



TOWN OF HADLEY
SELECT BOARD
February 20, 2013
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: None

Also in Attendance: David Nixon (Town Administrator); Richard Trueswell, (TV-5); Dennis Hukowicz (Police Chief), Gary Girouard, (DPW Director); Dylan McCoy, (Daily Hampshire Gazette); Ted Giles, Lorraine Sahagian, Andrew Dockum (Applebees); John Mieczkowski, Wilfred Danylieko (Electrical Inspector); Tim Neyhart (Building Inspector); Michael Spanknebel (Fire Captain); Joseph Pelis, Judith Pelis, Louise Olbris, Robert Fil (Hopkins 350th Committee); Frank Squadron, Linda Sanderson (Finance Committee) Tom McGee, Dana Whitney, Stacey Mushenski, Walter Basara, Jacqueline Allard, John Kusnienz, Lucas Humann, (others not signed in- unknown name)

Approval of minutes of 02.06.2013

Motion: Dudkiewicz Second: West Vote 4-0-0. (Moskin absent at time of vote.)

Approval of warrants:

Motion: Dudkiewicz Second: West Vote 4-0-0. (Moskin absent at time of vote.)

New Business #2: DPW Director Evaluation:

The Board set a date of March 20, 2013 for the DPW Director Evaluation. Chair DiFulvio instructed the Board members to give their comments to her and she will compile them for the overall evaluation on 03.20.2013.

7:05 Appointment: Hopkins Academy 350th Committee:

Request to attach informational flyer to April 2013 tax bill: Members of the H asked the Board permission to attach an information flyer to April Tax Bills. Mr. Nixon explained that the Town Collector had no objection so long as it is one sheet and trifold.

Permission for Hopkins Academy 350th committee to attach an information flyer to April Tax Bills.

Motion: West Second: Dudkiewicz Vote 5-0-0.

7:10 Petition for Change of Alcohol License: Applebees: Change of Manager to Andrew William Dockum

William Dockum was present before the Board applying for approval of a change of manager under the Applebee's liquor license. It was noted that Police Chief Hukowicz has no objections and there have been no problems at the Applebee's on Russell Street.

Motion to approve application for petition for change of License (New Manager) for Applebees:

Motion: Dudkiewicz Second: Chunglo Vote 5-0-0.



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7:15 License Hearing: Game Over LLC dba The Quarters, 8 Railroad Street

- All Alcohol On Premise (MGL Ch. 138 Sec. 12)
- Common Vic (MGL Ch. 140 Sec. 6)
- Automatic Amusement (MGL Ch. 140 Sec. 177A)
- Live Entertainment (MGL Ch. 140 Sec. 183A)
- Sewer Impact Fee

Chair DiFulvio announced that the members would open a public hearing in accordance with MGL Chapter 138, Section 12 on the all-alcoholic, on-premise liquor license application of Game Over, LLC, dba The Quarters at the location of 8 Railroad Street. Chair DiFulvio also noted that the Board is scheduled to address applications for a live entertainment license, a common victualler license, and an automatic amusement device permit, as well as to hold a discussion on the sewer impact fee for the premises. Chair DiFulvio reported that Game Over LLC had received site plan approval from the Hadley Planning Board. Mr. Greg Stutsman and Mr. George Myers described their proposed restaurant and bar. They stated that The Quarters would serve fast-food in the restaurant, offer higher end malt beverages, cocktails, and display pinball machines and other vintage automatic amusement machines. They discussed their plans to offer live music four times a month.

The members asked questions about the application for the liquor licenses. In particular, the members asked Mr. Stutsman and Mr. Myers to clarify what kind of live entertainment was envisioned. Mr. Stutsman and Mr. Myers stated that the live entertainment could take many forms, and would not be more specific. Upon further requests for clarification and a discussion about the potential for impacting the neighborhood, Mr. Stutsman and Mr. Myers stated that they would be willing to drop the application for the live entertainment license.

The members asked about the capacity of the establishment. Mr. Stutsman and Mr. Myers stated that the occupancy of the establishment might be 76 people, but they had not made that decision.

Chair DiFulvio asked for comments from town officials. The Building Inspector stated that he still needed clarification on what was being proposed, as there were building code implications, depending on what was being built and the kinds of activities taking place there. He expressed his concern that the proposed establishment might trigger building and fire code compliance issues associated with night clubs, but he had insufficient information to make a determination. He requested further information from Mr. Stutsman and Mr. Myers.

