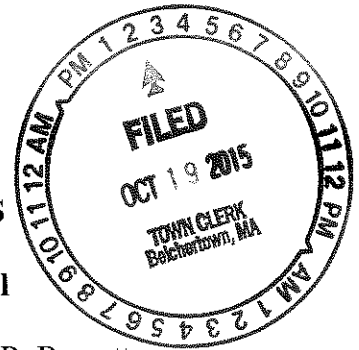


**TOWN OF BELCHERTOWN  
BOARD OF SELECTMEN'S MEETING MINUTES  
MONDAY, SEPTEMBER 28, 2015  
Selectmen's Meeting Room, Lawrence Memorial Hall**



**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 #1613 was signed for \$743,456.52.
- b) Routine documents
- c) Approval of Minutes: Ms. Aldrich moved the Board accept the minutes of July 27, 2015. Seconded by Mr. Barnett. Motion passes 4-0 -1(abstain – O'Connor). Ms. Aldrich moved the Board accept the minutes of September 14, 2015. Seconded by Mr. Barnett. Motion passes 5 – 0. Ms. Aldrich moved the Board accept the minutes of August 10, 2015. Seconded by Mr. Archible. Motion passes 5 - 0.

3) **Additions to the Agenda:**

- Mill Valley Amusement Licenses: Ms. Aldrich presented the details. Tim Kurty, Mill Valley LLC, has requested adding the following amusements at the Mill Valley Country Club – weekdays and Sundays: two video games, one jukebox and one pool table. The Board agreed to sign the licenses with the addition of the games.

4) **Appearances Before the Board:**

7:35 p.m. Pole Hearing #2016-02, Springfield Road: Ms. Aldrich read pole hearing #2016-02 and opened the hearing to the public. Andy Hufnagel from Verizon was present for the hearing.

This is a to place one jointly owned pole (Verizon and Massachusetts Electric Company) on the northeasterly side of Springfield Road at a point approximately 2,896' northerly from the centerline of Pendleton Road.

The purpose is to provide mid span support to the existing pole line; and to provide for the distribution of intelligence and telecommunications, and for the transmission of high and low voltage electric current.

There were no public concerns.

Ms. Aldrich moved to close the public hearing. Seconded by Mr. Archible. Motion passes 5 – 0.

Ms. Aldrich moved to grant petition #2016-02. Seconded by Mr. Archible. Motion passes 5 – 0.

**Chairman Aponte Announced He Has A Statement Regarding Chief Fox:** He stated that Chief Fox has voluntarily left his position as the Belchertown Police Chief and he will read the joint statement from the Town of Belchertown and Francis Fox.

The Belchertown Board of Selectmen and Chief Fran Fox announce Chief Fox's voluntary decision to leave the Belchertown Police Department.

The matter of an alleged incident involving Chief Fox in February of this year has been widely reported. Recognizing the impact these reports were having on the community that he loves and has dedicated most of his adult life in service of, Chief Fox approached the Board of Selectmen and informed the Board of his intention to leave the Town, effective, Friday, September 25, 2015. The Board agreed, without making any determination of wrongdoing, that it was best for the community that Chief Fox moves on.

The Board of Selectmen thanks Chief Fox for his 30 years of service to the community. It will meet in the near future to start discussing the process of retaining a new chief to lead the Police Department.

At this point Chairman Aponte opened the discussion to the press and the public if there are any questions for the Board.

Jim Russell from *The Republican* questioned if this was suggested to him by Town Counsel or Chief Fox's counsel or if it was a surprise. He stated he could understand if the Board could not answer that. He wondered if the Board was surprised and felt it must have been the Chief's initiative. Chairman Aponte stated that Chief Fox had indeed approached the Board.

Eric Goldscheider from *The Gazette* questioned the status of the Chief's contract. He questioned if there were any negotiations or was basically his job ended and his contract was terminated as of the 25<sup>th</sup>. Chairman Aponte stated the Chief is entitled to holiday pay, accrued vacation, accrued sick days. The Town has also agreed to at least provide the Town's portion of his health insurance for the remainder of this fiscal year. That is all the town is doing, as of Friday he is no longer the Chief of Police in Belchertown.

Walter Hamilton from *The Sentinel* questioned if he would be a retired person. The chief is finished as far as the job but will he be going on to his pension he wondered. Chairman Aponte indicated that it would be up to the Chief on how he wants to proceed with his retirement. Selectman Archible stated the Chief is only 51 years-old. The Board does not know what the Chief wants to do and it will be up to him. Mr. Hamilton confirmed that it has not been determined. Mr. Archible indicated it has not and it has nothing to do with the Board.

Eric Goldscheider questioned that since this has been resolved if the executive session minutes from last week will become public. Chairman Aponte stated soon enough they would. Mr. Goldscheider questioned if the Board was going to take action on executive session minutes from 2011. Chairman Aponte indicated the Board would as part of their executive session.

