



TOWN OF GRANBY

10 West State Street

250 State Street

Granby, MA 01033

Telephone: (413) 467-7177 Fax: (413) 467-2080

Town Administrator: Christopher Martin

Granby Select Board: Wayne H. Tack, Sr.,

Mark L. Bail,

Mary A. McDowell

Board Meeting: September 7, 2010 @ 6:00 P.M.

AGENDA:

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CITIZEN PARTICIPATION:

OLD BUSINESS AND INFORMATION:

Senior Tax Work -Off Program-Update

Proposed Policy -Performance Review-Personnel Handbook

REPORT OF TOWN ADMINISTRATOR: HREPS

APPOINTMENTS: 6:15 Police Chief Louis Barry
6:30 Change of Manager-266 Lounge
6:45 Affirm Appointments
7:00 Earth Removal Application Hearing Continued

NEW BUSINESS AND INFORMATION:

- 1 Accept Departmental Reports
- 2 Approve and Sign Maintenance Warrants
- 3 Affirm Interim Chief of Police
- 4 Correspondence

ADJOURNMENT:

Regular Session
Board of Selectmen
September 7, 2010

Members present: Wayne Tack Sr., Mark Bail, Mary McDowell.

Others present: Christopher Martin

Chairman Tack called the meeting to order at 6:00 p.m.

Chairman Tack led the meeting in the pledge of allegiance.

There were no citizen participation requests.

Mary McDowell reported that she has been speaking with Ann Guenette of the Council On Aging regarding the program. She has also had another meeting with a member of the Board of Assessors to go through the program. She hasn't forwarded the proposed program to the Finance committee yet, but will be forwarding it to them.

The Board discussed the proposed employee handbook from the Personnel Board. Mary stated that she had some content questions. Mark just had some editing items. Mary asked that the Personnel Board be invited to the October 12th meeting to discuss the handbook.

On a motion by Mark Bail and seconded by Mary McDowell, it was unanimously voted to approve the departmental reports as written.

On a motion by Mark Bail and seconded by Mary McDowell, it was unanimously voted to approve and sign the maintenance warrants.

Mr. Martin reported that he received an e-mail dated September 3rd indicating that Granby was number 10 of 49 applications for the DOER grant for 100 hours of technical assistance to help the Town to meet the five criteria to become a green community.

Mr. Martin reported that he had attended a meeting at MSBA on Wednesday, September 1st. He also indicated that he went through the first draft of the CM at Risk application for the school building project and suggested changes. The draft is currently back at Skanska for change. In order to qualify for the additional point, the application must be into the Office of Inspector General no later than September 21st. If the application is not approved by the time the MSBA Board of Directors meet to approve the project, they will vote two versions; one including the additional; point and one without. At the meeting, MSBA gave the project a reimbursement rate of 62.62% derived as follows:

59.21%	base percentage
2.00%	for sustainability
1.31%	for maintenance

If the CM At Risk application is approved, then an additional percentage point will be added for a reimbursement rate of 63.52%. Ms. McDowell asked about the 64% rate they

had mentioned. Mr. Martin stated that the 64% rate was what Skanska and the architect were looking at based upon two percentage points for maintenance. The difference is the 1.31% versus the 2% figure. Mr. Martin also indicated that he might ask for a special meeting of the Board as the application has to be signed by the governing body and he is not sure if the Board of Selectmen or the School Committee is the governing board for the school building committee.

Mr. Martin reported that he had received a letter from the Hampshire Regional Emergency Planning Committee (HREPC). The Town has belonged to the regional group for three years. The Commonwealth must now recertify the group. As part of this process, the Town must reauthorize its commitment to the HREPC. The reauthorization requires the Chairman of the Board sign a proclamation. Mr. Bail read the proclamation into the record. On a motion by Mark Bail and seconded by Mary McDowell, it was unanimously voted to approve and authorize the Chairman to sign the joint proclamation for the Hampshire Regional Emergency Planning Committee.

Chief Barry presented his final departmental report to the Board. He thanked the Board for their support for the last 23 years. He is looking forward to Alan Wishart to take over as Interim Chief and will give him his full support. Ms. McDowell commended and thanked Chief Barry for his years of service.

On a motion by Mark Bail and seconded by Mary McDowell, it was unanimously voted to affirm Alan Wishart as the Granby Interim Chief of Police.

