



TOWN OF HADLEY
SELECT BOARD
September 18, 2013
Meeting Minutes

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

Present: Chair Daniel Dudkiewicz, Joyce Chunglo, Guilford Mooring, John Waskiewicz, Brian West

Absent:

Also in Attendance: David Nixon (Town Administrator); Peg Jekanowski, (Admin. Assistant); Richard Trueswell, Cathy Zaturka, Diane Kieras-Ciolkos, Andy Klepacki (Park and Rec); Eileen Freyman, Sandy Carter (Verizon Wireless); Wilfred Danylieko (Electrical Inspector); Curtis Richard (Shelburne Falls Coffee); Paul Davis (Verizon) Chris Baj, David Moskin

Approval of Minutes: September 4, 2013

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

Approval of Warrants: Vendor Warrant 14, 14S and 14A; Payroll 23:

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

Appointments:

7:05 pm - Shelburne Falls Coffee Roasters, 322 Russell Street Hadley:

Application for an On-Premise Wine and Malt with Cordial License (Continuation of Hearing)

Chair Dudkiewicz read a letter from Fire Chief Spanknebel stating that all violations have been addressed and that he (Spanknebel) has no objection to the Board issuing the license. Mr. Dudkiewicz further confirmed that the Building Inspector and Police Chief have no objection to approving the application. Ms. Chunglo asked how a wine and beer license fits in with a coffee roaster. Mr. Rich explained that this is seen as an enhancement to the current business. They will seek to have high quality wine and cheese pairings for customers, and plan on extending their hours of operation from 6:00 pm to 7:00/7:30 pm. ***Motion to approve Shelburne Falls Coffee Roasters, 322 Russell Street Hadley, Application for an On-Premise Wine and Malt with Cordial License: Mooring Second: West: Vote: 5-0-0***

Other Business: Chair Dudkiewicz read a letter from residents requesting the repainting of lines on East Street provide a wider space for pedestrian and bike traffic. This request is being reviewed by the DPW and Chief of Police, and will appear on the October 2, 2013 Select Board agenda.

Old Business #3 Facilities Plan: Set date for presentation: The Board discussed a date for representatives from DRA Associates to present the findings of their facilities study. They agreed on a date of October 9, 2013, if DRA is available. The alternate date is October 16, 2013. Once a date is established notice will go out to all Town Departments and Boards, and the presentation will take place at the Senior Center lower level to accommodate more people.

New Business #2: Appointment of Associate Member to Conservation Commission - Matthew Burak

Mr. Matthew Burak is seeking appointment as Associate Member of the Conservation Commission. He has met with the Conservation Commission and they are recommending his appointment. He has education and credentials that will serve the decision making process of the commission. ***Motion to appoint Matthew Burak as Associate Member of the Conservation Commission: West Second: Chunglo Vote: 5-0-0***

New Business #1: HCog Hampshire Solar Power Program:

- a. **Notice of Intent to Purchase Electricity Passed over**
- b. **Amended and Restated Electricity Aggregation Agreement:** The Select Board signed documents in 2010 (based on Town Meeting Vote) to endorse an HCOG project that seeks to aggregate resident and business purchasing power for electricity across many towns. There were some technical issues regarding the process, and the Attorney General's office rejected the application of HCog as a regional application, each Town must sign on individually. This is a resubmittal to the Attorney General for an aggregate electricity program. ***Motion to support signing the HCog electricity aggregation application: West Second: Chunglo Vote: 5-0-0.***



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Appointment: 7:15 pm: Verizon: Petition for Verizon Job #4AA5L1 – Joint / identical pole locations, Mill Valley Road Mr. Paul Davis, representing Verizon, was before the Board requesting the placement of two poles at 146 Mill Valley Road. (Two new poles are being placed, one will be taken out.) The DPW and Chief of Police have no objections to this project. No abutters were present at the posted hearing. ***Motion to allow Verizon job #4AA5L1 for the placement of poles at 146 Mill Valley Road: Chunglo Second: West Vote: 5-0-0.***

