

Approved 4/19/05

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

April 5, 2005  
7:00 pm

625 Main Street  
Town House

Present: Mark Barba, James Smith, Duane Mosier

Guests: Doug Farmer, Wilbraham-Hampden Times, Bryan Hagberg, The Reminder

7:00 pm                      Walk-Ins

7:15 pm                      Donald Dorn: A resident came in to discuss a ticket his granddaughter received from the Police Department. There was some dispute as to whether correct practices were adhered to during the process. Acting Chief Jeff Farnsworth was in to discuss the issue and he assured the Board that all standard practices had been followed. He assured the Board that the ticket was issued according to standard procedures. Mr. Dorn claimed her (his granddaughter) property was not returned to her on a timely basis from the Courts causing her to miss the opportunity to ask for a hearing. Chief Farnsworth offered to help Mr. Dorn try to facilitate the process to appeal the ticket to the Courts.

7:30 pm                      **Department Heads – Budget Discussion**

The Board then left their office to reconvene in the Melville Room to meet with all Department Heads and discuss the budget.

Mark Barba gave an overview with the following statements:

- The budget shortfall is \$575,000.
- Monies that were found in the past that helped balance the budget do not exist this year.
- There will be definite consequences should the override fail. There will be closings of the Library, Senior Center and Park and Recreation department at the very least with many cuts to the remaining departments.

The Board returned to the Selectmen's office at 9:00 for the remainder of the meeting.

## Items for Discussion:

Acting Chief Jeff Farnsworth presented a letter to the Board regarding a medical mandate from the State that has not been formally adopted by the town. The test had been performed in the past for new hires, but at a relatively low cost. The cost of the PAT test has risen to \$800 per officer and Chief Farnsworth recommends that we stop doing the test as part of our normal procedure.

James Smith asked what the Town's liability is if we don't do this? The PAT test allows gives an evaluation of preexisting conditions of a new hire.

The Board will support discontinuing the PAT exams that had been done previously as part of their standard practice.

The Board will draft a letter from the Board stating that the procedure has been reviewed and will be discontinued.

A motion was made by Duane Mosier to accept Chief Farnsworth's recommendation that we allow candidates have their physical performed by their own doctor. Second by James Smith. VOTE: All in favor and so voted.

1. Scantic Valley Regional Health Trust Letter
2. Landfill Monitoring Proposal submitted by Mike Framarin. The cost will remain the same as last year. The total cost for Contest's lab fees is \$5,743, Mike Framarin's share \$3,300, for a total of \$9,043. Proposal conforms to 30B requirements. Motion by Duane Mosier to accept the proposal for landfill monitoring for FY06 for \$9,043. Second by James Smith. VOTE: All in favor and so voted.
3. Minnechaug Mountain land management: The Board received a letter from Phil Grant, Conservation Commission inquiring as to the Commission's responsibilities as it relates to Minnechaug Mountain. Duane Mosier is in the process of responding to the letter. Move to next meeting's agenda. Send note to Con Com saying we will respond at a later date.

Minutes for Review: The minutes of March 21 were reviewed. A motion was made by Duane Mosier to approve as presented. Second by James Smith. VOTE: All in favor and so voted.

Minutes of April 4<sup>th</sup> Executive Session were reviewed and a motion was made to approve as presented by James Smith, second by Duane Mosier. VOTE: All in favor and so voted.

The minutes from April 4, 2005 were reviewed. A motion was made by Duane Mosier to accept as corrected, second by James Smith. VOTE: All in favor and so voted.

4. Warrant Vote: The Warrant for Town Meeting was reviewed prior to posting. A motion was made by Duane Mosier to approve as presented, pending Town

Counsel approval for final wording of Article 15. Seconded by James Smith.  
VOTE: All in favor and so voted.

5. Ballot Question Review: The Override ballot questions were reviewed and a motion was made by Duane Mosier to approve ballot questions as presented. Seconded by James Smith. VOTE: Duane Mosier yes, James Smith yes, Mark Barba yes.

The \$23,000 in assessor's budget cannot be paid for over the course of some years, it must be paid in one year.

## BALLOT QUESTIONS FOR MAY 16, 2005 ELECTION

Shall the Town of Hampden be allowed to assess an additional \$584,796 in real estate and personal property taxes for the purposes of Regional School, Public Safety, Library, Highway, Parks and Recreation, Council On Aging and General Government expenses for the fiscal year beginning July 1, 2005?

Yes \_\_\_\_\_ No \_\_\_\_\_

Shall the Town of Hampden be allowed to assess an additional \$10,000 in real estate and personal property taxes for the purposes of conducting a feasibility study for a new library for the fiscal year beginning July 1, 2005?

Yes \_\_\_\_\_ No \_\_\_\_\_

Shall the Town of Hampden be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to purchase a new fire truck?

Yes \_\_\_\_\_ No \_\_\_\_\_

There was discussion of James Smith's letter to the editor, Charlie Bennett at The Wilbraham-Hampden Times. A motion was made by Duane Mosier for James Smith to revise and send letter to Charlie Bennett, editor of The Wilbraham-Hampden Times on behalf of the entire Board, second by Mark Barba. Letter will become part of the minutes of this meeting. VOTE: All in favor and so voted.