Mr. Martin reported that he had received a letter from South Hadley Fire District II regarding the discussions the Town had with them. Mr. Lak has presented the idea of regionalization to his Prudential Committee. He is now curious if the Board is interested in pursuing regionalization of District I, District II and Granby fire. If the Board is interested then additional meeting will need to be set up. Mr. Martin stated that he had contacted Representative Story regarding regionalization and dissolution. According to her office the District came into being through a MOU. The Town does not have a copy of it and Mr. Martin is trying to get a copy of it. The question is if to dissolve the Granby portion of the District if will require just a District vote or both a District and Town vote.

The Board addressed the application from 266 Lounge Inc. for a change in manager. Donald Lombardi introduced Shannon MacNeil as the proposed new bar manager and outlined her experience. On a motion by Mark Bail and seconded by Mary McDowell, it was unanimously voted to approve the Change of Manager application for the 266 Lounge Inc.

Mary McDowell mentioned an e-mail she had received from Peg Anderson regarding an oversized sign. She researched it through Brien LaPorte and a Planning Board member. Mr. Bail read a letter from Brien LaPorte in which he stated the bylaw is vague and has inconsistencies. He also stated that the bylaw has no provisions for the Board to address complaints of non-compliant signs.

Mary McDowell asked about the auditor report. Mr. Martin stated it has been re-scheduled until October 12th.

Mary McDowell asked about the cleaning contract bid. Mr. Martin stated that there is a walk through scheduled for tomorrow. The walk through is an opportunity for prospective bidders to see the buildings and ask questions.

Mary McDowell addressed an e-mail from Joe Rokowski regarding the warrant article for the upcoming town meeting. Mr. Martin stated that MSBA legal counsel as well as Town Counsel must approve the warrant article and the motion. The warrant will be presented to the Board at the September 20th meeting. The motion can be written up to the time of the town meeting.

The Board recessed briefly.

Chairman Tack reconvened the meeting.

Sergeant Smith introduced candidates for appointment to the Granby Auxiliary Police unit. Sergeant Smith gave a brief background and qualifications of each of the candidates. Sergeant Smith also indicated, as an instructor at the Springfield academy, he has the opportunity to work with and evaluate each of the candidates. On a motion by Mark Bail and seconded by Mary McDowell, it was unanimously voted to affirm the appointment of the following candidates to the Granby Auxiliary Police Unit:

1. Jilena Cichon-Russ 33 Guyotte Ave Chicopee MA 01020.
2. Paul Mastalerz 97 Sheffield Dr Belchertown MA 01007.
3. Christopher Elias 33 Blue Meadow Road Belchertown MA 01007.
4. Ryan Senecal 143 Mountainview Drive Belchertown MA 01007.
5. Thomas Langlois 144 Chestnut Hill Road Stafford CT 06076.

On a motion by Mark Bail and seconded by Mary McDowell, it was unanimously voted to recess until 7:00 p.m.

Chairman Tack reconvened the meeting at 7:00 p.m.

Attorney David Martel joined the Board.

Chairman Tack reconvened the public hearing on the petition of Stoney Hill Sand and Gravel and all matters, statements and documents from previous sessions continue to be a part of this session and record of the hearing.

Attorney Martel stated one matter the Board asked him to look into was the covenant imposed by the Planning Board at the time the residential lots were developed on Trompke Avenue and the subdivision approved in June 1988. The covenant said “any development beyond the existing 10 lots requires that the road (Trompke Ave) be upgraded to the Town of Granby and subdivision standards said costs to be borne by the residents of Trompke Ave NOT the Town of Granby.” That covenant remains in place. An effort was made in 1996 to change that but no change was made so it remains in effect as printed on the actual plan approved. Regarding the matter before the Planning Board in 1988, their records would indicate what entailed additional development. In his opinion, a gravel pit development is a future development beyond the existing 10 lots. Therefore, Trompke Ave should be upgraded. He is not sure if a Planning Board opinion

should be obtained regarding this as it relates to the covenant. The Planning Board did weigh in on the application by submitting its letter dated June 29, 2010 where they expressed concerns regarding the proposed project and urged consideration of imposing certain conditions but there was no mention of the covenant.