Appointment: 7:25 pm: Verizon Wireless Cell tower: Attorney Ellen Freyman and Sandy Carter from Verizon were before the Board to discuss their cell tower projects. One delay was due to approvals that needed to be obtained from FCC as the project was not approved by the local Historic Commission. It was a long process but all the necessary approvals were obtained. The next step is to go before the Planning Board, and they expect no problem with the Town site but there may be a problem with the Montgomery Rose site due to it being in outside of a telecommunication overlay district. The Planning Board is able to grant a waiver if they so choose. Verizon is sensitive to the scenic qualities of the area, so they are not doing a typical cell tower but something that is aesthetically pleasing. Verizon Wireless is asking the Select Board for support in approaching the Planning Board for such a waiver; they plan to approach the Planning Board in October to submit an application and get a date for a hearing. ***Motion to send a letter to Planning Board supporting the Verizon Wireless cell tower projects: Dudkiewicz Second: Chunglo Vote: 5-0-0***

Appointment 7:35 pm: Park and Recreation Department (Discussion)

Representatives from the Park and Recreation Department were before the Board to discuss their program's needs for the future, especially now that the DRA Building report has come out with their recommendations. They presented the Board with a list, attached to these minutes for review. Their critical needs include a community room, secured rest room facilities, especially for young participants, outside green space, storage and parking. They would also like access to a kitchen facility for cooking classes and providing more community events. Discussion ensued regarding the DRA facilities report: the Park and Rec department stated they were pleased with the survey process that took place although they had not yet received the results. A copy of the DRA report will be made available to the department.

Old Business 1-Special Town Meeting (c) Line of Site bylaw: Chair Dudkiewicz shared with the Board that he has been advised by Town Counsel that the fence viewer does not have the authority to render a decision on current fence issues. Mr. Dudkiewicz read a bylaw from the town of Harwich:

A fence, hedge, wall or other enclosure may be maintained on any premise. In order to preserve and promote the safety of the public, any fence, hedge or shrub or other growth or enclosure wall on the corenre lot or curb obstructing the view of motorists and situated within 15 feet of a public street or curb or side line thereof shall not be permitted by the owner or occupant of the premises to exceed the gight of three feet above road grade, and any and all trees within said fifteen foot area (shade trrees to be subject to the provisions of MGC c. 87, sec. 3) shall have limbs trimmed to the height of six feet above road grade, providedt that on a corner lot no structure or vegetation shall be over three feet in heght within the sight triangle as hereafter defined. The sight triangle is defined as the area within a triangle formed by two lines measured along the center of the nearest lane of the traveled way of intersecting streets from the point of intersection for a distance of 25 feet and a third line connecting the points on the two legs. The height restrictions shall designate the distance above each point in the plane of the sight triangle.

He suggested that this be made a general bylaw for the Town of Hadley. Mr. Nixon stated that since this is a public safety issue, as a general bylaw there is no grandfathering and it will be enforceable. Once enforcement language is added to the existing document, Mr. Dudkiewicz would like to place it on the warrant for Town Meeting. Mr. Waskiewicz stated that he would like input from the Planning Board.



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Old Business 1-Special Town Meeting (a) Review Warrant: The Board reviewed the overall warrant and will review in detail on October 2, 2013.

Article 1 (FY 2014 Budget Adjustment) Mr. Nixon is still working on this and will have more information at the next meeting.

Article 2 (Fund and Ratify Union Contracts)

Article 3 (Electrical Inspections) \$6,000.00 for expenses and wages associated with electrical inspections associated with the Mill Valley Road solar installation Mr. Danylieko stated this might not be necessary due to funds in the account. He is going to check with the Town Accountant, and will let the Board know if this can be withdrawn from the warrant.

Article 4 (Capital Stabilization Transfer) \$244,000.00 to be placed in the Capital Stabilization Account (Meals tax money is placed in capital stabilization.)

Article 5 (Capital Projects Expenses) Mr. Nixon explained that after Annual Town Meeting \$124,000.00 was available to spend on capital projects. 5 Projects were deferred until Fall Town Meeting for the amount of approximately \$40,000.00. This leaves an \$80,000.00 surplus for additional capital needs.

Article 6 (DPW Truck #1) \$180,000.00 to purchase a Mack dump truck for the Department of Public Works, and further to authorize the Select Board to sell the 1988 Mack dump truck, or take any action relative thereto.

Article 7 (DPW Truck #2) \$83,000.00 to purchase a Ford 550 dump truck for the Department of Public Works, and further to authorize the Select Board to sell the 1996 Ford one ton truck, or take any action relative thereto.

Article 8 (DPW Vehicle) \$18,000.00 to purchase a vehicle for the Department of Public Works, or take any action relative thereto.

