

Conservation Commission (approved minutes)

April 28, 2004

Special Meeting/Continuation of Hearing Scantic Meadows.

MINUTES

Members present: Richard Gouvan, Bonnie Geromini, Sheila Thompson, Michael Gerrard. Associate member present: Joe Savoie. Member(s)absent: Kim Desmarais
Also in attendance: Peter Levesque, Attorney Richard Fratar, Dan O'Brien, Edward Speight – Representing Scantic Meadows Douglas Farmer/Wilbraham – Hampden Times, (see attached sign in sheet of abutters and other citizens)

7:05pm – Hearing called to order

Mr. Speight delivered to the Commission a letter from his insurance co. dated April 7, 2004, Scanlon Insurance Agency, Inc of East Longmeadow, MA that Mr. Speight's coverage did not extend to an outside consultant or anyone working on site.

Commission asked if Mr. Garner's preliminary report had been reviewed? What response might there be? Attorney Fratar then referred to copy of letter written by Attorney Martel at request of Board of Selectmen to the Conservation Commission which he had received regarding legality of Commission's retention of Mr. Garner's services. The letter in question, dated April 16, was received by the Commission on April 20. cc notation on letter listed only Duane Mosier. Commission inquired of abutters present if they had received copies of said letter and those present had not.

Discussion followed on implications of statute 30B regarding procurement of services without resolution.

Commission requested response to preliminary report and Mr. Fratar turned issue over to Pete Levesque. Mr. Levesque covered issue of having on-site visit by consultant and discussions to be held between our consultant and those retained by Mr. Speight; i.e. Ed Cafarelli on engineering issues, Mr. O'Brien, surveyor on flagging issues, etc. These discussions and preparation of final report can take place under current situation.

Abutters showed strong support for the use of an outside consultant with particular concern on drainage issues and wildlife. Abutters also offput by the apparent interdepartmental conflict between Selectmen and Conservation Commission. Comments ranged from immediate adjournment of hearing, denial of project to meeting with selectmen to resolve the issue of an outside consultant retained by the Commission. Their overriding concern being adequate oversight of the proposed development.

The Commission stated quite firmly that regardless of the decision as to the services of Patrick Garner, Tighe & Bond would not be the firm used as consultant to this Commission on the issue. Bonnie Geromini, who served many years as chair of the Commission, pointed out that over her 15-year tenure the commission had in fact frequently retained the services of outside consultants without any input or interference from the Board of Selectmen. Richard Gouvan, with even greater tenure affirmed the practice as being in place even longer.

The Commission determined that few alternatives remained at this time regarding the petition of Mr. Speight. The Commission could deny the petition and refer the case to Boston with all-relevant reports, communications, minutes, etc. The Massachusetts DEP would then handle it. The second option emerged as a result of the abutter's willingness to meet with the Board of Selectmen and pursue resolution of the issue outstanding between the Commission and the Board. It was agreed that this is the route to be pursued at this time. Mr. Doyle volunteered to contact the Board of Selectmen and request a place on the Agenda at their May 4 meeting. Mr. Fratar, Mr. Speight, members of the commission and abutters agreed to be present. If this issue is resolved on the 4th, Mr. Garner will be granted immediate access to the property. Hearing will be continued to May 18(Tues) at 7:15.

Mr. Doyle upon being given a slot on the Selectmen's agenda will contact Mike Gerrard who will in turn contact all those present at this hearing as to time of meeting.

Motion made by Bonnie Geromini to continue hearing to May 18 at 7:15pm. Dick Gouvan seconded motion, passed unanimously.

Motion made by B. Geromini to adjourn at 9:35, Seconded by S. Thompson. Approval was unanimous.

Respectfully submitted

Sheila Thompson
4/29/04