Attorney Frank Fitzgerald, counsel for Stoney Hill Sand and Gravel, stated this covenant dealt in 1988 by the Planning Board, was in regards to future development of lots not a gravel pit. It would be inappropriate to impose the Planning Board covenant on the Board of Selectmen in issuing a gravel permit. The Board followed the appropriate procedure; they received Planning Board input and should not remit this back to the Planning Board for further input.

Attorney Martel's opinion was the Planning Board had a concern of additional traffic in 1988. This gravel permit's additional traffic would fall under the Planning Board concern in 1988. The Board needs to take into consideration the ability of Trompke Ave to handle the additional traffic. The Highway Superintendent should weigh in on this. The bigger issue here is if the residents don't pay for the upgrade.

Al Bessette, 134 School Street, stated that in looking at the language of the covenant, it just doesn't restrict to residential development so the Planning Board does have jurisdiction. In light of the new information, it is appropriate for the Planning Board to review the project again. Audrey Higby, 82 Batchelor Street, agreed with Mr. Bessette.

Kim Otis, 142 Batchelor Street, referred to the Environmental Study prepared by Stoney Hill that indicates the trucks will be going through the 100-year floodplain. This could have a huge environmental impact due to the closeness of the water to the street. Mr. Bessette stated that due to the floodplain, the Board needs the Conservation Commission to investigate, review and provide input on the project.

Mr. Bail stated that this has gone through both the Conservation Commission and Planning Board. The Board will not be making a decision tonight as more information is needed before making a decision.

Alan Griswold, 218 Taylor Street, spoke of his experience in trucks driving Batchelor Street. He feels that there is nothing wrong with running trucks on Batchelor Street. He stated that Mr. Gagliarducci runs a reputable business.

James Bruffee, 310 Batchelor Street, presented the Board with the Mass Highway Bridge Load Rating Guidelines. He stated the culverts need to have an HS20 rating not an H1 rating. Mr. Tack stated that the proposed trucks are a 2-axle not a 3-axle and that these were bridge guidelines not culvert. Mr. Bruffee replied that he also included documents regarding culverts. Ms. McDowell stated that a study needs to be made and the culverts checked to if they are safe. Mr. Bruffee then presented a document containing 236 registered voters signatures calling "that the Board of Selectmen call a special meeting pursuant to M.G.L. Chapter 39 section 10 to insert the following warrant article:

To see if the Town will vote to request the Board take the necessary action to prevent the gravel permit development on Trompke Avenue in Granby MA.

Mr. Gagliarducci spoke regarding the culvert/bridge laws. The rating is dependent on type, depth, arch and length of the culvert. He also stated that the whole truck would not be on the bridge at the time. If the Board makes it a condition then he will have an engineer look at this. Regarding the floodplain, 98% of the land is in Zone C off of the Federal maps. Zone C is subject to minimal flooding. Regarding noise, he called the manufacturer of the machines to be used. He will be using a 966 loader and a 950 loader. In an e-mail received from the manufacturer, the 966 loader is 112 dba's and the 950 loader is 75 dba's. If a pit is lower than the surrounding area, the trees muffle the sound. It is only loud if higher than the surrounding area. The worst noise is the backup alarm as it is a high frequency noise. The trucks need to pass Mass inspection and if they are too loud, they do not pass.

Susan Roitman, 54 Aldrich Street, asked about the noise when a loader is digging or dumping gravel. Mr. Tack replied you cannot hear the digging or dumping of the gravel.

Diane Deshaies, 312 Batchelor Street, stated that data is still needed for all types of equipment to be used in the pit, including trucks. The Board needs to know the exact noise of the equipment to be used, including traveling of the trucks. Ms. McDowell replied that concern would be addressed by one of the proposed condition.

Mr. Tack presented a list of conditions the Board is considering.

1. Maximum pit yardage of 40,000. This is the maximum for any other pit in Granby so the Board is considering limit this pit to that amount.
2. No Saturday operations – that already agreed on.
3. Hours of Operation 7:00 am to 4:00 pm – in place right along.
4. Fifty foot buffer.
5. Trucks entering signs.
6. Mirrors on blind curves.
7. Emergency plan for Trompke Ave should culvert fail.
8. Hearing before each renewal year.
9. No retail sales from the site.
10. Monitoring of culverts.
11. Trucks traveling 5 mph under the posted speed limit. Can ask for it to be done. While not enforceable it can be monitored and addressed at renewal.
12. No trucks over North Street bridge.
13. No blasting or crushing.
14. Require a noise study.
15. Require an air quality study.
16. Require a traffic study.