Article 9 (DPW Sander Unit) \$11,500.00 to purchase a stainless steel slide-in sander unit for the Department of Public Works

Article 10 (River Drive Culvert) *There is \$140,000 available in excess borrowing left over from the dike project. The funds cannot be returned to the General Fund, so they should be used productively.*

Article 11 (Pump Stations 1 and 4): authorize the Treasurer to borrow, or otherwise provide **\$986,000.00** to replace and repair the Pump Stations 1 and 4 for the Department of Public Works, (No impact on taxes or water rates.)

Article 12 (Water Lines – Route 9 Widening Project) \$ 368,455.00 to replace, relocate, and repair water lines along Route 9 in association with a widening project conducted by the Massachusetts Department of Transportation, or take any action relative thereto. Discussion ensued regarding going all the way to East Street and update pipes. Mr. Mooring will look at the plans and give his feedback to the Board.

Article 13 (Shattuck Road Water Main)

Article 14 (Water Tank Mixers)

Article 15 (Hopkins Excess Debt Rescission)

Rescind the excess borrowing authorization of \$705,213.00 for Hopkins School Building Repairs as authorized in Article 16 of the Annual Town Meeting held on May 1, 2008, or take any action thereto.

Article 16 (CPA Open Space #1) \$6,200.00 for the preservation of approximately 8 acres of land off Aqua Vita Road

Article 17 (CPA Open Space #2) \$19,900.00 for the preservation of 21.4 acres of prime farmland along Route 47

Article 18 (CPA Bell) \$10,000.00 for the preservation and protection of the historic Hadley School Bell on Hopkins Academy School

Article 19 (CPA Historical Building: Town Hall) (provisional article)

Article 20 (CPA Park and Recreation: Hopkins Academy Field)

\$5,000.00 to conduct a topographical survey of the athletic field at Hopkins Academy

Article 21 (Benefits Stabilization Fund)

Establish a Benefits Stabilization Fund and to raise and appropriate, transfer from Free Cash, transfer from the Water Reserves, and transfer from Wastewater Reserves **\$11,794.00** to fund the account

Fund Sources:

Free Cash = \$10,000

Water Reserves (9.07% of payroll) = \$1,070

Wastewater Reserves (6.14% of payroll) = \$724



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Retired Employee Portion = (26% of health insurance recipients) \$2,600 to be transferred later into OPEB.

Article 22 (Bylaw #1: General: Business Certificates) This is a consumer protection issue, submitted by the Town Clerk. Designate the Building Inspector to be the enforcement officer for violations of operating a business without a business certificate as required under MGL Chapter 110, Section 5, or take any action relative thereto.

Article 23 (Bylaw #2: Zoning: Flood District Overlay) withdrawn; Conservation cannot be a special permit granting authority

Article 24 (Bylaw #3: General: Vacant and Unkempt Properties) This will be a general by law, submitted by the Building Inspector:

Article XXVIII. VACANT & UNKEMPT PROPERTIES

Sec. 1 Regulations of Inadequately Maintained Vacant or Unkempt Properties

(a) *Purpose:* The purpose of this ordinance is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of dwellings. Inadequately maintained vacant buildings or unkempt properties are at an increased risk for fire, unlawful entry, and other public health and safety hazards. This ordinance will help secure the welfare of the Town's residents and neighborhoods by requiring all residential property owners, including lenders, trustees, and service companies and alike, to properly maintain vacant and/or unkempt residential and commercial properties.

(b) *Definitions:*

Zoning Enforcement Officer: Appointed by the Selectmen to enforce The Town of Hadley's Zoning By-laws.

Owner: every person, entity, service company, property manager or real estate broker, who alone or severally with others:

- (1) Has legal or equitable title to any dwelling, dwelling unit, or parcel of land, vacant or otherwise; or
- (2) Has care, charge or control of any dwelling, dwelling unit, parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, trustee or guardian of the estate of the holder of legal title; or
- (3) Is a mortgagee in possession of any such property; or
- (4) Is an agent trustee or other person appointed by the courts and vested with possession or control; or
- (5) Is an officer or trustee of the association of unit owners of a condominium; each such person is bound to comply with the provisions of these minimum standards as if he or she were the owner; or
- (6) Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

Property: any real, residential or commercial property, or portion thereof, located in the Town of Hadley, including buildings or structures situated on the property. For purposes of this section, property does not include property owned or subject to the control of the Town or any of its governmental bodies.