The Chief of Police asked questions about the adequacy of parking at the location. He also raised his concerns about traffic congestion on the narrow Railroad Street. He also raised his concerns about the impact on abutters, the proximity of the establishment to the bike path, and the age of the prospective clients. The Chief raised his concerns about the adequacy of the fire lanes on Railroad Street.

Captain Michael Spanknebel reported that he had not received any information about the establishment and therefore was not in a position to advise the Board.

Chair DiFulvio opened the floor for public comments.



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The audience raised a number of concerns. The audience requested clarification as to whether the establishment met zoning requirements. The Building Inspector stated that the establishment was allowed under zoning.

Several residents raised concerns about the adequacy of parking, the proximity of the establishment to the bike path, and the potential for traffic congestion on Railroad Street. Several residents stated that bar patrons would hang out on the bike path lanes and cause problems. Several residents raised concerns about noise and the impact on the neighborhood. Several residents raised concerns about the mix of live music, youth, and alcohol.

Several residents spoke in favor of the application. One resident stated that Railroad Street had many decrepit buildings, including 8 Railroad Street. The establishment would bring new vitality to the street. Several residents stated that The Quarters would become a nice local hang out. Several people spoke in commendation of the business plan, the people involved, and the positive impact on other local businesses.

Several residents complained that they had not received abutter notification. Mr. Stutsman stated that they had complied with the requirements of the law concerning abutter notification. His comments, which were broadcast on live television, prompted Mr. William Dwyer, member of the Hadley Planning Board, to come to Town Hall and raise questions about Mr. Stutsman's and Mr. Myers' compliance with abutter notification for the Site Plan process with the Planning Board. After some discussion, Mr. Dwyer and Mr. Nixon stated that they would review the record and make a determination as to the abutter notification compliance under MGL Chapter 40A (zoning), and MGL Chapter 138 (liquor licenses).

D. Nixon stated that based on the questions concerning building code and fire code compliance and the questions concerning the abutter notification, he recommended that the hearing be continued until the next meeting of the Select Board.

B. West moved, and D. Dudkiewicz seconded to continue the public hearing on Game Over LLC, and to keep the public comment period open, to Wednesday, March 6th at 7:05 p.m. Motion approved 5-0-0.

Old Business #1 Annual Town Meeting: Close Warrant:

Motion to Close Annual Town Meeting Warrant:

Motion: Dudkiewicz Second: Chunglo Vote: 5-0-0

Discussion ensued regarding next steps and meeting with individual departments regarding budgets at the March 6, 2013 meeting. The Finance Committee stated that with present department budget requests, the Town is \$817,000.00 in the red and asked what the plan might be to cover these costs. Chair DiFulvio stated that first steps will be to meet with individual departments about their requests. The Board agreed that March 13th will be a tri-board meeting to discuss revenue issues.

Old Business #2 PILOT for Solar Project:

Mr. Nixon stated that Nexamp, the developer of the solar project on Goulette Farms, have approached the assessors' office regarding the possibility of negotiating a PILOT (Payment In Lieu Of Taxes) arrangement with the Town. This would have to be approved by Town Meeting vote and further approved by Department of Revenue. Discussion ensued and Board Member Dudkiewicz stated that he would rather have the Town Assessors' office assess the tax rather than negotiate. Mr. Nixon stated there is potentially more money with a negotiated rate.



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**Motion to allow the Town Administrator to negotiate a rate for payment in lieu of taxes with Nexamp and bring any proposals back to the Select Board for approval: Chunglo Second: West
Vote:3-1-1 (Dudkiewicz dissenting; Moskin abstaining)**

Old Business #3 TV-5 on demand: TV-5 Access Coordinator Richard Trueswell appeared before the Board to discuss presenting only highlights of Select Board meetings on demand from the Town Website, rather than the entire meeting which is time consuming to present. The Board discussed having only appointments and discussion longer than 3 minutes available on demand, as the rest would still be available by request. The Board decided to try the limited on demand access for three months and revisit to see if there are comments from the viewing public.

Old Business #4 Hiring Guidelines: The Board reviewed the hiring guidelines presently in place. Mr. Dudkiewicz suggested changing language in the present guideline: One suggestion is changing language in Advertising the Vacancy to: *The Select Board will direct the Town Administrator and Department Head to publicize the vacancy...*

Under Nonexempt positions change language to “the Department Head will seek authorization *from the Select Board*” to fill the position...

Another change is to replace the position listed as “Highway/Water Superintendent” with “DPW Director.”

Motion to accept the above referenced changes: West Second: Dudkiewicz Vote: 5-0-0.