The studies would have to be done before the Board makes its decision.

Ms. McDowell also mentioned a vibration study and the possible effects on the homes.

Pamela Maheu, 326 Batchelor Street, asked about liability insurance if someone gets seriously injured or killed. Attorney Martel stated that the performance bond will only be to assure compliance with conditions stipulated in the permit. Ms. Maheu presented a document with 59 signatures asking the Board to limit the annual yardage to 10,000 cubic

yards per 12-month period. She also feels that it is the obligation of the Board to listen to its citizens.

Susan Bruffee, 310 Batchelor Street, acknowledged the many limitations discussed by the Board. She asked if Section 5, 6.2-6.27 Administration and Enforcement would be considered as the Board previously stated it didn't pertain to the special permit process. She spoke with the Attorney General's Worcester office and was told that unless the bylaw specifically exempts special permits, it should be included. She asked Attorney Martel if he looked into it. Attorney Martel answered no.

Mr. Bail stated that the decision has been postponed to October.

Richard Domeracki, 428 Batchelor Street, read Town of Monson ZBA minutes of 3/37/2008 regarding gravel permits. The issues they considered are very similar to this issue. He asked the Board to consider the same issues when making their decision.

William Loftus-Rooney, 317 Batchelor Street, asked if any progress has been made on proposed truck routes. Mr. Bail responded the Board has not talked about it. Mr. Gagliarducci spoke about proposed routes and if there was a way to split up the traffic.

Al Bessette urged caution on the part of the Board regarding the extent allowed this operation. There is nothing to prevent future Town vote on restricting these types of operations. This may be a non-conformance use and the Board should check with counsel.

Teri Lajoie, 160 School Street, asked about the direction of the trucks as School street currently has a lot of traffic.

Lori Toth, 31 Trompke Avenue, asked if the Board has discussed the widening of the road. Ms. McDowell stated that was one of the items discussed by the Board. Counsel interpretation of the covenant would be part of her deliberations. She also mentioned that the Board discussed right exit only, dust abatement with water only, royalty payments and measurement of the water level prior to operations starting.

Susan Roitman asked about the truck routes and if they would be going down Aldrich Street. Mr. Bail replied that the routes have not been discussed at this time.

Charles Maheu, 326 Batchelor Street, in speaking for the Planning Board, asked Attorney Martel to research the covenant issue.

Kim Otis spoke of the information in the Environmental Study and the Floodplain Bylaw. She read the bylaw into the record.

Audrey Higby stated that 6.27 should apply as part of the deliberations. Attorney Martel replied that it doesn't apply as part of the decision. The current issue is if the residents don't want the road used for this purpose. Mr. Bail stated that Attorney Martel has advised that the covenant does apply. Ms. McDowell stated that she does consider 6.27 as part of the deliberations.

Teri LaJoie asked about site prep and if any other type o trucks would be used. She also asked about a de-forestation plan. Mr. Gagliarducci stated that some clearing must be done but they will only clear what is needed for the next 12-month period. He also stated that buffer zones have to be maintained.

Pamela Maheu asked how the 40,000 cubic yard figure was calculated. She also asked if the Board would reconsider in light of the document she presented to the Board. Ms. McDowell stated the application requested 100,000 cubic yards. The Board took out the other gravel permits and found they ranged from 10,000 to 40,0.

Richard Roy, 68 Batchelor Street, spoke of a public safety issue and that there are no sidewalks along Batchelor Street. He also expressed a concern over his property value going down as a result of the increased truck traffic.

Kim Otis asked the Board to explain the procedure and what happens next.

Attorney Martel stated the studies must be completed and the Board wants the additional input as a condition of making their decision. He also asked the Board to consider the specific information they would want included in the studies. Attorney Fitzgerald stated the Board should send a letter outlining what is required in the studies. The Board discussed what should be included in the studies.

On a motion my Mark Bail and seconded by Mary McDowell, it was unanimously voted to continue the public hearing until October 20, 2010 at 7:00 p.m. at 10 West State Street, Granby MA.

On a motion by Mark Bail and seconded by Mary McDowell it was unanimously voted to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Christopher Martin
Town Administrator