TOWN OF BELCHERTOWN  
BOARD OF SELECTMEN'S MEETING MINUTES  
MONDAY, SEPTEMBER 14, 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 #1611 was signed in the amount of $492,915.43.  
   b) Routine documents  
   c) Approval of Minutes: None.

3) Additions to the Agenda:  
   - Amend Approved Class II License, Roger Brandt, d/b/a Carz: There has been a correction by Mr. Brandt whereas the license was issued stating sales would only be via the internet; there was a misunderstanding and Mr. Brandt has corrected it. He will in fact have vehicles on site and they will be sold on site. He will be doing his advertising through the internet. The Board needs to make that amendment on the license and the amended license is here for the Board.

   Mr. Barnett moved the Board endorse the amended license for Roger Brandt, d/b/a Carz. Seconded by Mr. Archible. Motion passes 5 – 0.

   - Meeting Minutes, Tuesday, February 8, 2011: Mr. Aponte presented the details. He explained to Selectman Aldrich and Selectman O’Connor that this was a very significant meeting the Board had primarily regarding Chief Fox’s contract renewal. There are eight or nine pages of minutes. The Board just received these minutes this evening. Chairman Aponte asked the Board if there is a meeting scheduled for this Thursday if they would have an opportunity to review these minutes by then. Mr. Barnett stated that they should not be done in executive session as they are not executive session minutes. Chairman Aponte agreed but stated there is the open session meeting just prior to going into executive session. The Board could convene the open portion of the executive session at 7:30 and address the minutes as presented and make any changes if necessary. Mr. Barnett agreed as long as the three Board members are present (Aponte, Barnett, Archible). The Board agreed to address these minutes on Thursday, September 17th.

Chairman Aponte addressed Eric Goldscheider from The Gazette regarding these minutes as he asked a question regarding them. Since the Board just literally got them this evening Selectmen Archible, Barnett and Aponte will be reviewing them over the next couple of days and then will be voting on them and potentially amending or modifying them at the Thursday open part of the meeting. Mr.
Goldscheider felt that it was unusual that minutes from four years ago haven’t been approved yet. Mr. Aponte agreed that it was a big surprise stating it was very unusual which is why they will have to dust off their memory bank to recall what actually transpired that evening. Mr. Barnett stated that they are eight pages long and were done from the video tape. Mr. Goldscheider again stated that you don’t usually wait four years to approve minutes. Chairman Aponte agreed that it’s usually closer to four weeks. Mr. Barnett stated that back at that time there was a lot going on.

Gary Brougham, Town Administrator asked the Board to let him address this. He stated that on Friday, The Gazette submitted a request for the meeting minutes of February 8, 2011 and under normal circumstances as Mr. Goldscheider alludes we typically have these minutes readily available. When the staff went to obtain a copy there was no copy in the file and why there were never processed he doesn’t know. He continued that within minutes of receiving the request and his signing it that it was ok to process through Audrey found on her computer the meeting minutes as they were taped. He doesn’t know why they never came over to the Board. Because of the requirements as set forth by the Attorney General the Board needs to act on these minutes at their next regularly scheduled meeting which is tonight. He reiterated the request was received in the office on Friday afternoon which left us no time to prepare between then and now and legally post the meeting. Mr. Brougham stated he has given the minutes as they were produced off of the tape, he thinks they are pretty reflective of what happened. The Board could take a blind leap of faith and sign them tonight and say here you go, or recognizing that the Board does have an opportunity on Thursday night take a few more days and review them and sign them being comfortable with what you are signing. In addition, the request that was submitted requests executive session meeting minutes from that night. There was no executive session that night.

As Eric suggested a few minutes ago he has a request somewhere for executive session minutes from February, March and April, the Town Administrator stated he has not seen that request. Mr. Goldscheider stated he wanted to clarify that. He stated he spoke with Audrey he went up to the Clerk’s Office and made an oral request. Mr. Brougham stated he is not aware of that and just wants to be clear that he doesn’t have a request. Mr. O’Connor stated that the February 8th minutes do refer to executive session minutes on February 3rd. Mr. Brougham stated the request specifically states executive session minutes of February 8th. Mr. O’Connor misunderstood the request. Mr. Brougham wants the Board to be aware that he does not have a request for executive session minutes and if he made if verbally to Colleen (Town Clerk) he is not aware of that. He asked that the Board bear in mind it’s been very busy and this all came out on Friday. He clarified the requests came in on Friday, the incident started on Wednesday.

