

Approved 11/14/05

TOWN OF HAMPDEN, MASSACHUSETTS
BOARD OF SELECTMEN/BOARD OF HEALTH
MINUTES

October 17, 2005
7:00 pm

625 Main Street
Town House

Present: James D. Smith, Duane E. Mosier, John D. Flynn

The meeting was called to order at 6:30 pm by James Smith. A motion was made by James Smith to enter into Executive Session for the purpose of negotiating the Chief of Police's contract with Scott Trombly and discussing the letter from mediator, Brian Harrington regarding IBPO negotiations with return to Open Session. Second by John Flynn. VOTE: James Smith yes, John Flynn yes, Duane Mosier yes.

EXECUTIVE SESSION

6:30 pm Executive Session-Contract Negotiations with Scott Trombly, Police Chief

➤ Response from Brian Harrington re: IBPO Mediation Session

Motion by Duane Mosier to leave Executive Session at 7:02 with return to Open Session. Seconded by John Flynn. VOTE: Duane Mosier yes, John Flynn yes, James Smith yes.

OPEN SESSION

7:02 pm Reserve Officer Interview, Marc Siegel: Scott Trombly came before the Board recommending that Marc Siegel be hired as a Reserve Officer. He currently works in West Springfield, and has been a Reserve Officer Supervisor for the last five years. His appointment in Hampden would be to work on patrol and as a dispatcher, but would need to be trained on our 911 system (he is not 911 certified). He will also need a physical examination prior to starting.

A motion was made by Duane Mosier to appoint Marc Siegel as a Reserve Officer and Reserve Dispatcher on a probationary basis for the period ending June 30, 2006, contingent upon successful completion of training within 60 days. Second by John Flynn. VOTE: All in favor and so voted.

Bob Majkut: A resident from Howlett Hill came before the Board to discuss site work being done on Howlett Hill Road. He says that Mr. Markham has widened the road with a skidder, and some trees have been cut on the edge of the road causing erosion. He

contends that Mr. Markham is living on the property. Bob Majkut has been to Ridgeline/Hillside to make them aware of the situation.

Dana Pixley was present at the meeting and noted that he had been to the site and has seen improvements to the property, but had not seen any work done to the road.

Bob Majkut reiterated that he is not opposed to the building of homes on the property, but stated that being a Planning Board member, he has to rule on other development in town and that this needs to be ruled on as well.

John Flynn mentioned that the Travis Markham did appear before the Planning Board and is now going through the proper channels for permits.

The Board asked Dana Pixley to approach Mr. Markham to discuss the road work and report back to the Board. The Board also asked what maintenance is done on the road and Dana explained to the Board that he has continued to maintain the road as has been done in the past. He still contends that the road should be abandoned as referred to in his letter dated November 2004.

Majkut questioned the tree cutting along the edge of the road. John Flynn's response was that the cutting was done to open up the canopy over the road as discussed at a hearing in 9/9/03. At that time, Mr. Markham had offered to remove trees to open the road to sunlight, thereby alleviating some ice and snow on the road. No one at the hearing was opposed to that work being done, including Dana Pixley. John Flynn continued that the town recognizes the benefit of the cutting and the Board had no objection to the actions but required that the Highway Superintendent and tree Warden performed oversight review.

7:20 pm Fire Chief Peter Hatch: Chief Hatch came before the Board to discuss damages that were incurred by him while using his personal vehicle during the storm on the 14th. The Board assured Chief Hatch that in some way his vehicle could be repaired and the costs would be covered by the Town. The Board will determine if MIIA (our insurance carrier) will handle the claim and how best to proceed with the process.

The Chief also inquired as to the status of the fire truck that had been voted on at Town Meeting in April. It was stated by this office that Town Counsel had been out of town but had been contacted regarding changes in the contract. As soon as Town Counsel, Dave Martel reviewed and approved the changes, the contract could be fully executed and forwarded to American LaFrance who will manufacture the truck.

7:30 pm Dana Pixley, Peter Hatch, Scott Trombly: Highway Superintendent, Fire Chief and Police Chief came before the Board to discuss any possible recovery for the Town through the State. The Board then about the process of filing for MEMA reimbursement and whether we would be allowed to file.

Dana responded that past reimbursement has been 75% during snow storm events and he was not certain what MEMA might allow for this storm, if they allow us to seek reimbursement. There still remains the 25% that the Town would be responsible for funding.

MEMA usually goes to FEMA in a case like this and given the current situation with FEMA, we may not get anything in the form of reimbursement. Claims are granted county-wide and if one town is deemed eligible, then the entire county is eligible. If events occur as they have in the past, there will be a meeting at a local college to discuss the process to seek the reimbursement. The paperwork trail is essential to the process and any overtime hours are recoverable through this process. Regular hours are not recoverable. The department can also seek reimbursement for trucks, equipment and materials.

Dana mentioned that a number of residents came forward offering their equipment for storm mediation efforts and that alternate workers were called in due to the reduced work force on staff. He also noted that Palmer Paving is scheduled to come into town next week for paving repairs due to storm damage.

Police and Fire are finished with their participation in the storm recovery process. Now Highway is focused on Ames Road and Rock-A-Dundee Road.

