

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

November 13, 2006  
6:30 pm

625 Main Street  
Town House

Present: Duane E. Mosier, John D. Flynn, Richard R. Green  
Guests: David J. Martel, Esq., Earl B. Johnson, Esq., Steven Balut, Robert Sagan,  
Richard Rief, David Markham, Dennis Hackett, Anita Hackett, Robert Majkut, J.A.  
McEwan, James L. Kibbe, Frederick Markham, Bob Nelson

6:30 pm                      Walk-Ins

Police Department: The Board discussed the execution of the Employment Agreement for Michael Lynch. A motion was made by Rick Green to approve the employment agreement, pending final approval from the State, seconded by John Flynn. VOTE: All in favor and so voted.

7:00 pm                      Howlett Hill Road Public Hearing: Duane Mosier opened the hearing with a motion, *“to discontinue and abandon Howlett Hill Road because the road has become abandoned and unused for ordinary travel and that the common convenience and necessity no longer require Howlett Hill Road to be maintained in a condition reasonably safe and convenient for travel; this abandonment will start approximately two hundred and eighty feet from Stafford Road”*. The hearing was published in The Reminder and the abutters were notified by certified mail, return receipt.

Town Counsel, Dave Martel asked that Dana Pixley, Highway Superintendent give a status as to the current conditions of the road.

Dana Pixley responded that there is a need for grading; that the Town of Monson discontinued maintenance of the road in 2004 and that the Town of Stafford, Connecticut has not maintained their portion of the road for a period of years. He also stated that in his experience the road is not used to any extent by ordinary traffic.

Dave Martel then asked what purpose the road serves currently and Dana Pixley’s response was that a house owned by Robert Majkut has been there for years, and that a new home was built by Fred Markham recently.

Attorney Richard B. Johnson, from the firm, Rooney & Johnson, 1020 Thorndike Street, Palmer, MA introduced himself as the attorney representing Frederick Markham and introduced a memorandum in opposition to the request for the discontinuance of maintenance of Howlett Hill Road.

The full memorandum may be reviewed in the Board of Selectmen’s office.

Richard Johnson contends that since Frederick Markham was issued a building permit and has built a house on Howlett Hill Road, consideration should be given to services provided to that new residence. He stated that pursuant to G.L. c82, §32A, the Board must find that Howlett Hill Road has become: abandoned, unused for ordinary travel; and that the common convenience and necessity no longer requires said way to be maintained in a condition reasonably safe and convenient for travel.

Frederick Markham claims that the road does get used on a regular basis. He stated that the road, although it is dirt, is in good condition, and well-maintained. He is not asking that it be paved, but that it does need to be graded, and the drainage needs to be cleaned out as has been done for the past 43 years.

He stated that he will be substantially damaged by the act of discontinuing the maintenance of the road and asked that the Board take no action on the proposal.

John Flynn discussed the hearing held in 2003 when the Board first proposed abandoning the road and the issue of the icing problem that existed due to the canopy of trees prohibiting the melting of ice during the day. F. Markham maintained that he trimmed the trees as requested (after receiving permission from the Highway Superintendent).

John Flynn stated that should additional building take place, F. Markham would be required by the Planning Board to improve the road to town specifications.

David Markham asked if the maintenance is discontinued, who would be liable if F. Markham plows the road.

Dave Martel responded that the whole point of discontinuing the maintenance of the road is to get the town out from under the liability.

Dot Kibbe stated that she thinks it is unfair of the town to discontinue maintenance, and feels that F. Markham is entitled to the road services of the town.

Robert Sagan stated that he agrees that there is regular travel on Howlett Hill Road. He is concerned about access for fire vehicles.

There was a question from a number of residents as to the use of Chapter 90 money for improvements to Howlett Hill Road. The response from Dana Pixley, Highway Superintendent was that Chapter 90 money increases with additional miles of road in the Town's road inventory.

Richard Rief stated that Connecticut has brought in loads of rock and fill, filling in where there were beaver dams previously. He also stated that the road has been maintained by the town up until last year. He stated that since Fred Markham has paid taxes for years, he did receive a building permit and now deserves the services of the town.