Mr. Goldscheider questioned correspondence received from citizens during the Fox incident – he received a note from Ann Pittsley last Friday that they are going into an incident file and are not going to be released to the public. He questioned if they would become public at this point now that this has been resolved. Chairman Aponte stated it would be up to a discussion with the Board of Selectmen and to what extent they can release them. Mr. Goldscheider questioned what the rationale would be for not releasing them. Gary Brougham, Town Administrator stated the Town was advised by Town Counsel not to release them as they are part of the personnel record. Chairman Aponte stated that this is his concern about where the dividing line is between public document and personnel record. Mr. Goldscheider stated that if people make wild and inflammatory accusations in their correspondence then the Board wouldn't release it. He questioned in terms of the law a citizen's right to make their views known to the Selectboard on an issue he then believes that those become public documents. The Board does list all their correspondence on their mail list. Chairman Aponte feels this is a good question for Town Counsel – where is the dividing line. Mr. Goldscheider asked if the Board was looking into that. Chairman Aponte stated that it was just literally resolved today the Board is not looking into it.

Jim Russell asked in terms of the process that Acting Chief Jenks will continue on, the Board will perhaps not tonight but soon will talk about forming a search committee for a permanent chief. He also asked if part of this agreement with the Chief as he is only 51 and began in the Belchertown Police Department in 1987 if there is any understanding of providing him with any type of recommendation or is that a confidential personnel matter. He is just wondering as sometimes where there is a separation and some issue sometimes that is written in. Chairman Aponte stated there is nothing in the separation agreement regarding this. Mr. Russell confirmed the agreement doesn't involve any money other they accrued time and the Town's portion of health insurance. If he wants to apply for retirement that is his prerogative. Selectman Aponte confirmed he is correct.

Mr. Hamilton confirmed there is a written agreement. Selectman Aponte stated that yes there is a written separation agreement. Mr. Hamilton questioned if it will be public record tonight. Selectman Aponte stated that it will not be released tonight. It will be part of the discussion with Town Counsel as to when and what documents will be released. Selectman Aponte confirmed there is a written separation agreement with the Chief that has been signed by him on behalf of the Board and by Chief Fox.

Mr. Goldscheider questioned if the Board had anything to say regarding the released public statement, does the Board feel this was the right thing to do. Selectman Aponte stated it was mutually agreed upon and both parties feel this was the best course of action for the Town. Mr. Goldscheider questioned if the Board has a time table for finding a new chief. Chairman Aponte indicated that it would be an active discussion item at the next Board of Selectmen meeting.

The Town Administrator stated it might not be necessary but the Board might want to accept the Chief's resignation. Chairman Aponte felt that it was a good point. Mr. Archible moved the Board accept the resignation of Chief Fox effective September 25, 2015. Seconded by Mr. Barnett. Motion passes 5 – 0. Chairman Aponte stated the Board of Selectmen officially accepted the resignation of Chief Francis Fox.

Mr. Hamilton asked how long Chief Fox had been the police chief in Belchertown. Chairman Aponte responded that he believed it had been since 2002.

Mr. Goldscheider stated that what happened last Friday was mutually accepted between Chairman Aponte and the Chief but not the Board so tonight the Board affirmed what Chairman Aponte and the Chief had done. Chairman Aponte stated that was correct. The Board had given him as Chairman a certain amount of authority to be able to enter into these agreements just so the Board could expedite the matter; obviously if there was a meeting of the minds lets make it happen as quickly as possible so the Town can move on. Selectman Barnett indicated the Board had held discussions previous to this. Chairman Aponte agreed that the Board had discussed this in a previous meeting (executive session). Mr. Goldscheider commented that the Board was unified and this was the goal that terminating the Town's relationship with the Chief was the goal. Selectman Aldrich stated that she didn't believe that was the goal; that Chief Fox came to the Board and that it wasn't the Board's goal. Chief Fox came to the Board. Selectman Aldrich wanted that made quite clear that it was not the Board's goal. Mr. Goldscheider confirmed that during the executive session Chairman Aponte was empowered to give or receive communications with Chief Fox. Chairman Aponte stated that was correct. Selectman Barnett clarified that it was within a framework the Board had come up with. Mr. Goldscheider questioned what the framework was. Chairman Aponte stated that it was whatever was mutually agreeable for a separation. Mr. Goldscheider commented so that was what the framework was. Chairman Aponte stated again that it was the Chief who had brought the separation agreement to the Board first. The Board then discussed it in executive session. Mr. Goldscheider realized that the Chief had brought it to the Board prior to the separation agreement date. Selectman Aldrich stated that as a Selectboard, after the Chief had come to them regarding a separation, because the Board couldn't meet every night and things were going to be moving along between counsel and the Town it was the Boards vote that the Chairman sign off on what they knew as a group they wanted to accomplish