The other thing the Town Administrator wanted to be painfully clear on is that, he thinks Mr. Barnett said when executive session minutes are eventually signed, there are certain exemptions regarding their release. If the minutes are part of
litigation or personnel matters in some cases are never released. Mr. Brougham stated that normally once there is a personnel matter and it’s past that point then they are released but there are several exemptions. He stated he is not an expert on the open meeting law but he wants everybody to be clear that there are exemptions in the law and there are some minutes that will never see the light of day for those reasons. Chairman Aponte stated that it was a fair point to bring out so with the request that’s been placed with the Town Clerk the Board may identify those. He continued needless to say the Board will have Town Counsel utilize that very same discretion to indicate whether or not these are okay to release or these are not okay to release.

Eric Goldscheider stated that he did hear the Town Administrator just say that according to the Attorney General the Board needs to act on it at the next regular session which would be tonight. Mr. O’Connor stated that there was no opportunity to post that ahead of time as the request came in on Friday. Mr. Goldscheider indicated he understood and wouldn’t be a stickler about it. He just wanted to point out that actually according to what he just heard that really the Board should be acting on them tonight. Chairman Aponte stated the Board could act to take no action so they would technically act on it. Mr. Brougham stated if the minutes were available he could have gotten them to him. Mr. Goldscheider stated he understood. The Town Administrator continued that he had tried to explain to Mr. Goldscheider on some of these issues on Friday. This Board and the employees are offered certain protections or must operate within rigid parameters; 48 hour meeting notices and so forth. Mr. Goldscheider again stated not having the open meeting minutes for four years is odd as he pointed out the Chairman of the Board was very surprised.

Chairman Aponte addressed the Board stating it seemed the consensus is to address these minutes on Thursday at the very beginning of the open meeting portion of the executive session. He asked the Town Administrator to have the minutes included on the agenda.

4) **Appearances Before the Board:**
   - 7:35 p.m. Raymond Janke, Veterans’ Agent – Purple Heart Town and Employer Support of the Guard and Reserve (ESGR): Ray Janke, Veterans’ Agent came before the Board. In the 2010 census there are over 1,500 veterans in Belchertown. He personally knows 100 veterans that have come through his office with the Purple Heart designation on their DD-214 and there are more.

   The Purple Heart Society is asking every town and city in the Commonwealth if they would consider becoming a Purple Heart Town to recognize the members within their community to acknowledge their sacrifice and their commitment to the United States.

   The Board would commit to a formal proclamation that is voted on and signed by the Selectboard, the Department of Public Works ordering a number of signs with
one spare sign and a purple heart flag. August 7th of each year is when the Town would fly the Purple Heart flag. If there is any cost to do this he believes the American Legion, the VFW and the Veterans’ Council would help pay for anything including the flag. He believes that the signs are made in Leominster which is where he will be for veterans’ training. He could pick the signs up and save the Town the shipping cost.

Mr. Archible stated that approximately 6 – 8 weeks ago he had told the Board he wanted to make Belchertown a Purple Heart Town. He sat down with the Veterans’ Agent and the Veterans’ Service Advisory Board and obtained all necessary information. Mr. Archible spoke with Gary Brougham, Town Administrator and confirmed that there are seven entrances/exits into Belchertown. The Purple Heart signs are $115.00 each. Mr. Archible read the Purple Heart Proclamation.

Mr. Archible moved the Board of Selectmen endorse the Purple Heart proclamation and acknowledge Belchertown as a Purple Heart Town. Seconded by Mr. O’Connor. Mr. Aponte stated that the Board has their own Purple Heart recipient in Mr. Archible. He feels that it was very appropriate that Mr. Archible made the motion. Motion passes 5 – 0.

5) Discussion/Action Items:
   a. Assign/Confirm Assignment of Police Chief to Administrative Leave: Chairman Aponte stated that before moving into this discussion he wanted to set the ground rules. The discussion tonight is very finite with regards to the paid administrative leave and his decision to place him on leave. There will be no discussion regarding the incident, no discussion regarding anything surrounding the incident other than the paid administrative leave. There will be a brief session of questions from the press but will not entertain any comments from the public at this time. We are still very early in this process and as such we want to make sure we do the process correctly.

At this time Chairman Aponte will bring the Board of Selectmen up to speed as to how we are at this point. On Wednesday of last week he was advised/informed that there was an alleged incident that occurred on February 1, 2015 (Super bowl Sunday) that involved the Belchertown Police Chief, Francis Fox, and as such also became aware to him that there may be an incident report from the Granby Police Department that would be available. Upon hearing that he instructed the Town Administrator, Gary Brougham, to obtain an official copy of that report from the Granby Police Department. On Thursday we did receive that copy of the incident report. Mr. Brougham and his staff disseminated it to the rest of the Board of Selectmen for their review. Upon reading, several times, and reviewing the incident report and subsequent discussions and consultations with the Town Administrator as well as Town Counsel he felt it was in the best interest of Belchertown to place Chief Fox on paid administrative leave. Subsequent to that he advised the Town Administrator to notify Chief Fox that he was placed on paid
administrative leave, which occurred late on Thursday and also appointing Senior Sargent Bruce Jenks as the Acting Chief. This was all accomplished Thursday evening.

