east identifying buildings to come down in the next wave of demolition but also the Grantham Group had submitted a tax credit application to the State and they are hoping to hear within the next few weeks potentially by the time we have our next meeting. If they are granted the tax credits we could see shovels in the ground very soon. Unfortunately if they do not get it the tax credits are an instrumental part of the business plan and we would probably have to wait until the next round which is probably around the springtime.

Mr. O'Connor stated he forgot to mention there is a fundraiser for Belchertown Youth Sports on September 12th at 7:00 p.m. at the Cold Spring Country Club. There will be live bands, live music, and silent auctions. He believes its up on facebook and it has been in the Sentinel once. All the money will be pooled and go back to the participating organizations in Town – both Recreation and non-recreation organizations.

- 9) **Questions from the Press:** Walter Hamilton from the *Sentinel* asked who the owner of 147 Bay Road is. Mr. Brougham responded that it is William Johnson. He then asked who Spellacy is. Mr. Brougham responded that he is the tenant who wants to have the used car license. He questioned how many acres are on this property. Mr. Archible responded that it is just a lot, it's the parking lot of Harris Milk. Mr. Hamilton questioned if Johnson owns the whole thing because there are like several things out there. Mr. Brougham responded no, there are several things out there – Universal Forest Products owns a big chunk, Westover Auto Salvage owns a big

chunk. There is also the Harris Milk garage where they used to have all the tank trucks and then there is a vacant lot in between that is owned by the Harris / Drew family. That whole side is industrial. Mr. Brougham believes that the parcel Bill Johnson bought is 2.2 acres. Mr. Hamilton confirmed that that part is the yard of the former Harris Milk trucks. Mr. Hamilton then questioned if Mr. Johnson recently bought this property. Mr. Brougham stated within a month. Mr. Hamilton confirmed that Mr. Johnson is from Granby. Mr. Hamilton questioned if this is the only industrial land in Belchertown. Mr. Brougham responded that it is not the only industrial property but we have little industrial property.

Mr. Hamilton questioned who the owner is now of the former Dudek farm. The town administrator stated there are multiple owners. Mr. Spellman he believes is executor of the estate and he sold a number of individual building lots some of which sold at auction. He said the owner's name is on the subdivision plan. He didn't have the name readily available but the owner is from the Ukraine. Mr. Hamilton questioned if there are many owners of this parcel. Mr. Brougham indicated not in this particular piece. Mr. Hamilton questioned that this 89 acres is owned by this one individual. Mr. Brougham confirmed that he was correct.

Mr. Hamilton also questioned the discussions with the EDIC and the talk towards remediating some more buildings. Mr. Aponte responded that is correct - it will be phase II. It will be the infirmary, the school building and possibly the boys and girl's industrial building and more recently possibly the former old Meadow School.


10) Adjournment: Meeting adjourned at 8:15 p.m.

Minutes submitted by Gary L. Brougham, Town Administrator

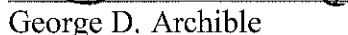
Board approved/endorsed: 10/13/15

Board of Selectmen - Town of Belchertown

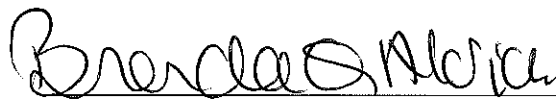
Endorsed by a majority:




Ronald E. Aponte, Chairman



George D. Archible



Brenda Q. Aldrich



William R. Barnett

Nicholas O'Connor