**5) Discussion/Action Items:**

- a. Request to Close Offices for Holiday Luncheon: Mr. Barnett presented the details. Rob Opalenik, Recreation Director is requesting the Selectmen to allow Town Hall and Finnerty House to close between 12:30 and 3:00 p.m. on Friday, December 11<sup>th</sup> for the annual holiday luncheon. Mr. Barnett moved the Board allow the offices to close for the annual holiday luncheon. Seconded by Mr. Archible. Motion passes 5 – 0.
- b. Award Bid #2015-03 – Winter Sand Bid: Mr. Archible presented the details to the Board regarding the winter sand bid. Per the recommendation of Steve Williams, Director of Public Works, Mr. Archible moved the Board award Bid #2015-03 – Winter Sand Bid to Ray Haluch, Inc, 1014 Center Street, Ludlow, MA as follows:
  - ❖ \$10.65 per cubic yard delivered to the Highway Department's Salt Shed
  - ❖ \$8.65 per cubic yard loaded into town owned or hired trucks at the pit

Seconded by Mr. O'Connor. Motion passes 5 – 0.

- c. Award Bid #2015-04 – Sale of Town Owned Equipment: Mr. Archible presented the details. Per the recommendation of Gary Brougham, Town Administrator, Mr. Archible moved to award Bid #2015-04 – Sale of Town Owned Equipment to James Szczebak as follows:
  - ❖ 1997 Ford Lgtcon, 1 Ton Dump Truck: \$206.00

- ❖ Highway Sander, P81; \$477.00
- ❖ 9' Fisher Minute Mount Plow: \$107.00
- ❖ 8' Fisher Minute Mount Plow: \$107.00
- ❖ 7.5' Fisher Minute Mount Plow: \$107.00

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

- d. Winter Parking and Impediment Ban: Mr. Archible presented the details to the Board. The Department of Public Works has added that residents are being asked to remove any obstacles that impede the streets/roadways such as basketball hoops and rubbish barrels. Mr. Archible moved the Board set the parking ban as proposed. Seconded by Mr. Barnett. Motion passes 5 – 0.
- e. Sewer Abatement Request – Handzel, 30A & B North Main Street: Mr. Archible presented the details to the Board. Steve Williams, Director of Public Works has sent a memo to the Board indicating that this residence has documented water usage per the Belchertown Water District. Mr. Archible moved the Board deny this request per the memo from Steve Williams. Seconded by Ms. Aldrich. Motion passes 5 – 0.
- f. Accept Auxiliary Police Officer Resignation: Mr. Aponte presented the details to the Board. The Board accepted the resignation of Brandon M. Blair as an Auxiliary Officer, effective September 28, 2015. A letter will be sent to Mr. Blair thanking him for his service to the Town.
- g. Appointment of Auxiliary Police Officer: Mr. Aponte presented the details to the Board. Per the recommendation of Acting Chief Bruce E. Jenks, Ms. Aldrich moved the Board appoint Blake Chestna to the position of Auxiliary Police Officer. Seconded by Mr. Archible. Motion passes 5 – 0.
- h. Accept Part-Time Police Dispatcher Resignation: The Board accepted the resignation of Melissa Strycharz as a part-time police dispatcher. A letter will be sent to Ms. Strycharz thanking her for her service to the Town.

Mr. Aponte also indicated there is a second resignation of a police dispatcher from Emily Tebo who has accepted a full time position with the South Hadley Police Department. A letter will be sent to Ms. Tebo thanking her for her service to the Town.

- i. Appointment of Part-Time Police Dispatcher: Mr. Aponte presented the details. Per the recommendation of Acting Chief Bruce E. Jenks, Mr. Aponte moved to appoint Roy Landry to the position of part-time police dispatcher, effective September 24, 2015. Seconded by Mr. Archible. Motion passes 5 – 0.
- j. Appointment of Electrical Inspector: Mr. Barnett presented the details to the Board. Per the recommendation of Paul Adzima, Director of Inspection Services, Mr. Barnett moved to appoint David Sedelow to the position of electrical inspector, term to expire June 30, 2016. Seconded by Mr. Archible. Motion passes 5 – 0.
- k. Appointment of Firefighter/Paramedic: Mr. Aponte presented the details. Per the memo from Fire Chief Bock, Mr. Aponte moved to confirm the appointment of James Beauregard to the full-time position of firefighter/paramedic, effective September 4, 2015. Seconded by Mr. Barnett. Motion passes 5 – 0.
- l. Appointment of Meals on Wheels Driver(s): Mr. O'Connor presented the details. Per the recommendation of Bill Korzenowski, Council on Aging Director, Mr. O'Connor moved to appoint Mark Brownell to the position of Home Delivered Meals driver, effective immediately. Seconded by Mr. Barnett. Motion passes 5 – 0.
- m. Appointment of Pound Keeper(s): As there is no appointment recommendation at this time, Mr. Aponte moved the Board take no action. Seconded by Mr. O'Connor. Motion passes 5 – 0.