Old Business #5: RFP for Facilities Plan: The Board has received several proposals for Facilities Plan. A subcommittee made up of Select Board Member West, Mr. Nixon, and Finance Committee Member Frank Aquadro will meet in the next few weeks to review the proposals and make recommendations to the Board.

Old Business #6: Verizon Wireless license: Mr. Nixon stated that the Verizon Wireless lease in front of the Board has been reviewed and okayed by Town Council.

Motion to sign the Verizon Wireless leased: Chunglo Second: Dudkiewicz Vote: 5-0-0

New Business #1: Helping Hearts for Hadley Schools: Event Coordinator Stacey Mushenski was in front of the Board to discuss a fund raising event to benefit Hadley Schools. The Helping Hearts organization is holding a run/walk event on Sunday, April 7, 2013. She asked the Board to consider closing down Railroad Street during the race time for approximately an hour. Select Board Member Dudkiewicz cited concern that the church on Railroad Street holds services at that time and stated he supports the event contingent upon organizers to speaking to the Parish priest. Select Board Member West stated that a police detail could stop traffic for a brief time, 2-3 minutes, for the bulk of the professional runners, and leave it up to the officers to control traffic on Railroad Street and North Lane as warranted on the day of the race.

**Motion to support police closing roads as warranted for safety: Chunglo Second: West
Vote: 5-0-0.**

New Business #3: Select Board Calendar: 03/06/, 03/20, 04/03, 04/17, 04/24

Chair DiFulvio suggested the Board schedule an additional meeting in April to prepare for Annual Town Meeting. The Board agreed to hold a meeting in addition to their regularly scheduled ones on April 24th at 7:00pm.

New Business #4: Posting of adopted bylaws, MGL Chapter 40, Sec. 32. Change of location of posting from Sully's to Goodwin Memorial Library:



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Motion to approve: Dudkiewicz Second: West Vote: 5-0-0

New Business #5: Application for Water Abatement: Edwin Matuszkzo, Twin Oaks Farm, 116

Stockbridge Street: Chair DiFulvio stated that this was an overbilling due to a software error-the application was brought forth from the Collector's office:

Motion to abate \$2,250.48: Dudkiewicz Second: Chunglo Vote: 5-0-0

Other Business:

Theodore Mieczkowski submitted information concerning his ongoing disputes in the vicinity of his property. The Board took the matter under advisement.

Thomas McGee of the Hadley Historical Society was before the Board and stated that there was a recent meeting of several town entities including the HHS, the Historical Commission, Library, Farm Museum and other interested parties along with a Mass Library Commissioner who had an expertise in preservation and collection of documents. He stated that the group learned that funding for improvements to second floor accessibility is several years away. He further stated that he is concerned that his research on the Massachusetts Architectural Access Board showed that there is a fine for noncompliance for accessibility issues of \$1,000.00 per day until access is corrected. He is concerned that the HHS does not have a key to the library building and request that the one be given to the VP of the HHS. He requested the Board look into disability access issues and funding to get second floor access. He went on to state that the library has moved some things up to the second floor and the HHS has moved some of their items into their private building. He further stated that historic records show that the proper name of the building is the Goodwin Memorial Building, not the Goodwin Memorial Library. Select Board Member Moskin stated that the HHS has been making building improvements to their space and things are moving forward.

Announcements:

Select Board Member Chunglo announced that long time Town resident and past assessor Daniel Omasta passed away, and recognized his many contributions to the Town. Select Board Member Dudkiewicz congratulated Hopkins Academy Girls Basketball player Olivia Mathieu on her achieving 1,000 points, and congratulated the team for their winning record.

Town resident John Mieczkowski asked the Board about maintenance to the Mt. Warner well. DPW Director Gary Girouard stated that the Water Department maintains the site and checks it on a regular basis.

Executive Session:

9:47 pm: Move to Executive Session for the purpose of discussing litigation and labor negotiations, and not to reconvene in open session:

Motion: Dudkiewicz Second: Chunglo

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:



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1. Greaney v. Town of Hadley: A motion was made regarding strategy. Motion approved by roll call vote. Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes, and West = yes.
2. Labor Negotiations: A motion was made regarding strategy. Motion approved by roll call vote. Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes, and West = yes.
3. Michelson v. Town of Hadley: D. Moskin recused himself. A motion was made regarding strategy. Motion approved by roll call vote. Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = absent, and West = yes.

Executive session adjourned at 10:45 p.m.

Adjournment:

pm Motion to Adjourn: Dudkiewicz: Second: West

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

Meeting adjourned at 10:45 pm

Respectfully submitted,

David G. Nixon
Town Administrator