Subsequently we have been able to schedule an executive session which will occur this Thursday at 7:30 p.m. here at Town Hall. Once again that is an executive session which is an opportunity for Chief Fox and the Board of Selectmen to discuss the incident in a certain amount of detail. It will not be open to the public. It will only be between Chief Fox and the Board of Selectmen. Chairman Aponte stated that is everything right now, it’s everything that he is aware of at this point.

This evening the Board will decide the paid administrative leave. The decision that was made on Thursday was his decision as the liaison to the Police Department as well as Chairman of the Board. He did so out of an abundance of caution and also concern for the allegations which everyone at this point has read and know about and are certainly serious. The Board has not had the opportunity to discuss his decision which is what is on the agenda for this evening. At this point he is opening the discussion up to the Board of Selectmen to either affirm his decision to place the Chief on paid administrative leave or to rescind his decision.

Mr. Archible stated that as of now the only information the Board has is what the media has given to them. He has the incident report which he has not even read except through what the media has given. He has no other information at this time to give out. Chairman Aponte asked him with regards to the paid administrative leave if he has a feeling one way or the other. Mr. Archible stated the Board has to put him out on paid administrative leave and he will move to ratify the Chairman’s direction to Mr. Brougham to place Chief Fox on administrative leave with pay effective, Thursday, September 10th and to continue Chief Fox’s administrative leave on the terms set forth in Mr. Brougham’s letter dated September 10th until further notice, until we have some concrete proof of what happened and what did not happen. Seconded by Mr. O’Connor. No further comments were made by the Board. Motion passes 5-0-0.

Chairman Aponte indicated the decision was made by the Board to affirm his decision so that Chief Fox is on paid administrative leave indefinitely until this particular issue or incident is resolved.

b. Appoint Acting Chief: Chairman Aponte indicated that when he appointed Sgt. Jenks he did so because he is the senior sergeant. Sgt. Jenks has in fact filled in and acted as the officer in charge during Chief Fox’s absence previously but at this point it is open. If the Board has other members of the Department that they would like to discuss for this particular acting chief position now is the time to discuss it.

Once again he turned the floor to the other members of the Board of Selectmen. Mr. Archible moved that the Board put Sgt. Bruce Jenks in charge until further notice, as acting chief. Seconded by Mr. Barnett. Ms. Aldrich questioned if he was aware that he would be acting chief. Chairman Aponte stated that Mr.
Brougham had advised Sgt. Jenks on Thursday as he was notifying Chief Fox of the paid administrative leave so Sgt. Jenks is definitely aware of what the responsibilities are. Motion passes 5 -0 - 0.

Chairman Aponte stated that during the paid administrative leave of Chief Fox, Sgt. Jenks will in fact be the Acting Chief with all the duties and responsibilities that entails.

Chairman Aponte stated at this point the Board will entertain questions from the press.

Channel 22 news reporter said she was wondering since Granby’s officers knew of this will this change procedure in any way regarding notification to a surrounding town. She felt the Board would have wanted to know about this February 1st. Chairman Aponte stated he can’t speak to Granby’s policies and procedures. It’s obviously something Granby’s police department and selectmen can discuss. We are concentrating solely on Belchertown’s issue.

Another member from the press stated that she knew the Board was going to continue to keep this decision going until a solution was found and asked what steps would be taken to find that solution. Chairman Aponte indicated that the next step in the process would be the executive session that he had indicated would happen with Chief Fox. At that time Chief Fox will be able to address the Board and present his side of the story. Based upon how that meeting goes, the next steps are unclear even to himself and the Board at this point because it really depends on what comes out of that meeting on Thursday.

Eric Goldscheider from The Gazette stated he had a question that he would ask each of the five Selectboard members. He asked what is the standard that the Board is going to be using to determine if they have faith in Francis Fox as the police chief. Mr. O’Connor responded responsibility, integrity and accountability and that it would be true of any public official. Ms. Aldrich stated she felt the same. The standards of being an official in Town. Mr. Goldscheider repeated Mr. O’Connor’s response and said it’s not a sense of guilt or innocence it’s really that as opposed to whether he’s legally guilty or innocent of the allegations. Ms. Aldrich stated they are not lawyers and that Town Counsel will be able to direct them on but as far as his asking what the Board feels it’s personally how the Board feels. Mr. O’Connor stated that it’s speaking as an employer as opposed to a legal environment. Chairman Aponte stated there are certainly policies and procedures that the Town has and all employees have to adhere to those. He continued their job first and foremost is to find out what happened, making sure they hear all sides of the story and then based upon that determine what happened, what are the facts and solely upon those facts they will make their decisions on what direction to head.
Mr. Barnett stated he can’t disagree with what Mr. Aponte had said. He wants to find out what happened. He wants to find out if what has been alleged to have happened did really happen and then on that basis the Board will determine how responsible the Chief was in this particular action and integrity of course is very important. He hopes that on Thursday they can get a long way into the process to determine that. Until then he doesn’t think the Board should be doing anything to harm anyone until we know exactly what happened.

