



TOWN OF HADLEY
SELECT BOARD
December 19, 2012
Meeting Minutes

Meeting convened at 7:00 pm, Room 203, Hadley Town Hall

Present: Chair Gloria DiFulvio, Joyce Chunglo, Daniel Dudkiewicz, David Moskin, Brian West

Absent:

Also in Attendance: David Nixon (Town Administrator); Peg Jekanowski, (Administrative Assistant), Richard Trueswell (TV-5); Gary Girouard, (DPW Director), Dylan McCoy, (Daily Hampshire Gazette), Willy Danylieko, Tom McGee, Merle K. Buckhout, Jo-Ann Konieczny, Caryn Perley, Sharon Andres, Debbie Windoloski, Alison Donta-Venman, Tim Neyhart, M. Brown, Linda Meehan, Dennis Meehan, Noel Kurtz.

Chair Gloria DiFulvio called the meeting to order and asked for a moment of silence of the victims of the Newton, Connecticut tragedy.

Approval of Minutes: Dan Dudkiewicz made a motion to approve minutes of 12.05.2012, seconded by Joyce Chunglo and approved by a vote of 5-0-0.

Approval of Warrants: Joyce Chunglo made a motion to approve warrants of 12.05.2012, seconded by Dan Dudkiewicz and approved by a vote of 5-0-0.

Old Business

#1 Fire Chief Job Description: (Dan Dudkiewicz recused himself from deliberations.) *Joyce Chunglo made a motion, seconded by Brian West, to accept the Fire Chief job description with changes as noted by the South Hadley Fire Chief*, specifically stating under Preparation, Knowledge, Skills and Abilities the following:

- Replace minimum education of Bachelor's Degree to Associates Degree.
- Replace seven years' experience with five years' experience
- Supervision (of emergency services) language (keep)
- Add "oversees community EMS Service zone Plan, and EMS/Ambulance contractor

Motion passed with a vote of 4-0-1. (Dan Dudkiewicz abstaining.)

#2 Fire Department Appointments: (Dan Dudkiewicz recused himself from deliberations.) *Joyce Chunglo made a motion to reappoint all Fire Department Members as presented through June 30, 2013. Motion seconded by David Moskin.* In appointing people to the position, Ms. Chunglo stated her concern with people showing up and coming to trainings, and asks that their participation be documented for review prior to any further appointments. The Board discussed increasing dialog with Fire Chief Kicza prior to any further appointments. *Motion passed with a vote of 4-0-1. (Dan Dudkiewicz abstaining.)*

#3 FY 2014 Budget: Brian West stated that he agreed with the general principles outlined in the Budget presented by Mr. Nixon, specifically:

- No general proposition 2½ overrides
- Services maintained at existing levels, except where modified
- Expenditures from reserves shall be for the purpose of capital needs
- Presentation of each final department budget shall be made using the VADAR budget module
- In all areas with Select Board control, government shall be set on a sustainable course, at minimum this means that existing financial management policies will be followed.

The opening of the warrant will be January 2, 2013, closing will be early February. Current budget deadline is January 4th, 2013; the Board moved the deadline to January 19, 2013.

Brian West made a motion to support the general principles of the budget presented, motion seconded by Joyce Chunglo and passed with a motion of 4-1-0. (Dan Dudkiewicz dissenting.)



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7:20 pm. Library Trustees Proposal for library use: The Board discussed a letter received from the Library Trustees dated November 26, 2012 regarding their transition plan for second floor space. In moving library items including a local historical collection, confidential records and the director's workspace to the second floor, the plan includes, as of December 29, 2012, re-keying the main door lock to the library-stating that the Historical Society will continue to have access to the upstairs during open library hours. Attorney representing the Friends of the Goodwin Library stated that the Historical Society (a private organization) has no clear right to occupy the second floor and presented the Board with deeds stating such. Discussion ensued as to a plan that had been previously agreed upon for the Historic Society to move their collection to a safe and secure location outside of the library once funding has been obtained. Representatives of the library stated that there is not time to wait for Historic Society to get funding, and then construction, as they (the Library) are not eligible for grants until they are able to expand their service throughout the entire building. Further discussion included whether a move of the Library Director to the second floor triggers access requirements, requiring major renovation. Chair DiFulvio offered three recommendations:

