

Approved 1/8/18

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

December 4, 2017  
6:00 pm

625 Main Street  
Hampden MA

Board Members: John D. Flynn, Norman Charest, Vincent J. Villamaino  
The meeting was called to order by John D Flynn at 6:00 pm.

Chief Farnsworth: Jeff came before the board and requested to meet in executive session to discuss contract negotiations.

A motion was made by Vinnie Villamaino to enter into Executive Session for the purposes of discussing contract negotiations for the Regional Dispatch at 6:00 pm, with return to Open Session, seconded by Norman Charest. VOTE: Vinnie Villamaino yes, Norman Charest yes, John Flynn yes.

With no need for additional discussion, a motion was made by Vinnie Villamaino to return to Open Session at 6:20 pm, seconded by Norman Charest. VOTE: Vinnie Villamaino yes, Norman Charest yes, John Flynn yes.

Jeff was asked what capital expenses he will need given the demise of the regional dispatch and noted that Goosetown who handles our current system is looking at the cost and longevity of the current system and it has been noted that the tower is also a weak link in the system. Goosetown is looking at an estimate now. There is further concern that copper wiring is no longer being used, in particular up at the tower location and this causes a problem for us as well. The copper lines are not being replaced by Verizon and there is no optic service up there at all.

Jeff has vendors looking into other locations for a tower, including property at the top of Pondview and estimates that the cost for a new tower will be between \$250k and \$400k. We might look at the property recently purchased by the town as protected land and this will be pursued when Sherri Himmelstein is at our next meeting. Jeff did add that many communities are looking at leasing equipment rather than purchasing right now.

Jeff also discussed the change in the electrical rate at the new Police Station and said it has increased greatly. John will follow up with our contact at National Grid to see if she can explain the situation. John then asked about the Energy Committee and wondered if Dave Hayward and Andrew Netherwood might be interested in serving on the committee. We will ask for Tyler Witkop to post something in the paper to generate interest. (Pun intended)

Incident at La Cucina: Jeff related to the board an incident that happened on the November 23, which is a big night for college students to get together. There was a disturbance reported around 11:30 that

involved about 120 college kids in the parking lot where two were injured. One was transported to a hospital and one person was arrested. They called for mutual aid and there were a total of 10 officers on the scene. This is the second year in a row that a large crowd has gathered at La Cucina, where crowds were not being handled properly, the liquor license was not posted and not even available to officers when they asked for it. Jeff suggests that the manager of La Cucina come to a board meeting to discuss the situation. Those arrangements will be made for the next available meeting. Prior to that meeting, the Chief will check to make sure all liquor licenses are currently displayed in every establishment before any new licenses are renewed.

Note: Schedule a reserve officer interview for next time Jeff is in.

Jeff is having difficulty with the phone system in the Police Station to register 911 calls within the station. Valley Communications will have to be contacted to trouble shoot the problem. Chris Sorenson is the contact there.

Cumberland Farms Property: Rick Green et al, Purchase and Sale Agreement with Cumberland Farms. The group will send a proposal from WjF to act as their Licensed Site Professional for a cost of \$2,500. They will perform an environmental review, determine any long term costs, if any that might be down the road and report back to the group.

Cumberland Farms would like to execute a Purchase and Sale Agreement if the town intends to have any people "on-site" to do any work. There are three conditions that have been requested by the group, as essential to the deal moving forward. They are:

- A positive report from our Licensed Site Professional
- A "down gradient status" from the benzene
- And subject to the town's approval at a town meeting

Rick asked if he could proceed with Rose Crowley to work on the agreement. Rick has the original draft and would like to put these three caveats into the agreement.

Rick was asked about the property that lies between the Cumberland Farms property and the river and remarked that the property is now owned by Jeff Parent. Rick has talked with Jeff P and there is a tentative agreement to grant an easement to the town for access to the river.

NOTE: Check on ANR plan done for the transfer station property. It will need to be registered in the land records before proceeding with any permitting for the solar installation.

Planning Board: John Matthews came before the board to discuss the need for funds for anticipated legal expenses. He asked that a line be created in the Planning Board's budget to fund these expenses. Planning has been very happy with the work that Rose Crowley has done for them in the past and would like to continue to work with her. The board will take this under advisement.

The next topic was the office space that Planning shares with the Building Department. The concern is that the office becomes very congested and with the constant interruptions from those seeking building advice, it prevents Joanne Fiore from making the most of her workday. The plan would be for Joanne to move to the vacant office next to the BOS office and retain use of the Building office for the Planning Board's monthly meetings.

John Flynn expressed concern over the shared files and whether it would make sense for Planning to move away from those files. As explained by John Matthews and Bob Howarth, the current projects are what Planning works on for the most part, with little need to get into the files.