Mr. Archible wants to have an open mind. He is going to make a decision based on everything that’s in front of them at the time. Right now his mind is open until the Board hears something from Chief Fox and we will move from there.

Eric Goldscheider asked if there was another agenda item with the minutes that Chairman Aponte referred to earlier. Chairman Aponte stated that it is an addition to the agenda. It is the meeting minutes of February 8, 2011. His question is that he made a request for executive session minutes for February, March and April of 2011 relating to Chief Fox, and as he understands it in February there was a 3 – 2 vote not to renew his contract and then two members of the Selectboard changed their vote so it was a 4 – 1 vote to renew his contract – his question is have those executive session minutes been reviewed and are they public; if not do you expect to make a determination on that soon. Chairman Aponte responded affirmatively assuming that the proper request has been made to the Clerk’s Office, they will be then released to the Board who will have the opportunity to review them for accuracy to make any amendments or modifications that they believe are required. He also reminded the press that two of the members of the current Board of Selectmen weren’t even on the Board at that time in 2011 so it would only be Selectman Archible, Selectman Barnett and myself (Selectman Aponte) that will be able to address those but they will certainly address those and try to release them as soon as possible. Mr. Barnett stated they were not executive session it was an open meeting in the auditorium. Chairman Aponte confirmed that those are the ones to be discussed tonight. Chairman Aponte asked Mr. Goldscheider to correct him if he was wrong but thought that he was asking about the executive session minutes. Mr. Goldscheider stated he didn’t know if there were any but he’s assuming that there were. Mr. Barnett stated the 3 – 2 vote was in an open meeting. He is working on the assumption that there may have been executive sessions after that – its four years ago. He doesn’t know the policies on how long executive session minutes are kept. Chairman Aponte stated the Town Clerk is good and he’s sure she will know how to come up with those. Mr. Goldscheider wants to know how long they are kept private. Mr. Barnett stated that it’s until they are voted on to be released.

Jim Russell from The Republican has one question procedurally on Thursday’s executive session is that being called where charges will be brought against Chief Fox where he will be given a 48 hour notice and he has the option to either have that meeting as you have suggested behind closed doors or he has the option of having it in open session or is it a fact finding meeting because of some other
reason where that part of the open meeting law with the actual accusations of the charges being brought is not.... In other words he is just curious. Chairman Aponte stated that it is certainly premature at this point to say if there will be charges or accusations levied. Mr. Russell confirmed the Board wants to really do so fact finding, sitting down with the Chief behind closed doors and really try to get to the bottom of this. Chairman Aponte responded that the press has to remember this broke mid-day Wednesday and they have to have the opportunity to discuss it with the Chief. Mr. Russell also is wondering as this is a serious allegation as it’s been described to him, if there’s been any information in terms of his vehicle - what year it is, what kind it is, what condition it’s in, or has there been any damage, has the Town gotten any bills for any sorts of repairs of any kind. He asked if that was anything the Board could share at this point, since February 1st. Chairman Aponte stated he doesn’t know exactly the year and model of the Chief’s car. He’s not aware of, at this point, any damage on the Chief’s car. He continued he’s not sure if it’s even pertinent to the incident since he doesn’t recall any damage being mentioned in the incident report.

Mr. Russell continued lastly about the policies and procedures that were talked about in general; things like integrity, accountability and responsibility. In terms of an incident like this where you have something as serious as this he questioned if there is a policy or an obligation on the part of the police chief to inform either the Board of Selectmen and/or if someone else that’s in the department that may be an officer or a sergeant or something so if something like this happens is there a responsibility to sort of “blow the whistle”; another words is there someone else in the department that is aware of some type of alleged behavior like this is that part of the policy or something you guys might be looking into. He’s just curious about that with the appointment of the Acting Chief Jenks we don’t know at this point if he may or may not have been aware of any of these alleged things and is that something you guys feel has been adequately vetted at this point. Chairman Aponte stated that it’s obviously something that has to be taken into account and its part of the process. The Board’s job is determined what happened, if something happened, when it happened, why it happened and so on and so forth and apply those facts to Town policies and procedures.