Motion was made by Duane Mosier to go into Executive Session at 10:00 pm to discuss IBPO negotiations and to discuss the Acting Chief's contract without return to Open Session. Second by James Smith. VOTE: Duane Mosier yes, James Smith yes, Mark Barba yes.

Respectfully submitted:

Pamela B. Courtney  
Administrative Assistant

Dear Editor,

### Hampden Has Many Reasons To Be Wary

The *Wilbraham-Hampden Times* article on March 24, 2005, titled “Selectmen Of Both Towns Butt Heads” and the editorial on March 31, 2005 titled “Why The Distrust Over A Moot Point?” are based on a shallow understanding of the issues. These writings, and other recent writings, display a growing anti-Hampden-Selectmen prejudice by the paper that detracts from the value of *The Wilbraham-Hampden Times* to be credible source of information.

The Lantern Lane issue came to being in the 1990s when Snowcrest Development applied for a subdivision extension off Sessions Drive. The Hampden Planning Board denied the request as the proposed road exceeded the zoning bylaw length for a single access road. Snowcrest Development sued Hampden, but in a landmark zoning case, the courts upheld the Hampden Planning Board’s by-law.

Shortly after NAMYL, Inc. acquired the land and purchased a house on Oakland Street adjacent to the project. NAMYL then applied to the Wilbraham Planning Board for a sub-division road for a secondary access. The Wilbraham Planning Board approved the road on the condition that it have a private access gate with pass cards for public safety vehicles. Wilbraham abutters sued the town to get the decision reversed.

While the suit was pending State Representative Gale Candaras worked with Hampden and with Senator Brian Lees and Representative Mary Rogeness to support sufficient funding for a state self-help land grant program that Hampden could apply for and, if approved, acquire the land for conservation purposes. Contrary to the editorial, the Hampden Board of Selectmen enthusiastically supported this action.

On July 29<sup>th</sup>, 2003 the Hampden selectmen helped launch a committee to raise money for an appraisal. On August 26<sup>th</sup>, 2003 the Hampden Selectmen “...voted *unanimously* to authorize *Duane Mosier* to pursue the grant ...”

In October of 2003 the Board of Selectmen placed an article on a Hampden Special Town Meeting warrant asking for permission to acquire the land. The article passed with some opposition – not unlike the opposition some Wilbraham residents had to acquiring Fountain Park.

On January 29, 2004 the Town of Hampden was informed that the grant was not approved due to state budget cuts. Following this failure, Representative Candaras submitted special legislation to pay for a yet-undecided lawsuit against Wilbraham. The Hampden Board of Selectmen still endorsed acquiring the land, but questioned the ethics of the special-interest method of funding that would give \$300,000 in state money to a private developer to settle a lawsuit by Wilbraham residents against the Town of Wilbraham.

From this point on Hampden was essentially cut off from communications. Despite repeated attempts to get information on the pending legislation it was only in mid-February of this year the Hampden Board of Selectmen learned, second hand, that a transfer was imminent. Immediate verbal and written attempts to meet with the Wilbraham Selectmen on this issue were rebuffed until after the land was transferred on March 18<sup>th</sup>.

It is noteworthy that Wilbraham officials did not seek voter approval to accept the land, as they had done with Fountain Park. Wilbraham taxpayers now own real property they never voted to accept, and they have a potential perpetual tax liability to Hampden – an expense that they were also never given the opportunity to vote on.

The Hampden Board of Selectmen's concern is that at some point in the future the land will be attractive to Wilbraham for some purpose other than conservation land. One possibility is a site for public water supply wells – an option Wilbraham has been actively exploring. Given the “creative” history of this land it is not hard to imagine a “creative” legislative exemption on the conservation restriction to allow some future “special” use.

For another perspective, consider the deed restriction that states in part: “...*subject to a conservation restriction for the benefit of the inhabitants of the Town of Wilbraham...*”, Hampden abutters, that helped raise funds to appraise the land, have no official access to the land. And, if they wanted to, Wilbraham would be able to post this land for use by Wilbraham residents only.

It is ironic that *The Hampden-Wilbraham Times*, which frequently implies that the Hampden Board of Selectmen meddle beyond their jurisdiction in town affairs, is now criticizing the Hampden Board for not taking enough action on this issue.

In reference to the March 24<sup>th</sup> article, the Hampden Selectmen did not “demand” ownership of the land at the Wilbraham selectmen's meeting on March 21<sup>st</sup>. The board made a polite request that the land be transferred to Hampden ownership, and if not, that Hampden at least be made a party to the conservation restriction. The word “demand” implies an unconditional order. *The Wilbraham-Hampden Times* did a disservice to their readers in choosing such inflammatory words to describe the cordial proceedings of a public meeting.

Wilbraham residents and *The Wilbraham-Hampden Times* editorial staff would likely be upset if this situation were reversed. The best outcome for this would be for Wilbraham to transfer the land to Hampden while retaining an interest in the Conservation Restriction.

James D. Smith  
Duane E. Mosier  
Mark R. Barba  
Hampden Board of Selectmen