The Board will receive a proposal from Dana regarding costs for necessary repairs in town as a result of the storm. He reported tonight that there is no Highway Maintenance money available to cover the expenses of necessary repairs. Even if the storm's expenses are reimbursed at the anticipated 75%, the remaining 25% does not currently exist in any highway account and funding will have to come from somewhere, yet to be determined.

Dana recommends that John Ouelette stay in the department while this storm repair work continues.

The Board extended their thanks to the department heads for their coordinated efforts in fighting the storm. The Fire Chief is looking for reimbursement for damage done to his personal truck in the amount of \$1000-1500 dollars. He was using it for emergency purposes. James Smith would like to investigate with town counsel as to how we might reimburse Peter Hatch for the repair work.

Cindy Bailey has offered massage therapy to a number of townspeople who worked on the storm.

Mark Feeney, Building Inspector came before the Board to declare that no homes on Main Street will be condemned as a result of the storm.

Items for Review:

1. Board of Health Variance Request – 173 Raymond Drive: A request for a variance was made by the owners at 173 Raymond Drive. The soil at their property was too wet to perform a perc test. As allowed under Title V, for repairs only, the soils may then be sent for classification analysis to determine their suitability for a system. The homeowner at 173 Raymond Drive may then submit the plans to DEP for final approval.

A motion was made by John Flynn to approve the variance at 173 Raymond Drive allowing the submission of classification testing. Seconded by Duane Mosier.
VOTE: John Flynn yes, Duane Mosier yes, James Smith yes.

2. Warrant Review: The question needs to be asked of Tax Assessor and Town Treasurer as to how money from the Overlay account gets moved back into general funds? There is discussion about the tax title fee owed (\$5800) to the person who did the tax title work – tax assessor and town. (The Town will net out \$41,000 or so).

Street Lights: There is a resident in town, who would like to remain anonymous, who would like to pay for a determined set of lights, and power them up now, rather than wait for special town meeting. James Smith will speak with him about his willingness to fund them for three months at least, given the time it took for MA Electric to turn them off for the Town.

A motion was made by John Flynn to return to Executive Session at 9:15 pm to continue negotiations with Scott Trombly, seconded by Duane Mosier. VOTE: James Smith yes, Duane Mosier yes, John Flynn yes.

A motion was made by John Flynn to leave Executive Session at 10:20 with return to Open Session by John Flynn, seconded by Duane Mosier. VOTE: John Flynn yes, Duane Mosier yes, James Smith yes.

OPEN SESSION

1. Hazardous Tree Removals: Dana Pixley, Tree Warden notified the Town in a letter dated October 13, 2005, that there are two trees that need to be removed on Town property, but funding for that account is necessary before the work can be done. The Board suggested that removals would have to wait until our Special Town Meeting on November 7 so money may be transferred from reserve account, unless an emergency remedy was deemed necessary.
2. Letter of response to DEP from Dana Pixley, Highway Superintendent: The Board reviewed a letter sent by Highway to DEP responding to their concerns based on their visit to the Town garage.
3. Ethics Commission Inquiry: The Board received a letter from Dana Pixley, Highway Superintendent regarding a phone call he received from the State Ethics Commission regarding the Town's practices relative to tree removal and disposition of the wood generated from those trees. He responded to the inquiry

- by stating what past practices were and continue to be, having been approved by the Board and he provided the Board with a copy of that policy.
4. Minutes of October 3, 2005: Minutes were reviewed and a motion was made by Duane Mosier to accept as corrected. Second by John Flynn. VOTE: All in favor and so voted.
 5. Executive Session Minutes of October 3, 2005: Minutes were reviewed and a motion was made by John Flynn to approve as submitted. Second by Duane Mosier. VOTE: All in favor and so voted.
 6. Park and Rec Letter re: Spray Park: Park and Rec submitted a letter to the Board stating their support of construction of a spray park by the Friends of Memorial Park.
 7. Financial Management Review Date: The Board received a letter from DOR notifying the Town that the financial review is scheduled to start in February 2006.
 8. Mary Rogeness response on County Retirement: The Board reviewed a letter to Dick Jones and his curiosity as to how and why County Retirement is such a huge expense to the Town.
 9. Board of Appeals, 1) Request for Town Counsel: John will speak with Dave Martel for clarification and then the Board will respond to the Board of Appeals. 2) Mark Barba settlement: Based on Town Counsel's recommendation, a motion was made by Duane Mosier for the Town to sign off on the agreement, second by John Flynn. VOTE: All in favor and so voted.
 10. Library Ceiling: The ceiling is okay at the moment, but the tiles were wet from the intense rain. No further damage has been noted.
 11. TWB repairs: It is noted that the emergency pipe repairs at TWB are priced at \$22,480, the first \$5,000 of which will be paid for by the School District.
 12. Chapter 61A Land: Somers Road: The majority of this property is in Monson. John Flynn made a motion to decline our right of first refusal on this property. The property is noted as Lot 3 in Book 1. Second by Duane Mosier. VOTE: All in favor and so voted.

A motion to adjourn at 11:35 pm was made by John Flynn. Second by Duane Mosier. VOTE: John Flynn yes, Duane Mosier yes, James Smith yes.

Respectfully submitted:

Pamela B. Courtney
Administrative Assistant

/pbc