Michael Seward asked what weight the Board would put into Chief Fox’s explanation of things versus the police reports, and what other things does the Board have planned to do to determine the facts. The DA has basically said that there is no way they could try a case against Chief Fox at this point. He questioned what the Board of Selectmen could do that’s different. Chairman Aponte said it’s important but they are not district attorney’s, not law enforcement officers, not officers of the court. They are, as Mr. O’Connor had indicated, employers. They have to determine what the facts are to the best of their ability based upon everything that’s put into the pot and obviously they will have to use some of their own discretion. Mr. Seward asked if they will go above and beyond asking the Chief and looking at the report, will they be looking at other things. Chairman Aponte said they will certainly take the report into consideration. Mr.
Seward asked if the Board would be talking to police officers in Granby and police officers in Belchertown. Chairman Aponte stated it is a possibility that it is part of the process that is open to the Board if they choose to go in that direction.

Mr. Goldscheider, *The Gazette*, asked if it would trouble the Board if they found out that members of the police force knew about this incident and did not bring it forward. Mr. O'Connor replied yes it would. Chairman Aponte stated he will wait to find out what the facts are. Mr. O'Connor again stated that if that was the case that it would trouble him.

Chairman Aponte called last chance for the press to ask a question. A reporter asked if the Board could talk about the set terms of his paid administrative leave. Chairman Aponte asked the Town Administrator to fill in the blanks if he missed something. The leave is indefinitely until the Board can fully address and resolve this issue, all duties and responsibilities currently associated with the chief have been taken away, town vehicle, badge, and the inability to be at the actual police station, these are some of the things that are in the paid administration leave. The reporter reiterated that he is not allowed to go to the police station right now. Chairman Aponte confirmed that was correct.

Jim Russell, *The Republican*, went to ask another question. Chairman Aponte told him it was the last one. He asked if the Board could comment given the Chief is an adjunct professor at Greenfield Community College teaching criminal justice and believes that he is a trainer with the police academy, he asked if the Board has been in contact with them or is that something the Board can share with the reporters whether the Board has or has not been contacted by either the college or the police academy on his status. Chairman Aponte indicated he has not.

Chairman Aponte stated that the portion of the meeting discussing Chief Fox and the incident is now concluded. At this point the Board is going to go back to their regular agenda and by all means the press is certainly welcome to stay if they like.

Mr. Goldscheider questioned at what point the Board would consider the minutes. Chairman Aponte responded in five or ten minutes.

c. Police Chief’s Request to Attend International Association of Chiefs of Police Conference: Chairman Aponte stated that in light of action items (5a and 5b) it would be prudent to take no action. Chairman Aponte moved the Board take no action. Seconded by Mr. Barnett. Motion passes 5 – 0.

d. Appointment of Part-Time Police Dispatcher: Chairman Aponte stated there is a recommendation from Chief Fox which was made on August 14th, so certainly prior to the paid administrative leave, to appoint Melissa Strycharz to the position of part-time dispatcher, effective August 28, 2015. Chairman Aponte moved the Board appoint Melissa Strycharz to the position of part-time dispatcher, effective August 28, 2015. Seconded by Mr. Barnett. Motion passes 5 – 0.

e. Appointment of Senior Center Aide: Mr. O’Connor presented the details. Per the recommendation of Bill Korzenowski, Director of the Council on Aging, Mr.
O’Connor moved the Board appoint Cristina Welch to the position of Part-Time Senior Center Aide. Seconded by Ms. Aldrich. Motion passes 5 – 0.

f. Appointment of Member to Recreation Committee: Mr. O’Connor presented the details. Per the recommendation of Bill Vosburgh, Chair, Recreation Committee, Mr. O’Connor moved to appoint James Wilbur Quirk to the Recreation Committee, term to expire June 30, 2016. Seconded by Ms. Aldrich. Motion passes 5 – 0.

g. Review Common Drive Special Permit – Van Zandt, South Liberty Street: Mr. Barnett presented the details. The Planning Board has requested the Board of Selectmen review the Common Drive Special Permit submitted by Robert Van Zandt. The applicant wants to have a common drive and build three houses.

The Town Administrator confirmed that the plan is consistent with the Planning Board’s protocol for common drives which is considerably less than a formal subdivision. This application is seeking to build three homes and you can build up to five on a common drive. A common drive is never intended to be an accepted Town Way.

The Board agreed to send it back to the Planning Board indicating they have no concerns at this time. The Planning Board should take into consideration any comments or concerns other department heads may have regarding this plan.

h. Request from McCarthy’s Pub: Mr. Barnett presented the details to the Board. Janice McCarthy has once again submitted a request seeking the Board’s approval to erect a tent in the parking lot of McCarthy’s to serve alcohol and have live entertainment. Mr. Barnett stated the Board has been approving this request for many, many years. The requested dates are Thursday, September 17th, Friday, September 18th and Saturday, September 19th.