- The Library uses space on the second floor, with locked cabinets for confidential documents, and don't change the locks. The Historical Society maintains their space and extends the move out date six more months, to 2014.
- Change the locks, allowing Historical Society to request access at times when the building is not open, extend the move date to 2014. (Along with this solution is the need to know whether moving the library upstairs, but not for public access, triggers access codes.)
- Do nothing until Town Meeting

David Moskin made a motion, seconded by Brian West, for the library to change the locks of the building, allowing the Historical Society to request access at times the building is not open, not open the space to the public, and extend the move out date to June 2014. A part of this motion includes contacting the state for clarification regarding access issues. Motion passed by a vote of 3-2-0. (Dan Dudkiewicz and Brian West dissenting.)

Old Business:

#5 Historic Buildings Preservation Plan: Contract for Consultant Services: *Brian West made a motion, seconded by Joyce Chunglo, to sign the Historic Building Preservation Plan contract with Old Mohawk Masonry and Preservation. Motion passed with a vote of 5-0-0.*

#4 Mass DOR – Div. of Local Service Letter RE: Financial Management Review: Mass DOR, Division of Local Service, will be coming to Hadley to conduct a financial management review sometime in January 2013.

#6 Waste Water Inflow Investigation Results: DPW Director Gary Girouard reviewed a study regarding recent Inflow and Infiltration (I and I) testing that was done along Route 9. Smoke testing was performed on December 5th, 2012 to identify the source of I and I. Dye testing was also performed and results showed that 5 floor drains at the Home Depot Garden Center are directly connected to the sewer system. This is a violation of Town Sewer Use Rules and Regulations (Article II, Sec. 8, page 9, and Article III, Sec. 1, page 10.) Discussion ensued and all construction projects going forward will be inspected for proper tie-ins. Home Depot construction and the improper tie-ins were done prior to this administration of the Select Board as Sewer Commissioners and prior to the appointment of Gary Girouard as DPW director. David Nixon stated that cost for treating the water from this drain to the waste water treatment plant is high. Gary Girouard recommended the Board give Home Depot until the first part of May 2013 to connect the pipes properly. The Board discussed sending a letter to Home Depot notifying them of the problem with a time frame for correcting the problem, along with a bill for the smoke and dye testing. *Brian West made a motion, seconded by Joyce Chunglo, to send a letter to Home Depot notifying them of the problem and to give them to the 1st of May to fix the problem, and bill them \$2,400.00 for smoke and dye testing, and further if the problem is not fixed by the deadline further action will be taken; motion passed with a vote of 4-1-0. (Dan Dudkiewicz dissenting.)*



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#7 Waste Water Nitrification Study: DPW Director Gary Girouard presented the Board with a Tighe and Bond study of Nitrate for how much nitrate is being discharge from the water treatment plant. In summary, at this time no further remedial action is required, this is due in part to the exceptional performance by the entire Town's wastewater staff.

#8 Open Space Plan Contract: Dan Dudkiewicz made a motion, seconded by Brian West, to sign the Open Space Contract with Conservation Works LLC; motion passed with a vote of 5-0-0.

#9 Anaerobic Digester: (Gloria DiFulvio recused herself from discussion.) David Nixon presented the Board with information from the Department of Environmental Protection regarding a proposed anaerobic digester plant at the UMass Campus in Amherst. DEP is going to do a feasibility study with several points in mind, including impact on traffic, impact on air and water quality, impact on neighborhoods, as well as several other points. *Dan Dudkiewicz made a motion, seconded by Joyce Chunglo, for the Select Board to endorse DEP to conduct the anaerobic digester feasibility study. Motion passes with a vote of 4-0-1 (Gloria DiFulvio abstaining.)*

#10 Reserve Fund Transfer: Dan Dudkiewicz made a motion, seconded by Joyce Chunglo, to sign a Reserve Fund Transfer Request for repairs to generator at the Public Safety Complex, this has already been approved by the Finance Committee. Motion passed with a vote of 4-0-1. (David Moskin out of the room at time of vote.) Brian West asked for a copy of maintenance schedule records for review.

