

Pursuant to notice duly filed with the Town Clerk, a meeting of the Select Board was held at 5:30 p.m. via Zoom as a virtual meeting for the Town of Hadley.

Present were: David J. Fill, II., Chair; Christian Stanley, Clerk; Joyce Chunglo, Member; Jane Nevinsmith, Member; John Waskiewicz, Member

Also present were: David Nixon, Town Administrator; Jennifer Sanders James, Licensing Coordinator; Carolyn Brennan, Chris Okafor, DPW Director; Linda Sanderson, Town Treasurer; Mark Rabinsky, Greener Communities; Mitch Kuc, Police Lieutenant, Michael Mason, Police Chief, Michael Spanknebel, Fire Chief; Dan Zdonek, Assistant Assessor; Susan Glowatsky, Town Collector; Amy Fyden, Finance Committee; Jack Czakowski, Resident, Bill Dwyer, Planning Board

## **1. Call to Order**

### **1.1 Call to order**

The Select Board of the Town of Hadley will convene a meeting on Wednesday, August 19, 2020 at 5:30 p.m. remotely using Zoom software and then to act on the following agenda.

#### **ON-LINE AGENDA**

The Select Board agenda is posted on-line at [www.hadleyma.org](http://www.hadleyma.org)

1. Bring up the Town website using the URL above.
2. Select "Select Board" from the drop down menu.
3. Select "BoardDocs LT"
4. Click on "Meetings" tab.
5. Select the appropriate meeting from the dates offered.
6. Click "View Meeting" and you can follow the progress of the meeting.

The public may access the meeting remotely by using a computer or telephone and follow the instructions below:

Topic: Select Board Meeting

Time: Aug 19, 2020 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/98132297652?pwd=N0RueHhjK2UvMWVRSkZrMXlUMGVsdz09>

Meeting ID: 981 3229 7652

Passcode: 7fZ6fK

**3/13/20 BOSTON** – The Baker-Polito Administration announced an emergency order temporarily modifying the state's open meeting law in order to allow state, quasi and local governments to continue to carry out **essential functions** and operations during the ongoing COVID-19 outbreak.

This emergency order suspends the requirement for public access to the physical location where a public meeting is taking place, **provided there are other means of access available. This includes the use of a phone conference line for members of the public, social media or other internet streaming services, on-line meeting services, or methods of access.**

Both the federal Centers for Disease Control and Prevention (CDC) and the Massachusetts Department of Public Health (DPH) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

Additionally, the order relieves the requirement that a quorum of members be physically present at a public meeting. During this period, members may all participate by remote or virtual means. This order is applicable to meetings of public bodies including commissions, boards, and committees that engage in policy making at the state, quasi and local level, and it **does not apply to Town Meetings** or judicial and quasi-judicial hearings. It follows Governor Baker's declaration of a State of Emergency on Wednesday, March 11, and it will remain in place until rescinded or the State of Emergency is terminated. The full text of the Governor's order may be found here: [https://41g41s33v added2vc05w415s1e-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/OpenMtgLaw\\_ExecOrder\\_Mar32020.pdf](https://41g41s33v added2vc05w415s1e-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/OpenMtgLaw_ExecOrder_Mar32020.pdf)

## 2. Consent Agenda

### 2.1 Consent Agenda

Warrants	Select Board Approval
Minutes	April 1, 2020
MassDevelopment Real Estate Technical Assistance Grant -- Route 9 Business Market Plan.	Permission to apply for the grant
Melanson, Inc. FY 2020 Close Out Accounting Contract	Select Board ratifies
Melanson, Inc. FY 2021 Accounting Contract	Select Board ratifies
Routine Electrical IFB Award	AMP
Plumbing and Gas IFB Award	Richard Watling
Appointments	FY 2021 Police, Fire, Boards and Committees
Council on Aging Appointment	Linda Laduc
Veteran's Services Inter- Municipal Agreement - City of Northampton	Select Board signs

Motion to approve consent agenda and add Christian Stanley to the Financial Management Team.

Motion: Nevinsmith      Second: Stanley

Vote: 5-0-0

## 3. Public Comments: 5:30 - 5:45pm

### 3.1 Public Comments

## 4. Town Administrator Report

### 4.1 Town Administrator Report

David Nixon offers his town administrator report.

## 5. Appointments

### 5.1 Vicious Dog Hearing

The Select Board will convene a hearing under MGL Chapter 140, Section 157 for a vicious dog. On July 7, 2020, it is alleged that "Diamond" a Staffordshire terrier mix attacked another dog. Diamond is owned by Luis Torres-Olivero, who lives at 8 Frost Lane. The alleged attack took place at 10 Frost Lane. Lt. Kuc will be on hand to report to the Select Board.

David Fill states we are investigating this matter pursuant to Massachusetts General Law Chapter 140 Section 157. When an aggrieved person makes a complaint of a Dangerous/Nuisance Dog, Massachusetts General Law requires that we as the Select Board act.