Mr. Barnett moved the Board approve this request requiring that appropriate security be in place. Seconded by Mr. Archible. Motion passes 5 – 0.

i. Sewer Abatement Request – Handzel, 20A & B North Main Street: Mr. Archible presented the details. This is a request for abatement of sewer charges but because of what has happened over the last few days he recommends the Board doesn’t address this at this point as he does not have enough information, the Board doesn’t have the information and the Town Administrator has been too busy the last couple of days to investigate. Mr. Archible moved the Board put this discussion item on their next agenda. The Board agreed to move this discussion to the September 28, 2015 meeting.

j. Award Hampshire Council of Governments’ Winter Salt Bid – 2015-2016, Treated Rock Salt: Mr. Archible presented the details. Steve Williams, Director of Public Works, is recommending the Board award the FY16 Salt Bid 2015-2016.

Mr. Archible moved the Board award the Sodium Chloride Rock Salt Delivered to Morton Salt, 123 North Wacker Drive, Chicago, IL in the amount of $81.30 per ton. Seconded by Mr. O’Connor. Motion passes 5 – 0.
Mr. Archible moved the Board award the Sodium Chloride Crushed Rock Salt Treated – Delivered to Cargill Deicing, 24950 Country Club Blvd, Ste 450, North Olmstead, OH in the amount of $84.76. Seconded by Mr. Barnett. Motion passes 5 – 0.

k. 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, Barnett – yes, O’Connor – yes.

l. Miscellaneous Matters: None.

6) **Town Administrator’s Report:** This coming weekend is the Belchertown Fair. The tents are now on the Common. There was a big turn out yesterday. That event takes a lot of hands to get those tents in position. A number of people have come forward with his constant pleas for new help; a number of people have come forward and are helping out with various components of the fair. He hopes the interest continues because it really is a great event. In the back parking lot there are some of the amusement operator’s devices; they moved in last night and will be setting up on the Common, in fact now and tomorrow they will be moving into part of the parking lot and by Wednesday the remainder of the parking lot. The reason why things are expedited in this fashion is because a few years ago there was an incident with a carnival in Worcester which changed the inspection protocol. Unlike the old method where an amusement operator had to have their rides inspected on a frequency following that mishap the State now requires every setup to be inspected, no exceptions. In order for everything to get in place and allow the State Inspectors to inspect every piece of that gear it requires greater time. Also we discussed that this year we are working with the same family but two different divisions and it just complicated the matter. It looks like it’s going to be a great weekend, possible light showers on Sunday but Friday and Saturday are perfect fair weather. Come out for the parade, come out for the Fair. Be safe.

The Rte. 181 project, the last three weeks has primarily been water infrastructure. They are almost to the termination point at South Cemetery today and he expects that they will be there tomorrow. Soon they will be reversing direction coming back to Fuller Street and relaying the existing sewer infrastructure back towards the center of Town so the traffic delays to the extent that they have inconvenienced folks will continue unfortunately. Big equipment and that type of works requires some lane closures. We are doing the best we can to manage the traffic. He expects it is going to become really challenging when things get closer to Cold Spring School but for the most part now they are still out of the Town Center and will likely be until after the fair.

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

8) **Individual Board Members’ Reports:**
Mr. Archible: He had a visitor. There is another movie that is going to be made here in Belchertown. He doesn’t remember the name of the movie but it’s about the State Police in Vermont but it is being filmed here on Rte 202. He stated it’s kind of crazy. They asked him if he could supply food and such. If he hears something more he will let the Board know. He said it is coming, another Belchertown movie.

Ms. Aldrich: The School Committee met on Tuesday. Superintendent Coffin was very complimentary about the busses running smoothly with all the inconveniences. The superintendent stated she has been working well with Steve Williams, Director of Public Works. They will be digging up in front of Cold Spring School and that was worrisome about how they were going to handle that but working with Mr. Williams has been good.

Also, she believes all the Selectmen received an email today from Ben Stone who is Senior Class President and in charge of the dunking booth. He has asked for volunteers who want to be dunked. Mr. O’Connor stated that he already got back to him and he is going to be dunked! Ms. Aldrich thinks the Board should consider it and maybe do a team spot at some point. Chairman Aponte stated he has done it in the past. His daughter spent $30 to dunk him!

Ms. Aldrich went to a fund raiser yesterday at the Iron Duke for Jessica’s Boundless Playground. They are just about to sign off on that so they will get the last bills in and the meeting minutes will be going to the School Committee come October and they will be disbanded. It is amazing to see what they have done.

Mr. O’Connor: Very quickly wanted to thank Ed Boucher and Chris Shea who put together the fund raiser at the Cold Spring Country Club this weekend to raise money for youth sports. He stopped in, it was very crowded, they had a lot of raffle tickets going for the silent auction items. He’s betting they raised a significant amount of money so that’s for Recreation Programs as well as non-Recreation Sports Programs in Town.

