

Approved 9/22/14

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

September 9, 2014
6:30 pm

625 Main Street
Hampden, MA 01036

Board Members: John D. Flynn, Vincent J. Villamaino. Norm Charest was not in attendance due to a conflict in schedule.

Guests: Attorney Jim McEwan, Paul Bechard, Tyler Witkop, The Wilbraham-Hampden Times John noted that Paul Bechard had a recording device, which he had not disclosed initially. John explained that this needed to be mentioned before a meeting started in the future. At that point, the meeting continued and was recorded.

Board of Health: Board of Health Agent, Lorri McCool came to the board expecting to meet with property owner Ed Kennedy who owns the plaza on Main Street. Located within the plaza is McLadden's Irish Publick House as well as a hair salon, The Mane Event and other businesses. Ed Kennedy did not come to the meeting but was represented by his attorney, James McEwan. Lorri started with the history of the property and the septic issues that have been ongoing for some time. The system was in failure in 2010 and Ed Kennedy was told that he had a certain amount of time in which to remedy the problem and bring it into compliance. He has not done anything at the site in response to this request. Attorney McEwan said that Kennedy had looked at the problem and had some work done by Excavation Plus; that a pipe was connected improperly and has since been installed correctly. In the meantime, there is a failed Title 5 report that was supposed to be remedied within two years that has not been done. Attorney McEwan argued that there is "no immediate health threat, that there is no outbreak of the system". Lorri's response was that the Board of Health would not wait until there was contamination of someone's well, or some other effect from the failed system.

John asked if in Lorri's experience she had ever let a failed system go. Her response was no, repairs always had to be made.

There is a hardship allowance for a property owner, but it has been four years to date with no communication from Kennedy.

The system is overloaded and clogged and the system does not regenerate itself.

There is also talk of a new business going in and that would increase the flow, so the plaza will be issued no new permits until the system is corrected.

Jim McEwan will have Kennedy recheck the system.

The real issue throughout all of this is the complete disregard that Kennedy has for the process and Lorri McCool. Lorri has offered to help in any way but Kennedy fails to communicate with her in any way and no progress has been made to remedy the problem. Lorri met him on site, has explained what measures he has to take to repair the system and yet Ed fails to respond.

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After hearing this Vinnie said he had heard enough, that enough time had passed, that Ed Kennedy had plenty of time to take care of the failure and that the board would wait no longer.

Vinnie Villamaino made a motion that Ed Kennedy must submit a septic plan to the Board of Health by November 15th or all secondary businesses other than McLadden's Irish Publick House will be shut down by the Board of Health, seconded by John Flynn. VOTE: All in favor and so voted.

Land Lease information for town owned property: Dave Martel's office researched the process through which the town can lease town owned property. This will be relevant when the time comes for solar installation proposals. Rose Crowley will come to our next meeting to discuss the issue.

Proposal for Academy Hall: There is drainage work that has to be taken care of at Academy Hall and John suggested that CPA funding could be used for this project.

Warrant Review: Another review of the warrant was done and it will be forwarded to Dave Martel shortly for review.

Dog Officer Position: The board discussed the issue of the dog officer keeping a dog after the dog had been taken from the dog owner. There are expenses associated with this and the board has no desire to put the town in this position. They want the dog officer to come up with another solution. That information will be relayed to Shelley Sears.

Water Main Replacement: The DPW Director from East Longmeadow made a request through our Highway Superintendent to make a connection to a pipe that is in the town of Hampden. It is at the intersection of Allen Crest in Hampden and Hunting Road in East Longmeadow. Dana reviewed the request and has no objections to the connection. Based on that a motion was made by Vinnie Villamaino to allow the work to do be done by East Longmeadow, seconded by John Flynn. VOTE: All in favor and so voted.

Cartographic annual maintenance invoice: There was some discussion about which department will pay this invoice.

HWRSD Maintenance agreement: There is a meeting at Minnechaug to discuss this issue on September 11.

Unison Proposal: Not reviewed.

National Grid Notice: so noted, work will be done in the Allen Street area and a notice has been sent to residents in the area.

Stormwater Roundtable: A meeting will be held at PVPC in the near future about funding for new stormwater regulations. The board asked that the information be forwarded to the Conservation Commission as well as stormwater commission members.

Community Preservation Committee: As moderator, Robert Howarth asked that Cindi Connors be appointed to a position on the CPC. So noted, and the board will make that appointment.

Fencing at Old Cemetery: The need for new fencing around Old Cemetery on Chapin Road was brought to John Flynn's attention. The cemetery commission will be made aware of the situation.

Check on Base Radio replacement needed for the Police Station.

MMA membership: Check on the membership to this association.

Open Meeting Law Seminar: John asked that Dave Martel be contacted to hold a seminar for local officials who have not been exposed to the Open Meeting Law. We want to ensure that all board members know proper procedures when dealing with posted meetings.

Well Discussion: John suggested that the town install its own well to service both the Federated Church and the residents at 10 Riverside Drive. The rectory has 3 bedrooms and does not need a public water supply. John will speak with Tom Couture about this idea.

Crosswalk Discussion: Vinnie Villamaino asked about the possibility of painting a crosswalk from St. Mary's Church across to the property owned by Rich Gallivan. The highway superintendent will be asked about this project.

With no further business, a motion was made by Vinnie Villamaino to adjourn the meeting at 7:20 pm, seconded by John Flynn. VOTE: All in favor and so voted.

Respectfully submitted,

Pamela B. Courtney
Administrative Assistant

/pbc