

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

MINUTES

February 1, 2015
6:00 pm

625 Main Street
Hampden, MA 01036

Board Members: Vincent J. Villamaino John D. Flynn, Norman Charest

The meeting was called to order by Vincent Villamaino at 6:00 pm.

Guests: Tyler Witkop, Editor, Wilbraham Hampden Times, Town Counsel, Michael Callan and Consultant, Tom Couture from Tighe and Bond

Building Inspector: Wendel Hulbert came before the board to discuss his budget. John stated that there would be no additional line items added to the account, as clerical work and office supplies could continue to be paid out of the revolving fund. Wendel mentioned the need for money for the zoning enforcement part of the job and stated that there are not enough hours in the day for the many calls he gets. , Building Inspector Budget Discussion- zoning enforcement officer is needed, and takes a lot of time for Wendel, revolving will be used for clerical and office supplies, Wendel will approach the Personnel Committee regarding Madeline's position and salary.

Executive Session: At 7:00 pm, a motion was made by Norman Charest to enter into Executive Session to discuss pending litigation with Jeanne Broderick from 601 Main Street, with Attorney Mike Callan and Tighe and Bond Engineer, Tom Couture, with return to Open Session, seconded by John Flynn. VOTE: Norm Charest yes, John Flynn yes, Vinnie Villamaino yes.

A motion was made by Norman Charest to leave Executive Session and return to Open Session at 7:25 pm, seconded by John Flynn. VOTE: Norman Charest yes, John Flynn yes and Vinnie Villamaino yes.

601 Main Street: The board met with homeowner, Jeanne Broderick, her attorney Jerry Plumb and her son John. The board was represented by Attorney Mike Callan and Tighe and Bond Engineer, Tom Couture.

Jerry Plumb started the discussion and stated that the town has done the testing of the well as required by contract, but given the test results, Plumb asserts that the town has an obligation to remediate the situation of the raised levels of Manganese, total dissolved solids and calcium chloride.

Attorney Plumb then turned to the document of Spring 2015 Standards and Guidelines for Contaminants in Massachusetts Drinking Waters, which is a part of the contract between the Town and Jeanne Broderick. He contends that these are the levels that the Town must adhere to

in order to provide water to Jeanne Broderick.

Tom Couture pointed out that the well that serves 601 Main is better water than others in the Commonwealth of Mass, as they are using guidelines as the barometer. These guidelines and standards are not enforceable by the DEP.

Jeanne asked about her home's value due to it having a "shared" well. The counter to that is that this is a "municipal" well and one that will be tested regularly, that the system is enhanced if the power goes out, as a generator has been installed at the highway garage to service this well, and the homeowner will not be inconvenienced by not having running water. Jeanne stated that she has talked with lenders about the shared well, and she has a concern about the effect this could have on her property value.

After a fair amount of back and forth on both parties' part, the board convened in private and agreed to offer to remediate the manganese levels by installing a filter at the highway garage to do this. Jeanne and her attorney returned to the meeting, the offer was made to them, and they were told that the board would plan on meeting with Jeanne and Attorney Plumb on the 16th for a decision. The discussion ended there.

The board then went on to discuss the situation at Mark Ogoley's home at 593-595 Main Street. Mark has done very little to attempt to have this issue resolved and finally resorted to filing a lawsuit seeking damages from the town. The suit was filed at the end of October 2015.

Attorney Callan has reviewed the case file as well and had some conversation with Attorney Lou Moore, who represents Mark Ogoley.

The next step is to do a site inspection at the property owned by Ogoley, to include Attorney Moore, Mark Ogoley, Town Counsel Mike Callan, and Chemical Engineer, Dave Horowitz to look at fuel tanks and the concrete that Ogoley contends is damaged by his well water.

Minutes of December 7, 2015: The minutes were reviewed and a motion was made by John Flynn to approve as presented, seconded by Vinnie Villamaino. VOTE: All in favor and so voted.

Highway Superintendent: John and Vinnie are satisfied with the job description for the superintendent's job.

BOH Correspondence: The board reviewed two sites that will need further oversight; 2 Allen Court and J&D Bagel Nook. Lorri McCool, BOH Agent will continue to monitor these sites to ensure compliance.

Update on Streetlight Issue: John met with a National Grid representative to look at an alternate location for an existing streetlight that a resident asserts causes her health issues. The only solution would be to install a new pole, and the company is not prepared to do that. At this point the representative did say that the latest technology is being used right now and once LED lights are approved for use in Massachusetts, this light will be one of the first with the new LED technology.

Notice from ABCC: The board received correspondence regarding a new license pending approval by the State for La Casa Bella. They are requiring a hearing to be held with the

applicant prior to giving approval.

Superintendent's Search Committee: John spoke with Marty O'Brien regarding the make-up of the committee and who is interested in participating. Duane Mosier and Norman Charest will join the search committee. Marty asked the opinion of the board as to whether the question regarding school unification will be approved at town meeting. John responded that he knows how what the board thinks, but the voters are another matter.

Federated Church: Bruce Libby stopped in with two quotes for the plumbing work that needs to be done at the church; one quote was for 17k and the other was for 25k. There will be further discussion of this at a later date.

Vacations: Given upcoming vacations for Vinnie Villamaino and John Flynn, a motion was made by John Flynn to appoint Norman Charest as Chairman of the Board until John and Vinnie are back in town, seconded by Vinnie Villamaino. VOTE: All in favor and so voted.

Planning Board: John Matthews, Chair of Planning came before the board to discuss the ongoing application process that Bob Fois is going through to get a Used Car License at his location. The board concurs with Planning that Bob Fois should go before the Zoning Board for their approval to go through the process as it is intended. John will relay that information to Mr. Fois.

With no further business, a motion was made by Norman Charest to adjourn the meeting at 8:35 pm, seconded by John Flynn. VOTE: All in favor and so voted.

Respectfully submitted,

Pamela B. Courtney
Administrative Assistant

/pbc