Mr. Aponte: The Belchertown Fair is this Friday, Saturday and Sunday. The main component of the fair is the parade and that starts at 10:00 a.m. on Saturday, be out there. He encourages people to be out there, it’s a great time!

One of the things he also wants to mention is that he has recently been contacted by Karol Coffin, the superintendent of schools to participate in a vision committee for the school department. The first meeting was this evening so he obviously could not make the initial meeting but he has talked to Mr. Mattocks who is heading it up. There will be several meetings at the schools over the next couple of months or so basically discussing what the community would like to see, what their vision is for the school system at the different grades in the schools. It will be very interesting to see what comes of that.
Questions from the Press: Jim Russell from The Republican asked about the road closure on Saturday for the parade. Chairman Aponte asked the Town Administrator where exactly the roads are closed. Gary Brougham indicated the road closures are for the parade. The closures begin on Rte. 181 by South Cemetery, Rts 9 and 202, Maple Street at Howard Street, North Washington Street at Springfield Road; those are the big ones. The primary roads have manned police stop points, the secondary roads have barricades. Mr. O'Connor said the Fair Committee members were really concerned about Park Street and people getting jammed up in it. It will be a one way with no parking on it. Park Street should be avoided.

Mr. Russell also questioned if the administrative leave letter to Chief Fox was a public record or if it is confidential because if it’s public the press would like to have it. Chairman Aponte stated he will have to confer with Town Counsel in regards to the letter to see if it’s open to the public at this point.

Walter Hamilton from The Sentinel had a question regarding the release of the executive session minutes. He stated he’s made the request a couple of times in the last year that he has been doing this and he hasn’t seen any released. He wants to know if there is a policy that says he has to make a specific request in writing or will the Board routinely release minutes as the reason for the executive session has passed. Chairman Aponte began to ask where he had made the request when Mr. Hamilton inserted that he had made the requests in open session at the Selectmen’s meetings. He has made requests for executive sessions but no specific request. He can’t tell the Chairman which executive session minutes he’s looking for because basically he doesn’t know what’s in those executive sessions because he can’t go to them. He has made blanket requests that once the reason for the executive session is over because the matter has been resolved or it no longer pertains to any of the exceptions in the State law. He read that a public body must respond to a request to inspect a copy of executive session minutes within 10 days of request and promptly release the records if they are subject to disclosure. If the body has not performed the review to determine whether they are subject to disclosure they must do so prior to their next meeting or within 30 days whichever is sooner. He stated again that he has made this request before and he has not received any executive sessions from anybody; not from the Board and these executive sessions are still subject matter that would still be a problem if it were released but if it’s not then the law is clear. It states you should release these minutes.

Mr. Barnett stated that all executive session minutes have to be released to the public when they no longer having anything to do with confidential matters especially when it has to do with personnel matters. Mr. Hamilton agreed and continued that within the last year he hasn’t seen any released. He doesn’t know what goes on in these executive sessions but if these issues say a contract has been settled, signed and in effect then the discussions leading up that contact, as an example, should be made available for release. Chairman Aponte responded that quite honestly he is ignorant as far as the process goes so he will bring it up to Town Counsel and obviously they will advise the Board. Mr. Hamilton held up a pamphlet that was given to him from a
member of a municipal board in the town of South Hadley regarding the open meeting laws and it is up to date. He wants to make one point about release of information regarding personnel and the exception to all of this is personnel and medical files for information also any materials or data relating to a specifically named individual the disclosure of which may constitute an unwarranted invasion of personal privacy. Now he’s sure that it has to be interpreted, an unwarranted invasion of personal privacy, when you are talking about a particular person but that decision has to be considered and made and if doesn’t constitute an unwarranted invasion of personal privacy then it should be released just to make it clear that its not always 100% prohibited about a person who works for the Town can never be released, that’s not true. It’s only an unwarranted invasion of personal policy and he will say that there are some cases that maybe it isn’t so. Chairman Aponte stated that frankly that’s why we have Town Counsel and he will seek their advice. Mr. Hamilton asked that Town Counsel be made aware of his request for executive sessions and he will go back a year because that’s how long he’s been doing it, that any executive session minutes that should be released, are released. Chairman Aponte stated he will make Town Counsel aware of the blanket request and he will advise Chairman Aponte and the Board of Selectmen as to the process/procedure and obviously the interpretation of the law. Mr. Hamilton asked for confirmation that he does not have to make a request in writing for these minutes.

