

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); Peg Jekanowski, (Admin. Assistant); Richard Trueswell, (TV-5); Dennis Hukowicz (Police Chief), Michael Spanknebel, (Fire Department); Molly Keegan, Robie Grant (School Committee); Wilfred Danylieko; (Electrical Inspector); Linda Sanderson, Frank Aquadro (Finance Committee), Benjamin Coyle, Esq., Shardool Parmar, Kishore Parmar; Mary Ann Chudzik; John Mieczkowski; Jane Nevinsmith, Jane Wagenbach Booth, Sean Kinlin, Suzanne Chudzik, Myron Chudzik, Mitchell Kuc, Susan Kuc, Ed Gralinski, Matt Lustig, Theodore Mieczkowski

Approval of minutes of 03/13/2013 & 03/20/2013 Motion: Dudkiewicz Second: West Vote 5-0-0.

Approval of warrants:

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

Appointment

7:05 pm Parmar Beverage, LLC Hearing: Application for New Annual All Alcohol Innkeepers/Hotel License 24 Bay Road, Hadley MGL c. 138 sec. 12

Attorney Benjamin Coyle was before the board representing Kishore and Shardool Parmar requesting an all alcohol license for the premises that are under construction as well as the hotel. Atty. Coyle stated that in discussion with general counsel of ABCC this type of license allows for two separate premises to be licensed because it is part of one hotel unit. There will be no bar at this point; the license will primarily serve the convention center for weddings and other events. The proposed manager of record is Kishore Parmar. They have experience in this type of business with similar operations in the Springfield area. Chief Hukowicz has no objection to the Board granting the license.

Approve Parmar Beverage, LLC, Application for New Annual All Alcohol Innkeepers/HotelLicense, 24 Bay Road, Hadley, MAMotion: DudkiewiczSecond: MoskinVote: 5-0-0.

Old Business #1 Lake Warner dam: Statement issued by Kestrel Land Trust Chair DiFulvio read the following statement from Kestrel Trust:





A Statement about the Dam at Lake Warner Issued by Kestrel Land Trust March 21, 2013

The Massachusetts Department of Dam Safety has issued an order to repair or remove the dam at Lake Warner in North Hadley by the end of 2014.

Kestrel Land Trust became the owner of the Lake Warner LLC, which holds the dam, through its merger with Valley Land Fund in 2011. However, Kestrel's mission and expertise is land conservation. It is not within the long-term charter of our land trust to continue to own and maintain a dam. Nor does Kestrel have the financial resources to repair or remove the dam per order of the state.

Kestrel Land Trust appreciates Lake Warner's value to the community of North Hadley as a historic landscape and recreational area. Under Massachusetts dam safety laws, the dam owner is responsible for making decisions about the future of a dam. However, because the dam's existence has a direct impact on the lake as a public resource, Kestrel believes the community should be given the opportunity to prioritize repair vs. removal. Restoring the dam will not fix the lake, but it will give the public the option of addressing the water quality, sedimentation, and euthrophication issues facing the lake in the future.

Therefore, we are talking with town leaders and stakeholders about whether the Town of Hadley or another responsible entity would take ownership of the dam and whether Town Meeting would appropriate Community Preservation Act (CPA) funds to leverage state grants to repair the dam. Kestrel would like to give the entire town a public vote on this issue at Special Town Meeting in October 2013.

To enable Hadley Town Meeting to make an informed decision, Kestrel Land Trust will commit up to \$25,000 to fund and coordinate a Phase II Inspection Report, which will estimate the costs of repair. To complete the Phase II report, Kestrel has hired Morris Root of Root Engineering, a licensed engineer who managed the repair of the Lake Wyola dam owned by the Town of Shutesbury. Kestrel Land Trust will make this report public as soon as it is completed in May.

If the town chooses not to take on the responsibility of owning and repairing the dam, then Kestrel's only financially feasible option is to seek state and federal grants for removal. The Massachusetts Department of Ecological Restoration is determining the feasibility, cost, and ecological benefits of removing the dam to reestablish the flow of the Mill River. Federal grants for removal are also being sought, but will only be accepted if the town or another responsible entity chooses not to take on dam ownership and repair. If Kestrel does not have a legally binding commitment from a new responsible owner by December 1, 2013, we will proceed with removal in partnership with state and federal agencies, and with support from American Rivers and The Nature Conservancy.