Residential Property: any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

Commercial Property: any property that contains one or more structures or units used, intended, or designed to be occupied for any business type activity that is owned leased by a corporation, LLC, partnership or any other legal holding entity.

Vacant property: any residential property that is unoccupied for a period greater than one hundred eighty (180) days by a person or persons with legal right to reside therein.

Unkempt property: any residential or commercial property that has any type of overgrown vegetation or plantings that have overgrown to a point that rodents, animals, or varmints can dwell within. Any property that debris, trash, junk, or garbage has accumulated on the ground, driveway, sidewalks etc. shall be determined as unkempt.

(c) *Requirements for adequate maintenance:* owners of vacant or unkempt properties, as defined in section (b), must fulfill the following minimum adequate maintenance requirements for any such property they own:



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- (1) Maintain vacant or unkempt properties subject to this section in accordance with the relevant sanitary, building, and fire codes.
 - (2) Secure vacant properties subject to this section to prevent unauthorized entry and exposure to the elements.
 - (3) Maintain vacant or unkempt properties subject to this section in accordance with regulations promulgated by the Zoning Enforcement Officer pertaining to the external/visible maintenance of the property, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features.
 - (4) Repair or replace broken windows or doors within thirty (30) days. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days.
 - (5) For properties vacant for six months or more, whose utilities have been shut off; remove or cut and cap such utilities to prevent accidents.
 - (6) Compliance with this subsection shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowner or condominium association rules and regulations.
- (d) *Notice of failure to adequately maintain vacant or unkempt property:* Upon identifying a vacant or unkempt property as failing to meet the minimum maintenance requirements set out in section (c), the Zoning Enforcement Officer will notify the owner in writing of maintenance deficiencies at the owner's last known address. If any maintenance deficiency is not corrected within 30 days of said notice, or if a maintenance plan is not approved by the Zoning Enforcement Officer within 30 days of said notice, the Zoning Enforcement Officer may impose fines as set in section 6.1.2 of the Zoning By-laws.
- (e) *Inspections:* The Zoning Enforcement Officer, the Board of Health, the Chief of the police department and the Chief of the fire department or their designees shall have the authority to periodically inspect any property subject to this section for compliance. The Zoning Enforcement Officer shall have the discretion to determine when and how such inspections are to be made, provided that the time and manner of such inspections are reasonably calculated to ensure that this section is enforced.
- (f) *Penalties:* This bylaw may be enforced through any lawful means, including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL Chapter 40, Section 21 or by non-criminal disposition pursuant to MGL Chapter 40, Section 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be the Zoning Enforcement Officer or the Fire Chief of the Town of Hadley. If enforced pursuant to noncriminal disposition, the civil penalty for each such violation shall be as set forth in section 6.1.2 of the Town of Hadley's Zoning By-laws.
- (g) *Enforcement:* The Zoning Enforcement Officer or the Fire Chief or their designee shall enforce all provisions of this section; including any regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.
- (h) *Regulatory Authority:* The Planning Board has the authority to promulgate rules and regulations necessary to implement and enforce this section.
- (i) *Severability:* If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

Article 25 (Home Rule Special Legislation – Liquor License Quota Expansion)

Authorize the Select Board to file a Home Rule petition with the Great and General Court to expand the Town's quotas of liquor licenses. Mr. Nixon suggests the Board asks for 5 additional all alcohol (on premise) and 5 additional beer and wine (on premise), and limit them to the Route 9 corridor. Mr. Waskiewicz stated he would like to have the language represent all business districts, which includes Route 47.

Article 26 (Petition: Town Buildings) (This is a petitioned article.) This will be placed on the warrant exactly as written.



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Mr. Mooring asked for clarification in Articles regarding DPW trucks, and whether the language should specify “Mack” truck. It should state “Mack Truck or equivalent.”

New Business 2 Cultural Council Appointment of new member - Debra Windoloski:

***Motion to appoint Debra Windoloski as member of the Cultural Council: West Second: Dudkiewicz
Vote: 5-0-0***

Announcements

Ms. Chunglo congratulated the Hopkins Academy Boys Golf and Soccer team and wished them continued luck; the Board wished all Hopkins teams good luck.

Mr. Waskiewicz asked for copies of the Police Chief, Town Administrator, and DPW Director Contracts.

Adjournment

8:36 pm Motion to adjourn: Dudkiewicz Second: West Vote: 5-0-0

Meeting adjourned at 8:36 pm.

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant

Approved 10/02/2013