Mr. Goldscheider stated that he is trying to bring himself up to speed as well regarding the minutes. He said that he had gone to the Town Clerk’s Office and was told by the Assistant Town Clerk that he did not have to make the request in writing. He said he asked her if he could ask for anything relating to Chief Fox and she said no, that if he made that request she would have to go back to day one of the Selectboard and read every single executive session so at her request he created a time frame. Obviously the Town Clerk and the Board has a former Town Clerk on the Board, that position is an independently elected person who is answerable to the voters does the town clerk get to… Mr. Barnett interrupted stating the Town Clerk doesn’t get to have the executive session minutes. After they have been voted to be released then the Town Clerk could have them. He confirmed that once these minutes are released they go on file with the Town Clerk and are available. Mr. Barnett said that then he could walk in and say that you want these minutes; it’s not a very complicated thing. He said as a matter of fact people sit down and go through the minutes and pick out the ones they want.

Mr. Hamilton stated that in all the meeting he has attended he has never heard a vote to release executive session minutes in the last year. Mr. Barnett stated it’s because it hasn’t happened. Mr. Goldscheider questioned the February 3rd executive session and if he needs to make a written request for them or is an oral request enough. Chairman Aponte stated that it was a good question and he really does not know the answer which is why he will talk to Town Counsel. He will have Town Counsel advise the Board as to the procedure and then how is the law applied to each individual set of minutes; in essence which ones are exempt and which ones are not exempt. Mr. Barnett stated that if he wants the minutes he would just go to the office and then the
Board would determine whether or not, because they are still locked up, they should be released. Mr. Goldscheider stated that he thinks they should be redacted but they should be released. Mr. Barnett stated it depends on what is in them. Mr. Barnett said that they should go to the Town Administrator’s office because that is where they are as they have not been released. Mr. Goldscheider again stated for the record he wants to make a request for the release of the February 3rd executive session minutes.

Gary Brougham stated that we have had requests for executive session minutes from other people than are in the room tonight and we have delivered them to the extent that we can. There was a particular incident a few years ago with a former member of the Union News who requested executive session minutes and he refused to give them to her for the right reasons. She appealed to Town Counsel who supported the Town Administrator’s decision. She appealed to the Secretary of State who upheld our decision and Labor Counsels”. In his opinion if there are executive session minutes that are being sought, just like we received on Friday, the correct way to do it is in writing so that there is a paper trail and we don’t sit here in a year and say I requested these minutes three times a year ago and none came forth. It quite well may be that they cannot be released. He stated when he said that there were exemptions and he is not up to speed on every little detail with the open meeting law or executive session. There are some exemptions and that is the point he was trying to make. Mr. Hamilton agreed but stated there are limits. Mr. Brougham stated he was not going to debate the mechanics of what’s a limit or what’s exempt; he simply made a statement so that people didn’t just arbitrarily jump to conclusions and say I’m entitled to every pile of executive session minutes in the office. Mr. Hamilton said he was not doing that. He stated he was just making a statement there are exemptions, he wants everyone to be clear on that. Mr. Brougham stated that when you get a written request like this it engages a process. The paper request also allows the Town to recover its preparation cost. On a regular basis people come in and say can I get a copy of the memo that Chief Fox wrote, Steve Williams wrote, Bill Korzenowski wrote to appoint someone to a position we are not going to charge them .45¢ to make the copy but if we have to sit over there for hours on end and copy hundreds of documents and spend hours redacting or seeking legal opinions we are entitled to recover that. Mr. Goldscheider stated that actually the way the Assistant Town Clerk explained it to him is that he can come into the office and read them there and then pay for whatever photo copies he wants instead of having to pay for a hundred pages of photocopies he can go and read them there and then request the pages and pay only for those. Mr. Barnett said we can also charge per hour, that’s the law also.

Mr. Hamilton stated that for all of these minutes to be released they have to be approved by the Board of Selectmen. Chairman Aponte stated that it was his understanding. Mr. Hamilton again stated the Board has to vote on them to release them. Mr. Goldscheider stated this is an open meeting and asked if he could just say let the open minutes reflect that a request was made for the February 3rd executive session minutes. Mr. Archible stated the Town Administrator just said to put it in writing. Mr. Goldscheider stated he knew that. The Town Administrator stated just so we are clear on this 20 minutes ago you said you requested the meeting minutes from
February, March and April, so in a week are you going to come forward and say I requested three months worth of minutes and now I only have February 3rd. His point is that it doesn’t take long to fill out the form and then there is a paper trail. It makes the reporter’s job and the office staff’s job a whole lot easier and it avoids all this confusion.

Chairman Aponte stated that it sounds like the process moving forward is to put the request for information in writing. In the meantime we will hopefully be able to get input from Town Counsel and we will move on it to the best of our abilities.

10) **Adjournment:** Meeting adjourned at 8:40 p.m.

Minutes submitted via BCTV tape

Board approved/endorsed: 01/28/15

Board of Selectmen - Town of Belchertown

Endorsed by a majority:

[Signatures]

Ronald E. Aponte, Chairman

Brenda Q. Aldrich

George D. Archible

William R. Barnett

Nicholas O'Connor