As the costs and advisability of each alternative are explored, we will ensure that Hadley residents are kept abreast of the information being gathered so that Town Meeting can make an informed decision in October. Please feel free to contact Kestrel Land Trust with questions or concerns at 413-549-1097 or info@kestreltrust.org.

There will be a public information session on April 11th at 7:00 pm, in Hadley, although the specific site for the meeting was not stated. For more information people can call 549-1097. The statement from Kestrel Trust will be posted on TV-5 and on the Town Website.



7:15 pm Hearing: Vicious Dog (MGL Ch. 140, Sec. 157): Edward/Katelyn Gralinski

Chair DiFulvio asked anyone who would be participating in the dangerous dog hearing to be sworn in. The following individuals were sworn in to tell the truth in the matter: Officer Mitch Kuc, Edward Gralinski, and Suzanne Chudzik. Each affirmed "I do." Officer Kuc gave his report including the definitions and distinctions of "dangerous" and "nuisance" dogs as defined by MGL Chapter 140, Sec 157. Officer Kuc reported an incident that occurred on February 24, 2013 at approx. 9:10 AM when Mr. Edward Gralinski pulled into the driveway of Ms. Suzanne Chudzik on Huntington Road. Shortly after pulling in to the driveway a dog (named Gigi but also referred to as Pup pup or Puppy Puppy) jumped from the window of Mr. Gralinski's truck and attacked Ms. Chudzik's dog causing serious injury. The dog was described by Ms. Chudzik as a mostly white pit bull. A violation notice was served to Ms. Katelyn Gralinski, and Officer Kuc asked the board identify the dog as dangerous.

Ms. Suzanne Chudzik identified herself and stated that she pulled in to her driveway at home and at first did not notice that Mr. Edward Gralinski had pulled in behind her. She and her dog got out of her truck and began to walk toward the house. Gralinski's dog jumped from the window unrestrained, no collar or harness so there was no way to hold her back. She stated that it happened very fast and she (Ms. Chudzik) tried to separate the dogs and was yelling for help. Mr. Gralinski twisted his dog's leg and her dog was released and with difficulty jumped back in to Ms. Chudzik's truck. She reported that the veterinarian told her that the dog's muscle was torn down to bone and is lucky she did not bleed to death. She presented pictures of the injury to the Board.

Officer Kuc asked the following clarifying questions to Ms. Chudzik:

(Q.) Was your dog attacking MR. Gralinski's dog, Mr. Gralinski, yourself, another person, or another domesticated animal?

- (A.) No she did not.
- (Q.) Did your dog breach any enclosure or structure owned by Mr. Gralinski or Mr. Gralinski's vehicle?
- (A.) No she did not.

Mr. Edward Gralinski identified himself and stated that when Ms. Chudzik exited her vehicle he could not see her dog, but that both dogs started barking when they saw each other. His dog got out the window; he "yanked" his dog by the leg and got him back in the truck. He stated her dog made no effort to retreat, that her dog was guarding her place and his dog was guarding his truck. He further stated that she caught him off guard. He stated that he paid the first vet bill because she worked for him, but that "her negligence caused the other two operations."

Chair DiFulvio asked if anyone else had any comments or questions. Select Board member Chunglo asked if the dog was vaccinated, which was answered in the affirmative, and if the dog was licensed. Mr. Gralinski stated that he is not sure if the dog is licensed. Ms. Chunglo also asked if this dog had ever attacked anyone else, and Mr. Gralinski said no. Ms. Chudzik stated that the dog bit a horse in the past, but there is not a record of this on this particular dog.

Mr. West stated that all dogs are to be registered as required by law. Mr. Gralinski stated it will be done within the next week. Officer Kuc recommended that the Board make the determination that the dog is dangerous per MGL and listed the following restrictions:



- that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;
- that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance
- that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, **photographs**, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification. (Mr. Kuc would request photographs.)