John Flynn responded that repair work was done by Stafford, CT as a result of the flood in October 2005.

Rick Green stated that the argument for discontinuance of maintenance is determined on the needs of the traveling public and from what he understands, other than recreational use, there is little additional traffic.

Dana Pixley stated that since Monson has discontinued maintenance of their portion of the road, the question arises as to how long the road will remain passable and that it will only continue to deteriorate.

Dana Pixley then stated the winter services pose a risk for his personnel and equipment and has not been done in the past due to those safety concerns. He also talked about the substantial cost for real improvements to this road. In addition to this, the Highway Department no longer has a grader to service the road.

Steve Balut who lives directly across from Howlett Hill Road contends that traffic has increased since he has lived there and questioned what would happen if fire and police needed to respond to a resident on the road?

Bob Majkut stated that traffic has increased.

Duane Mosier stated that if no new information was being delivered, he would like a motion.

A motion was made by Rick Green to close the hearing and for the Board to deliberate, but hear no further comments, until the November 27<sup>th</sup> at 7:00 pm, and was seconded by John Flynn. VOTE: All in favor and so voted.

1. Lance Trevallion: Mark Feeney, Building Inspector has resigned from the position and Lance Trevallion, Building Inspector Alternate in town is interested in the position. He has agreed to take the position upon Mark's departure until June 30, 2007 and at that time would reconsider the fee schedules.

A motion was made by John Flynn to appoint Lance Trevallion as Building Inspector effective December 1, 2006 until June 20, 2007, second by Rick Green. VOTE: All in favor and so voted. A motion was made by John Flynn to appoint Mark Feeney as the Building Inspector Alternate, and was seconded by Rick Green. VOTE: All in favor and so voted.

Lance would like to change his office hours to Tuesday nights and the Board will notify the public of the change. Mark Feeney will stay on until December 1, 2006.

There was discussion about homeowners pulling their own electrical permits, and Lance responded that State code does not prohibit this, but the town can make their own decision as to how to handle this matter.

2. 8:15 pm Ames Road, Pole Petition: Verizon and National Grid came before the Board for a joint petition for two poles on Ames Road. The Board reviewed the plan and a motion was made by Rick Green to approve the petition as presented, and was seconded by John Flynn. VOTE: All in favor and so voted.
3. School Use Policy: The Board received a request for clarification from Park and Recreation Department as to school usage by the Town. John Flynn stated that he

would follow up with Dr. Gagliarducci and Scott Chapman, Chair of the School Committee when he attended the School Committee meeting.

4. Green Meadows Septic: Ed Cenedella from the School District is seeking another engineer to work on a new septic design. Lori will need two additional percolation tests done prior to the design.
5. Green Meadows Bond: The Board received a letter from the District with a check for \$49,000 (which represented additional reimbursement for the school project).
6. South Ridge Road: The Board received test results from Allied Testing on the pavement quality. The test results were that the proper amount of paving was placed on the road and the quality of the gravel base was built to specifications.
7. Regional Selectmen's Meeting: The Board meets in East Longmeadow on Thursday, November 16<sup>th</sup> with area Boards.
8. Town House Roof Bids: The bid date was extended until November 20 at 12:00 pm.
9. Cultural Council: The Board received recommendations from James McEwan, Chair of the Cultural Council for two new members. The Committee members can serve for 6 years, and should be appointed in staggered 3 year terms. One cannot be an elected town official and be on the Committee.

A motion was made by John Flynn to appoint Patty Ehlers to serve as a member of the Cultural Council until June 30, 2007 and to appoint Rick Rubin to serve as a member until June 30, 2008, seconded by John Flynn. VOTE: John Flynn yes, Rick Green yes. Duane Mosier abstained from the vote.

A motion was made by Rick Green to adjourn at 8:50 pm and was seconded by John Flynn. VOTE: All in favor and so voted.

Respectfully submitted:

Pamela B. Courtney  
Administrative Assistant

/pbc