New Business:

#1 Settlement of litigation regarding Hadley dike: David Nixon announced that litigation for the dike failure has been settled and the Town of Hadley was awarded \$350,000.00 plus release from unpaid invoices. After expenses and legal fees the Town has cleared \$298, 927.86.

#2 & #3 Resignation of Cultural Council member Sally Serio and the Cultural Council were put on hold as there have been some developments. Both items were taken under advisement.

#4 Solar PILOT: The Board reviewed payment in lieu of taxes (PILOT) proposals by developer Nexamp for the SOLAR project at the Goulet property off Mill Valley Road. Developers wish to pay per Megawatt of energy generated and had proposed \$6,000.00/Megawatt; Mr. Nixon stated that the amount would have to be higher and a contract with various safe guards for the Town would have to be built in. A PILOT would have to go to Town Meeting Vote and to DOR. The developers have asked for a special town meeting, the Select Board does not want to go to a special town meeting. Mr. Nixon stated that this applies to equipment only; it does not apply to the land which would continue to be taxed at its assessed value.

#5 Ditch Maintenance on Farm Lane: DPW Director Gary Girouard stated that he has done some investigation into this and that the water main would have to be relocated, but would probably be in the area of \$65,000.00 - \$100,000.00. He recommended first testing to verify the water main is there, and then do a survey of elevation to determine that by lowering the culvert we will resolve the drainage issue. Mike Ohl from CEI will also be out in a couple of weeks and is willing to take a look at the situation.

#6 Municipal Ethics On Line Training: Ethics Training required by the state is now available on line and all municipal employees are required to complete the training, print out the certificate at the end and file it with the Town Clerk. All departments have been made aware and employees have been notified on their paycheck.

#7 Class I and II License Renewals: *Brian West made a motion, seconded by Joyce Chunglo, to renew all Class and II License renewals in good standing, motion passed with a vote of 5-0-0.*

#8 Result of Arbitration: Dispatch and Police Grievance: Mr. Nixon stated that the Town has won recent arbitration between the Town and Dispatch/Police.



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#9 ABCC: Population Estimates for Seasonal Licenses in 2013: *Dan Dudkiewicz made a motion to sign the ABCC form for seasonal alcohol licenses stating that the Town of Hadley does not expect a change in population, motion seconded by Brian West and passed with a vote of 5-0-0.*

#10 Common Victualer Application: Chipotle, 334 Russell Street: *David Moskin made a motion to approve the Common Victualer License, motion seconded by Brian West and passed with a vote of 5-0-0.*

Other: David Nixon stated that PVPC contacted him today stating that the Town Natural Hazards Mitigation Emergency Management contract is going to expire in February 2014. PVPC has offered to update it, Captain Spanknebel is in agreement. *Brian West made a motion to accept PVPC's offer to update the Natural Hazards Mitigation Emergency Management contract, motion seconded by David Moskin and passed with a vote of 5-0-0.*

Announcements: Condolences were offered to the family of Marion Zuhowski, a longtime employee of the Town of Hadley.

Fred Mastendino, 103 years old, was awarded the Hadley Gold Cane on November 6, 2012.

The Board wished everyone Happy Holidays and a Happy New Year.

David Moskin acknowledged receiving a letter from Town Hall employees and thanked them for the letter, he will respond at next meeting.

At 8:50 pm Dan Dudkiewicz made a motion that the Board move to Executive Session for the purpose of discussing labor negotiations and litigation, and not to reconvene in open session, motion seconded by Brian West. Chair DiFulvio stated "As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into executive session, and I state that discussing the matter in open session will have an adverse effect on the Town of Hadley."

Roll Call Vote: Moskin – Yes: Dudkiewicz – Yes: DiFulvio – Yes: Chunglo – Yes: West - Yes

Executive Session

The Board discussed points of the contracts with Dispatch, Police and DPW negotiations.

A discussion was held in regard to litigation having to do with the Damon case.

Adjournment

At 9:30 pm D. Dudkiewicz made a motion to adjourn, seconded by J. Chunglo and passed by roll call vote:

Roll Call Vote: Moskin – Yes: Dudkiewicz – Yes: DiFulvio – Yes: Chunglo – Yes: West - Yes

Meeting adjourned at 9:30 pm.

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant