



TOWN OF HADLEY  
SELECT BOARD  
September 19, 2012  
Meeting Minutes

Meeting convened at 7:00 pm, Room 203, Hadley Town Hall

**Present:** Gloria DiFulvio, Chair; Joyce Chunglo, Daniel Dudkiewicz, David Moskin, Brian West

**Absent:**

**Also in Attendance:** David Nixon (Town Administrator); Richard Trueswell (TV-5); Gerry Devine, Gordon Smith (Hadley Historical Society); Randy Izer; John S. Mieczkowski, SR.; Wilfred Danylieko (Electrical Inspector); Michael Spanknebel, Hadley Fire Dept., Gary Girouard, (DPW); Tim Neyhart (Building Inspector); Ben Wright, Kristin DeBoer, (Kestrel Trust); Edwin Matuszko, (LRPIC); Andy Morris-Friedman, Alan Eccelston

**Appointments:**

**7:05 pm: Gerry Devine: CPA Proposal for Hadley Historical Society**

Mr. Devine presented his plans to seek CPA funds to preserve the artifacts for the Town by upgrading the current headquarters of the Hadley Historical Society to create curation space. Mr. Devine intends to seek such funds for the next annual town meeting. The Select Board thanked Mr. Devine for his proposal

**Old Business:**

**1. Select Board Priorities:**

• **Fire Department -**

- **Administrative Assistant** – Joyce Chunglo stated that candidates were interviewed and Taryn Harriman was selected as the best candidate. She had Administrative experience, had done grant writing and web marketing and other skills for this 15 hour position. Three people applied for the position. The funding for this position was allocated in the budget. Joyce Chunglo made a motion to offer the Fire Department Administrative Assistant position to Taryn Harriman, motion seconded by Gloria DiFulvio, motion passed by a vote of 3-0-1. Dan Dudkiewicz recusing, Brian West absent at time of the vote)

**New Business:**

**2. Kestrel Trust – Permission to hang sign on Russell School Fence.** Dan Dudkiewicz made a motion to allow the sign advertising the Kestrel Trust Fun Run on the Russell School Fence, motion seconded by David Moskin and passed unan. by a vote of 4-0-0. (Brian West absent at time of vote.)

**3. Application for Special License to serve Wine and Malt:** Event – Octoberfest to be held October 6 & 7, 2012, Gary Bogoff, Berkshire Brewing Company, Manager and sponsor of event. Joyce Chunglo made a motion to approve the application, motion seconded by Dan Dudkiewicz and passed with a motion of 4-0-0. Discussion ensued regarding the Boards issuance of one day license and safety/traffic concerns. Tim Neyhart mentioned inspection standards that need to be addressed, and it was decided that the Town Administrator, Licensing Coordinator, and Inspection Services will meet to discuss standards and implement proper policies and procedures, if necessary.

**4. Eastern Equine Encephalitis Advisory:** Captain Mike Spanknebel reviewed the most recent information from DPH, via conference call earlier in the day, stating the entire state is at moderate risk for Triple E or West Nile Virus. The Board of Health has been contacted and they have been in touch with schools. Peak hours are from dusk to dawn, outdoor activities will be curtailed during these hours. Dan Dudkiewicz asked if there were protocols for spraying. There is nothing in place at this time, other than the precautions to curtail outdoor activities and using bug spray when outside. Information is on the website and Town departments are up to date.



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**Appointment 7:15 pm** Review Special Town Meeting Warrant

The Select Board reviewed draft # 5 of the Town Warrant. Mr. Nixon reviewed the articles for the purpose of deciding what would appear on the final warrant and any adjustments to the individual articles.

Articles 1 will remain on but Mr. Nixon needs to work out the final numbers.

Article 2 is the Free Cash article. (Keep)

Article 3-10 are capital requests.

Article 3 (Keep) David will look into whether Article 3 could qualify for CPA funds.

Article 4 (Keep) is request from school department. (Capital committee is still working through these requests and does not have recommendations at this time.)

Articles 5 - 9 (Keep)

David Moskin stated he would like explanations of why articles are necessary for voters to review at Town Meeting.

Article 10 (Library Chimney) will be combined with Article 22. Also, Tim Neyhart and Gary Berg will meet with Library regarding building plans having to do with the chimney and any new heating system.

Article 11 - is regarding OPEB funding – Due to the complexity it was decided to hold on this article until Annual Town Meeting in the spring and use this Special Town Meeting as an opportunity to educate

Article 12 – 16 (Keep)

Article 17 – Benefits Stabilization Fund - related to strategy regarding OPEB. Group health insurance has not gone up but it is likely to in future, and this puts money toward that benefit fund. Defer decision to next Select Board meeting on 10/03/2012.

Article 18 – Union Contract Ratification (Hold)

Article 19 - 22 - CPA Articles

Regarding Article 19 (West Portico for Russell School), Dan Dudkiewicz questioned why any amount of money would be put into the school if the Town has not decided what the future use of the building will be. The decision to keep or hold this article was tabled until next discussion of buildings.

Article 20 – CPA Reserved Land Preservation – change number from \$73,000.00 to \$51,500.00

Article 23 (Spruce Hill Road Extension – Push to Annual Town Meeting.

Article 24 & 25 are on the Warrant Draft just in case we need them. Right now Town and School officials are working with DOR and there will be more information forthcoming.

Article 26 – Fire Chief (Keep)

Article 27 – Stretch Energy Code (Remove, possible future warrant item) Discussion ensued stating that this would tie the Town into operating in with mandatory energy codes that will increase costs to construction and mandate certain purchases with items such as Town vehicles. It is a necessary criterion to be certified as a “Green Community”; however it may not fit with the Town of Hadley.

Article 28 – Resolution. Andy Morris-Friedman presented this article stating in part this is to use every possible venue to have state representatives from this district be instructed to vote in favor of a resolution to call upon Congress to propose and amendment to the Constitution affirming that corporations are not entitled to the constitutional rights of human beings and both Congress and States place limits on political contributions and political spending. The majority of the Board (3-2) felt this was not appropriate for Town meeting. (Article removed.)

Article 29 – Zoning – Unkempt Property, ordinance – (Keep) Planning Board was notified of this article 09/5/12.

Article 30 – Open Space Preservation (OSP) Bylaw – (Keep)

A number of Articles have also come on, such as using stabilization money to pay for lightning damage until insurance money is received, or if a check comes in from insurance for more than \$20,000.00 (requires Town meeting vote to be accepted). Also, there is a request to add Gooseberry Lane as a town road and some Planning Board amendments to bylaws.



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**8:30 Kestrel Trust Lake Warner Dam**

Kristen DeBoer made a presentation to the Board offering the opportunity to take title to the property known as Lake Warner LLC. This property includes the structure of the dam along with water rights to control the level of Lake Warner. Discussion ensued regarding whether the Town should take accept this opportunity or not. Additional discussion was whether the Select Board should decide or whether it should go to Town meeting to vote. The Board declined the opportunity to take ownership at this time and declined to bring it to Town Meeting, but Kestrel Trust can bring it to bring it to Town Meeting by petition.

**Old Business:**

**2. South Maple Street Stop Signs:** Dan Dudkiewicz made a motion to keep the four way stop signs at South Maple Street and Moody Bridge Road, motion seconded by David Moskin and passed unan. by a vote of 5-0-0.

**4. Hopkins Land Purchase and Sale Agreement:** Joyce Chunglo made a motion to sign the Purchase and Sale Agreement for the Hopkins Land, seconded by Brian West, and passed by a vote of 5-0-0.

**5. Woodchuck Fund Transfer:**

S & J property: \$21,500.00 from Woodchuck Fund for S & J APR. *Brian West made a motion, seconded by Dan Dudkiewicz, to use \$21,500.00 from Woodchuck Fund for the S & J APR, motion passed by a vote of 4-0-0. (David Moskin absent at time of vote.)*

Regarding Selva's Swamp – Randy Izer was present to discuss a property issue. He explained that there would need to be a Town Meeting vote for the Town to release some land that it owns in order to make the transaction happen with 5 Star Transportation buying 6 acres of property and the Town buying the remainder of the property. He made a presentation showing the parcel of property in question and described what happened during Title search. He described there is a parcel, owned by the Town, that was supposed to be an extension of Campus Plaza Road, but this property does not show on tax maps, indicating the Town did not recognize ownership. In order for the intended transaction of the Aronson family to 5 Star and The Town to happen, the Town needs to first turnover this portion of land (the extension of Campus Road) to the Aronson family. This needs to happen by Town Meeting vote. (This would be a transfer of property.)

*Joyce Chunglo made a motion to open the Warrant for Town Meeting to put this item on, as all the facts were not know at the time of the vote to purchase the land in Fall of 2011, motion seconded by Brian West and passed by a vote of 5-0-0.*

*Joyce Chunglo made a motion to close the Town Warrant, seconded by Brian West and passed by a vote of 5-0-0.*

**#6 APR's**

*Joyce Chunglo made a motion to sign the Form E's for S & J APR; motion seconded by Brian West, and passed by a vote of 5-0-0.*

*Joyce Chunglo made a motion to sign the Form E's for Barstow APR, motion seconded by Brian West, and passed by a vote of 4-0-1, (Dan Dudkiewicz recused).*

*Joyce Chunglo made a motion to sign the Form E's for the Hoynoski APR, motion seconded by Brian West, and passed by a vote of 5-0-0.*

**New Business**

**#1 Norwottuck Rail Trail Rehabilitation** – The Board reviewed a letter from MassDot regarding the plan to rehab the rail trail and a proposal to install a rapid flashing rectangular pedestrian beacon at the South Maple



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Street crossing. Mr. Nixon stated to the Board that this is their time to review the crossing and give comments to the MassDot. The Board decided to review the matter. Also, Mr. Morris-Friedman stated that the Town of Hadley needs another person (besides himself) to serve as representative on the Norwottuck Rail Trail Committee.

**Old Business**

**#3 Veterans Agent** – Mr. Paul Corbeil has been recovering and doing well, he is able to function as Director of Veterans' Services. However we still have legal obligations to meet the needs of veterans and connect them with services and the town still needs someone to connect veterans to available services. The City of Northampton has been providing this service and has asked the Town to be part of a district operation. The costs for the district service compared to that of an individual who has applied for the position are not far off, plus there is an opportunity for a grant if the Town goes with the district plan. Joyce Chunglo stated that she had a conversation with Jane Wagenbach-Booth, Director of Senior Services, and she stated that Mr. Connor (from Northampton) has been doing an excellent job and is very knowledgeable. Ms. Chunglo recommended staying on with Northampton and applying to be part of the grant. Dan Dudkiewicz stated he would like more information on the numbers of people they (Veterans' Services) are meeting with and more detail on the service that is being provided. The Board tabled any further discussion or decision.

Discussion of Select Board priorities, (Buildings and Fire Chief Job Description) was tabled until the September 26, 2012 Select Board meeting.

**Announcements:**

Sugar Shack Fall Festival on October 13<sup>th</sup>.

David Moskin stated he felt that there is a need for the Board to create guidelines to give to recipients of One Day Liquor License permits. Tim Neyhart also said that there are new guideline/requirements regarding inspecting one day licensed events. This topic will be reviewed by Mr. Neyhart, Mr. Nixon, Ms. Jekanowski, and other Town Officials.

**Executive Session**

At 9:15 pm Brian West made a motion to move to Executive Session for the purpose of discussing litigation and labor issues. Dan Dudkiewicz seconded the motion. Mr. Wilfred Danylieko questioned why the Board needed to go to Executive Session. Gloria DiFulvio stated that there is a personnel issue that was brought forward that is going to be reviewed in Executive Session. Chair DiFulvio stated "As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into executive session, and I state that discussing the matter in open session will have an adverse effect on the Town of Hadley: the discussion of litigation, and personnel issue and collective bargaining negotiations."

**Roll Call Vote: Moskin – Yes: Dudkiewicz-Yes: DiFulvio – Yes: Chunglo – Yes: West – Yes**

A discussion was held regarding a personnel issue. A motion was made and seconded, and passed unan. by a roll call vote.

**Roll Call Vote: Moskin – Yes: Dudkiewicz-Yes: DiFulvio – Yes: Chunglo – Yes: West – Yes**

A discussion was held regarding litigation regarding Michelson v. Town of Hadley et. al.

A motion was made and seconded, and passed by roll call vote:

**Roll Call Vote: Moskin – Yes: Dudkiewicz-Yes: DiFulvio – Recuse: Chunglo – Yes: West – Yes**

A second motion was held regarding Michelson v. Town of Hadley et. al.

**Roll Call Vote: Moskin – Yes: Dudkiewicz-Yes: DiFulvio – Recuse: Chunglo – Yes: West – Yes**



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A third motion was held regarding Michelson v. Town of Hadley et. al.

**Roll Call Vote: Moskin – Yes: Dudkiewicz-Yes: DiFulvio – Recuse: Chunglo – Yes: West – Yes**

At 10:15 pm Brian West made a motion to adjourn Executive Session, seconded by Joyce Chunglo.

**Roll Call Vote: Moskin – Yes: Dudkiewicz-Yes: DiFulvio – Yes: Chunglo – Yes: West – Yes**

**Adjournment**

Meeting adjourned at 10:15 pm.

Respectfully submitted,

Margaret J. Jekanowski  
Administrative Assistant

Approved 10.17.2012