- n. Executive Session – MGL Chapter 30A, Section 21, Subsections 1, 2 and 3: Ms. Aldrich moved the Board enter executive session at the conclusion of their regular session pursuant to MGL Chapter 30A, Section 21, Subsection 1, 2 and 3 and not to reconvene in open meeting. Seconded by Mr. Archible. Roll call vote: Aponte – yes, Archible – yes, Aldrich – yes, O’Connor – yes, Barnett – yes.
- o. Miscellaneous Matters: None.

6) **Town Administrator’s Report:** The weather for the Belchertown Fair was perfect. He believes this was one of the best Fairs. There were a number of EMS runs on Saturday but nothing really related to the Fair but rather more health reasons. Sunday was very quiet. There were no noise complaints. The Fair Committee as usual did an outstanding job with their planning and with the help of the Belchertown Police Department, Fire/Rescue, DPW and the folks within the Town Hall who support the Fair Committee it would be impossible to complete this event with such success. He wrote letters to all Public Safety and DPW – they were everywhere they needed to be when they were needed to be without incident.

He also informed the Board that contrary to the original thoughts that there would be rides from two different amusement companies due to a scheduling problem that was in fact not the case. The vendor that we always have at the Fair did not have a conflict due to the fact that his other commitment was cancelled. The Fair was able to get the asking price on the original bid from the vendor.

Ms. Aldrich mentioned the problem last year with bees. Mr. Brougham stated there were no problems this year with the bees. The Fair Committee had asked the individuals with bee hives this year to screen the hives so that the bees would not be a problem this year.

7) **Review of Weekly Mail:**

#9). Gerald L. Paist – Progressive Report on Roof Project – Pathfinder: It was voted on at Town Meeting to put into the budget Pathfinder’s roof which was a huge commitment for all the communities associated with Pathfinder. Dr. Paist let everyone know the roof was completed prior to students beginning the new school year with the exception of a few minor repairs. Also the roof repairs came in under budget.

#13). Department of Public Utilities – Municipal Electricity Aggregation: The DPU has denied Hampshire Council of Government’s request for that municipal aggregation.

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

Ms. Aldrich: She spoke with Louise Butler regarding 4H week which begins the week of October 5<sup>th</sup>. She thinks there will be a 4H day at the Town Hall on October 10<sup>th</sup>, raising the flag. More details will go out to the press as more information becomes available.

She also congratulated Andrea Filipkowski for winning the Massachusetts Assessors’ Clerk of the Year Award.

Mr. Archible: There are ten new names that were added to the Middle East Memorial last week. It is probably too late to add a name now for Veterans’ Day this year. Any veterans with a DD214 can still send them to Mr. Archible and he will have them added for next year.

Mr. Aponte: Last week he attended the first of the school visioning sessions. It is a good team and they will be meeting every other Monday. The ultimate goal for this group is to try

and solicit as much input from town officials, teachers and the public. He encourages residents to attend these meetings.

Ms. Aldrich: Added that the Board is sending their thoughts and prayers out to the Town of Amherst who recently lost their Town Manager, John Musante

- 9) **Questions from the Press:** Mr. Hamilton from *The Sentinel* questioned #15 in the Selectmen's mail regarding the press question from Maureen McGarrett. Mr. Aponte responded that it was a comment from a citizen from a few meetings ago when the Board was discussing the Chief Fox incident and the floor had been opened to questions from the press and Mr. Seward was recognized. The particular comment was that it was not felt that Mr. Seward was press. He had for years run Belchertown News which is now more of a facebook site which made this more of a gray zone and this is just this individuals feelings toward that.

Mr. Hamilton also questioned the mail regarding price adjustments from Charter Communications. Mr. Aponte read the price adjustments to the press.

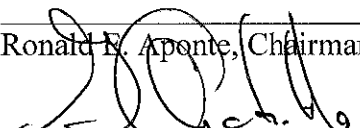
- 10) **Adjournment:** Meeting adjourned at 8:15 p.m.


Minutes submitted by Gary L. Brougham, Town Administrator

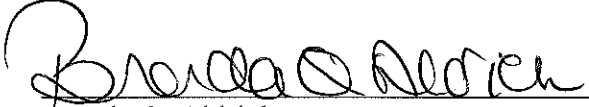
Board approved/endorsed: 10/13/15

Board of Selectmen - Town of Belchertown

Endorsed by a majority:

  
\_\_\_\_\_  
Ronald E. Aponte, Chairman

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

  
\_\_\_\_\_  
Brenda Q. Aldrich

  
\_\_\_\_\_  
William R. Barnett

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Nicholas O'Connor