Mr. Moskin clarified with Officer Kuc that the recommendation included that the dog be confined to the property, which was answered in the affirmative. Further discussion ensued and Officer Kuc explained that the Board could allow the dog to leave the property as long as properly restrained and muzzled. Mr. Gralinski asked the Board to consider allowing the dog to ride with him, and Ms. Chunglo stated only if muzzled, Office Kuc did not recommend this but read the restriction that the Board could consider:

"...that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length."

Determination of Hearing: Said dog (named Gigi but also referred to as Pup pup or Puppy Puppy) is deemed dangerous, and must be licensed as per law; further, said dog will be confined to Mr. Gralinski's property (confined as defined above) or if with the owner (off property) must be restrained (as defined above-by both muzzle and tethering device); and further provide photographs of said dog to the animal control officer by which the dog may be identified throughout its lifetime.

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

Chair DiFulvio stated that the dog has been deemed dangerous by the Hadley Select Board, and the restrictions have been put in to place, and that there is a right of appeal through Eastern Hampshire County District Court in Belchertown, there are ten days to appeal.

#1 New Business:TV-5 Advisory Committee:Sean Kinlin-request to be appointed to committeeAppoint Sean Kinlin to TV-5 Advisory Committee.Motion:WestSecond: ChungloVOTE: 5-0-0.

#2 New Business: Pioneer Valley Chinese Immersion Charter School: Rural development loan The Pioneer Valley Chinese Immersion School is expanding and seeking a loan from the USDA Rural Development, they have asked the Select Board to sign a letter of support.



Sign Letter of Support for Pioneer Valley Immersion School's USDA Rural Grant:Motion: DudkiewiczSecond: MoskinVote: 5-0-0

#3 New Business:KENO To Go Application:Stop & Go Convenience:206 Russell Street, Unit #3Allow KENO to GO at Stop & Go Convenience Store:Motion:ChungloSecond: WestVote: 5-0-0

#4 New Business: Top of the Campus Inc.Special All Alcohol LicenseCommencement Ball, Mullins Center Arena Floor, May 3, 2013; 8pm – 12:30 am

Chair DiFulvio recused herself from deliberation and vote. Mr. Dudkiewicz stated he was opposed to granting this license due to recent events involving poor students' behavior. Ms. Chunglo stated that this event is being run by the Top of the Campus and that the Board has issued one day licenses in the past to them without incident. Chief Hukowicz stated that he had not objection to issuing the license.

Approve one day liquor license to Top of the Campus for Mary 3, 2013 Commencement Ball.Motion: ChungloSecond: WestVote: 3-1-1 (Dudkiewicz dissenting, DiFulviorecusing)

7:45 pm Annual Town Meeting: Budget:

Jane Nevinsmith from the Senior Service Director Search committee raised concern that there are 10 nonunion employees in Town at 40 hours a week and asked that 40 hours be given to the Senior Service Director position. Mr. West stated that the Town has many employees throughout the town that are less than 40 hours but considered full time, and perhaps the Board should review that globally, however salaries will not increase, the hourly rate will drop. David Moskin stated for the sake of the search for a new candidate he would like to see the Senior Service Director position at 40 hours. **Increase Director of Senior Service from 35 hours to 40 hours, without impact to budget.**

Increase Director of Senior Service from 35 hours to 40 hours, without impact to budget.Motion: MoskinSecond: WestVote: 3-2-0. (Dudkiewicz & DiFulvio dissenting).

Discussion ensued regarding various option for balancing the budget, including whether or not to use interest from stabilization for capital budget items such as a police cruiser.

There was also discussion about bringing the Police Department down from \$140,000.00 to \$105.000, based on historical usage. Chief Hukowicz stated that in actuality the money was spent and it would be a mistake to reduce it.

The Finance Committee presented their budget recommendations, attached to these minutes for review.

Fire Department and School Committee objected that items taken from their operating budget were not one time capital items, but ongoing operating costs. Further, the School Committee stated that if there is a budget shortfall there will be a programmatic impact to the schools. They also stated that \$40,000.00 for new doors for the school cannot wait until fall town meeting; Mr. Nixon stated that this can be done in the spring as long as everyone agrees that the doors are a priority.

Linda Sanderson stressed that settlement money from the dike should not be used in the operating budget but could be used for one time capital expenses.