John Flynn thought that Park and Rec should move offices, allowing Planning and Building to remain “connected”.

John Matthews asked that every consideration be given to their request as they would like to make this move sooner rather than later.

The last item was Kibbe Lane. The Letter of Credit held by Ed Speight will not be renewed and planning needs to make sure the Town is adequately protected.

The issue of the town being exempt from following town bylaws was discussed. It was stated that State and Federal laws are exempt but towns are not.

Planning has also enacted a new policy that mandates that applicants must pay for legal expenses incurred by the town during an application process. The board would like to ensure that this is clearly stated and becomes a part of the application process.

Letter regarding MassWorks withdrawal: John reviewed the revised letter and asked that the phrase, “without prejudice” be inserted. The decision is to ask Town Counsel if it should or should not be added to the letter.

Minutes: November 13, Executive Session, November 20. Minutes were not reviewed and will be held until the next meeting.

School Update: The board will ask that Attorneys Christine and Ed Pikula revise the letter to the School Committee adding a deadline in which the board would like to receive a response. The letter will be sent to the SC tomorrow.

Norman had a conversation with Al Ganem, School Superintendent regarding the possibility of a meeting between a member of the School Committee, a member of the Wilbraham Selectboard, Al Ganem and a member of the Hampden Board of Selectmen. Norm is in favor of the idea; of meeting informally to try to resolve some of the ongoing issues between all parties.

Letter from School Committee: The board reviewed the letter from the SC in which they requested an answer relative to the town holding a Special Town Meeting to vote on the five year plan. They intend to close TWB regardless of what the town wants, and insist that this vote will at least give options to voters as to how the Green Meadows changes will be handled. We have been told that Wilbraham has no interest in having another town vote, as this has been voted numerous times with the same outcome every time.

Allegrezza v Hampden and Barba: This is another lawsuit brought forward by Mr. Allegrezza relative to the kennel business run by the Barba’s that was up and running when Mr. Allegrezza built his home. This is for information purposes for the board.

South Ridge Road Right of First Refusal: The board will review this at its next meeting.

Holiday Schedule: The board will take Christmas week off from meeting and will meet instead on January 2, 2018.

Transfer Station Solar Update: John will be on a conference call next Monday with Rose Crowley, Ameresco, and their attorney, to continue the discussion about liability issues and who will be the responsible party.

Town House Christmas Party: Town House staff will have a Christmas luncheon on December 20<sup>th</sup> in the Melville Room.

Annual Budget Meeting: Meeting starts at 7:00 pm.

Town Counsel: School questions were not answered in the way that the board had requested. Instead of giving options to the question of our school agreement, they offered nothing as an option. Norm did not feel that we got the information we were seeking. Norm felt as though the firm did not do a very good job of handling the questions.

The attorney's opinion on the preamble, not being a part of the agreement was inaccurate and when Norm spoke with Attorney Pikula, he stated that it most certainly was a part of the agreement. Once our town counsel heard that, he changed his opinion to match Attorney Pikula's. Norm feels underserved by town counsel, particularly in this case. Norm has been unhappy with the communications coming from Town Counsel, and although it is tradition that Town Counsel speaks to the Chair, the board does not feel as though they are completely "in the know". Norm would prefer to hear straight from the attorney, rather than as interpreted by the Chair. In addition, if there are questions to be answered Norm would like a better flow of back and forth instead of waiting until the next meeting for a response.

When asked about the Assessor's board, Norm responded that he is very pleased with the work that Rose Crowley has done for them in the past, and will be happy to continue working with her.

Norm is willing to meet with Doherty, Wallace, Pillsbury & Murphy to ask questions to see how they can better serve the town. The board will ask that a senior partner come to a meeting, along with Rose Crowley.

Dick Patullo has some questions about the contract the town has with the solar company on Somers Road. The file will be searched.

Town Engineer: Norman has some issues with the town's engineering firm, Tighe and Bond and believes that due to the many towns that Tighe and Bond represent, that it might give the appearance that the best interests of all clients can be kept separate. Norm suggests that T&B finish up any work being done by the town, and once done, the town should look for another firm.

John noted that the Planning Board can make their own decisions about who they wish to use for their purposes, as they are an elected board.

John asked that Tom Couture be extended the same courtesy that Doherty, Wallace, Pillsbury & Murphy will be given. Norm stated that he is fine with that.

With no further business, a motion was made by Vinnie Villamaino to adjourn at 9:00 pm, seconded by Norman Charest. VOTE: All in favor and so voted.

Respectfully submitted,

Pamela B Courtney  
Administrative Assistant

/pbc