

**HAMPDEN ADVISORY COMMITTEE
PUBLIC HEARING MEETING MINUTES
March 21, 2018
Hampden Town House**

Approved April 2, 2018
Called to order at 7pm

Members Present – Carol Fitzgerald & Doug Boyd, Co-Chairs, Heather Turcotte and Alan Fritts

Members Absent – Matt Fisher

Also Present – public

Public Hearing:

Doug Boyd addressed the audience explaining that the Advisory Committee was required by town bylaws to review and take public input on the warrant for the Special Town Meeting.

As requested by a member of the audience, a moment of silence was held for a citizen who had recently passed away.

Article One: General Bylaw, Prohibition on Marijuana Establishments. Bob Howarth addressed article. He explained if this passes then Articles #2 will be a moot point. A yes vote will ban the growth and sale of marijuana, a no vote will allow the growth and sale.

Phil Schneider added that the laws governing recreational marijuana are 'foggy at best'. Laws were required to be in place by March 15, with medical marijuana a priority. People have until April 1st to apply for a permit to grow or sell marijuana. This bylaw will have no effect on medical marijuana. Doug asked Phil his position, and the Planning board recommends a general bylaw as is Article 1. Phil referenced the security that would be needed and the expense of such which the Planning board feels any tax revenue would be in lieu of, not to mention the town infrastructure of water and power might not be enough to sustain this type of industry. Doug asked is the town votes to prohibit, what would be the process to change in the future? Phil replied that a town meeting could enable change. This ban would be indefinite subject to future consideration at a later date.

Jim Smith what we would need for approval? Carol Fitzgerald responded that a general bylaw requires 2/3 approval.

With no further comments on Articles 1, 2 or 3 Doug moved to Articles 4,5 and 6.

These articles are proposed amendments to the regional school district agreement. Doug asked if any School Committee members in attendance were willing to explain. He elaborated that in the fall of 2016 at town meeting, residents voted not to amend the regionalization agreement, thus voting to disallow transfers. Following this vote, the school committee and school district superintendent developed a five-year plan to move K-8 to Green Meadows. These articles have been advanced as a way for options other than the proposed K-8 at GM. Doug informed the audience that there is a question as to whether or not these articles were properly before the school committee and in being so, are these articles properly in fact before town meeting. They are currently before counsel to see if they can be presented at STM. Phil provided the information that for article 4 Minnechaug is not mentioned in any of the SC minutes.

Doug stated there will be a resolution of the issue prior to the STM next week.

Jim Smith pointed out the wording 'permanently assigned' Doug replied that he didn't know who drafted this.

Leah Binney stated she felt that the vote we had isn't being followed. Lisa Sternberg pointed out that the Town of Wilbraham finances the cost of capital improvements and she feels that as the landlord the TOW should be responsible for costs over \$25,000. Doug remarked that the TOW is aware and there have been no discussion regarding capital expenditures. Jim Smith added that only students have been addressed and that only Wilbraham has a termination clause and that Hampden has no termination clause.

Doug stated that there are all kinds of implications from these articles. He went on to explain the initial request was received in October and received again in January. Initially the town took no action as there was no requirement that they had to. Then they were asked to take action at their next town meeting which is why the articles were now present on the warrant.

John Niemi feels that the current contract is being manipulated. Cheryl Caruna doesn't remember the word permanent in the original document and can understand the concern with the word. Doug explained that we as a town have to take the articles as they are submitted to us, we have no option to amend them. Jim Smith asked if the SC could amend them from the floor. Bob Howarth responded in his opinion that there would be no amending from the floor. Mary Ellen Glover then asked if article #4 was two questions, one part to transfer 7 & 8 graders and secondly to transfer to MRHS.

Phil asked if the TOW has these articles on their warrant and a Wilbraham resident stated that the TOW hadn't put their warrant together yet. The lawsuit is being heard on March 30th and the question was asked if it would be prudent no to do anything until after that to which Bob Howarth responded that these articles have to be heard at the next town meeting. An audience member asked if we could put STM off, and Vinnie Villamaino responded that we would then have a marijuana problem. Eva Wiseman asked if we could vote to take not action and Doug replied that we would need a majority vote. Bob Howarth stated that is our town counsel says these haven't been heard by SC properly, he will pronounce them invalid.

Article 6, allowing the superintendent to decide transfer requests. Currently the SC as a whole reviews the requests which contain personal information. Lisa Sternberg interjected with the superintendent can close schools passing article 6 would give him the authority by himself to transfer kids. She went on that she feels he has made it clear he wants to close TWB and a separation of powers is needed, this would be giving one person too much power. Jim Smith added that this was an attempt to make an expeditious process out of something that isn't. An audience member added that is article 6 is voted down then the SC should institute a policy to minimize exposure to sensitive information. Mary Ellen Glover added that this information is better with the elected SC members who have an interest in the towns than someone who is appointed and can come and go without being vested in the town. She went on to inform those present that the transfer requests are reviewed in executive session. Mary Ellen Glover also stated that changes to the regional agreement should be minimal, Doug agreed with her, he views the agreement as a constitution, a guiding document, that should not be amended lightly in his personal opinion. Cheryl Caruna explained that the letters were given thoughtful consideration and oftentimes the SC would ask the superintendent to speak with the parents. She went on to say that this month, three SC meetings have been canceled and that is weeks that the parents have to wait for an answer. Sean Kennedy spoke and informed the audience that there would be a SC meeting tomorrow asked if there was something the Advisory committee would like the SC to do, anything he could bring up. Doug responded whether or not the SC approved the language that was submitted earlier, and informed Sean that there was nothing that could be down at this point. Patrick Kiernan stated he had made the motion in regards to article six and transfers. He stated that he is not comfortable with the (privileged) information he is seeing. Phil Schneider remarked that is he was a parent and one person said no he would feel he had no recourse whereas if the request had been reviewed by seven people he feels there would be more recourse. Eva Wiseman added that with this many transfer, they all couldn't have had sensitive information.

Jim Smith asked if the committee would be voting on the article tonight and Doug replied that the Advisory committee hadn't discussed voting but are posted for a 6:30pm meeting prior to the STM and would be voting then.

Mary Ellen Glover asked who wrote the explanation of the articles, and Doug questioned if it was the same person who wrote the articles. Vinnie Villamaino informed the group that the SC attorney had scripted the explanations.

John Niemi asked if the SC had provided the Advisory committee with cost savings.

Lisa Sternberg directed a statement to Heather Turcotte stating that Ms. Turcotte had said you can't determine real savings if you don't have definitive cost. She then asked what the real savings are as she is looking for clarification

Doug informed the audience that the five-year plan is going to be implemented regardless of the articles and only the change in course would be through the injunction before the judge.

Jim Smith commented that the townspeople expect that the Advisory committee would have access to more information than the average voter.

Leah Binney added her 'two cents' on article 6 to give this just to superintendent, she doesn't advise that. Why not set up some other committee to just do that, (transfers).

Article 7: Transfer of funds to law and claims. FY18 budgeted \$45,000. This amount is separate from the school injunction costs. These expenses are incurred in the normal process of running the town. Vinnie Villamaino stated the we still have \$6,000 in the account and 'we're sure we're gonna burn up that \$6,000 in a heartbeat' but won't know for three or four weeks. Cliff stated the he personally doesn't see a need for this (transfer).

Jim Smith asked if any of the projects in town have any money that would be recoverable and Cliff responded no.

With no further business, the Public Hearing adjourned at 8:04pm.

Respectfully Submitted,
Cindi Connors, Clerk