The Finance Committee asked the Board to take time to review the figures and vote at a later date. Due to the fact that two current Select Board members will be out of office after the Town Election, the Board decided to meet on Tuesday, April 9 at 7:30pm to vote on the budget.

David Nixon will send out the warrant to Town Counsel for legal review, and the Board will vote on it at their next regular meeting.

Announcements

The Board offered condolences to the Farnham and Koslowski families for their recent losses.

The Board offered congratulations to two teachers who were recently recognized: Michaeline Baj and Christine Selig.

Candidates' Night and statements for candidates for Town offices will be available "on demand" on TV-5.

Tuesday April 9, 2013 is the Annual Town Election.

Joyce Chunglo read a statement from DPW regarding street sweeping.

Ms. DiFulvio thanked the Board as this is her second to last Select Board meeting and she stated she has enjoyed her work on the Board.

The Board thanked Ms. DiFulvio and Mr. Moskin for their service to the Board and the Town.

Executive Session:

At 9:35 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:

Executive Session

Litigation: Greaney v. Town of Hadley: A discussion was held, a motion was made and a roll call vote taken: West - Yes; Chunglo - Yes; Dudkiewicz - No; Moskin - Abstain; DiFulvio – Yes

Union Negotiation: A motion was made and a vote taken regarding DPW negotiations: West - Yes; Chunglo - Yes; Dudkiewicz - Yes; Moskin - Yes; DiFulvio – Yes

A discussion was held regarding Police negotiations. A motion was mad and a vote taken: West - Yes; Chunglo - Yes; Dudkiewicz - Yes; Moskin - Yes; DiFulvio - Yes

Letter of Presentment: A discussion was held regarding a letter of presentment.



Adjournment10:45 pm Motion to adjourn: DudkiewiczSecond: ChungloWest - Yes; Chunglo - Yes; Dudkiewicz - Yes; Moskin - Yes; DiFulvio - Yes

Motion adjourned at 10:45 pm.

Respectfully submitted,

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Margaret J. Jekanowski Administrative Assistant

Attachment



Attachment: Finance Committee Budget presentation:

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FINANCE COMMITTEE RECOMMENDATIONS FY'34 BUDGET ANNUAL TOWN MEETING SPRING 2013

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\$ 14,928 \$ 20,360 \$ 20,360 \$ 29,263 \$ 34,695 \$ \$	510 Board of Health	BOH Salaries Other Salaries		,950 385			4,950 9.385			,950 385		
29,263 \$ 34,695 \$		Expenses		928			0,360			360		
				Ş	29,263		Ŷ				95	



TOWN OF HADLEY SELECT BOARD April 3, 2013 Meeting Minutes



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Other Similar 5 100 100 100 100 100 100 100 100 100 </td <td>543 Veterans Services</td> <td>Expenses</td> <td></td> <td>58,000</td> <td>59,200</td> <td></td> <td></td> <td>803</td> <td>24700 A</td> <td>S DECODE</td>	543 Veterans Services	Expenses		58,000	59,200			803	24700 A	S DECODE	
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Park Commission 5 1,000 1,000				188,085	110,00			110			
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\$ 14,17,335 Budgets Requested: \$ 15,274,544 Requested: \$ 15,274,544 \$ 14,286,495 FC Recommendations: \$ 14,747,935 Retrait Curss: \$ 14,747,935 \$ 451,440 FC Curs to bate \$ 526,609 \$ 128,6495 Retrait Curss: \$ 14,777,935 \$ 451,440 FC Curs to bate \$ 526,609 \$ 127,095 Retrait Curss: \$ 14,777,095 \$ General Curs: \$ 34,777,095 \$ 177,095 \$ 177,095 \$ 175,095 \$ 17	TOTAL			14,286,495	15,274,544			\$ 14,747,935	Total Moves to Capital: 5: 175/09		
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\$ 461,440 FC Cuts to Date \$ 526,609 Moves to Capital: General Cuts:			FY'13 Budget:	r vi	FC Recon	nmendations:	s va			je Je	
			1-yr Increase:	ŝ	Ϋ́Υ	Cuts to Date	\$ 526,609	A REAL PROFESSION AND A CONTRACT			
					Mov	ves to Capital: General Cuts:		S 175,096 S 351,513			
								\$ 526,609			