Before beginning, I would like to take a moment to inform those participating in this hearing and members of the public that we recognize that dogs are beloved family members. Dangerous and Nuisance Dog Hearings are difficult for all involved and no one here wants to take unfavorable action against any

animal. While we as the Select Board wish that we could take any action that we see fit, everyone must understand we are prohibited by law from ordering any dog removed from town, either to a relative's home or for adoption, or ordering the surrender to a rescue. If we determine any dog(s) dangerous, we can only take action that is specifically stated within the law.

David Fill then swears in Mitch Kuc, Mike Mason and Cornelius du Toit.

Mitch Kuc, Mike Mason, Cornelius du Toit all agree to tell the truth.

Mitch Kuc presents case after answering questions from David Fill.

Cornelius du Toit explains about that their dog Eli has been attacked multiple times by Diamond and his wife's thumb was punctured. Mrs. du Toit then appears and was sworn in – and explained the dog attack. Motion to declare Diamond Torres a dangerous dog and that Diamond is to be humanely restrained on property, confined to property, muzzle not required, proof of licensing and rabies vaccination if they return to the Town of Hadley.

Motion: Stanley

Second: Nevinsmith

Vote: 4-1-0

Joyce Chunglo abstains.

David Fill then reads Notification of Right to Appeal The Torres family have the right to appeal the Board's decision in the District Court in the Eastern Hampshire District Court in Belchertown within 10 days of the order.

## **5.2 Route 9 Widening Project -- Town Property Land Takings**

The Massachusetts Department of Transportation requests that Town allow MassDOT to take Town-owned land (sidewalk) and create temporary easements in order to make room for an ADA compliant sidewalk as part of the Route 9 widening project. The affected Town-owned properties are the North East corner of Middle Street and Route 9 and a strip of sidewalk in the vicinity of the American Legion and Coach property.

Mr. Erik Kristensen, Right-of-Way Manager, Districts 1 and 2 for MassDOT will be joining the meeting via Zoom to discuss the issues and to answer Select Board questions.

The Town of Hadley is preparing to work with MassDOT to replace aging water and sewer infrastructure in the project area. A budget is attached. The Town would be responsible for the "Non-Participating Costs" for a total of \$672,390, which need to be raised at the next Annual Town Meeting.

David Fill explains concerns about sidewalk not being cared for after MASS DOT agreed to take care of them.

David Nixon states this is unfunded land taking..

John Waskiewicz asks about the liability of the sidewalks.

Chris Okafor concurs about the liability and states this is why towns want state to take liability and it will take many hours for the town to clean the sidewalks.

David Nixon states that we want to be a partner with MASS DOT because we are replacing water/sewer lines for quite a discount.

Erik Kristensen states that we are requesting right of ways to allow us to work on the property for Route 9.

David Fill is concerned about the sidewalks and that they become the property of the town.

Erik Kristensen states that he does not have the authority to make compromises or agreements on behalf of Mass DOT.

David Fill request that someone from MASS DOT who does have the authority to meet with town next time.

## **5.3 Sustainability Committee Proposal: Green Community Designation**

The Sustainability Committee will meet with the Select Board to propose that the Town of Hadley formally enter the Massachusetts Green Communities Program as administered by the Department of Energy Resources.

Mark Rabinsky for DOER presented Green Communities program and encouraged the town to be a green community.

## **6. New Business**

### **6.1 Snow Removal Proposal and Culverts**

Christopher Okafor, DPW Director, will discuss a proposal to manage snow and ice on Town-owned properties, principally parking areas and access ways.

Mr. Okafor will also give a summary of the latest inspection reports of culverts in Town.

Chris Okafor states that he would like to use Chapter 90 money to repair the RT. 47 Culvert.

The Select Board asks for more information and the discussion is tabled until September 2<sup>nd</sup>.

Chris Okafor then requests more funding for 3 options for snow removal.

Joyce Chunglo ask for this to be taken under advisement and the whole plan be brought to the next meeting.

### **6.2 COVID -19 Update**

David Fill states that the Board of Health issued a mask order and that town departments can't enforce it.

Joyce Chunglo states that Police, Fire, and Inspections can't enforce.

David Fill would like to make a resolution that Board of Health can't call in Police.

Motion that the police, fire and inspections resources will only be used to enforce the Governor's order not the Board of Health.

Motion: Fill                      Second: Chunglo

Vote: 4-0-1

Amy Fyden mentions that employees need mask breaks.

Michael Spanknebel asks to reconvene Unified Command to discuss mask breaks and such.

Christian Stanley says he is concerned about people still calling the police.

### **6.3 Water Abatement 166 Russell St.**

Motion to accept the abatement for 166 Russell Street in the amount of \$26,866.22.

Motion: Chunglo                      Second: Nevinsmith

Vote: 5-0-0

### **6.4 Water Abatement 8 Birch Meadow**

DPW does not recommend this request.

Motion to deny abatement request for 8 Birch Meadow.

Motion: Stanley                      Second: Chunglo

Vote: 4-0-1

### **6.5 Water Abatement 207 Russell St.**

Motion to approve the abatement request for 207 Russell Street.

Motion: Chunglo                      Second: Stanley

Vote: 5-0-0

### **6.6 Town Hall Re-Opening for Early Voting**

David Nixon states that Town Hall is open for voting on Saturday and Chief Spanknebel is working on plan with contract tracing, one way traffic and all other offices are closed to the public.

The Reopening of Town Hall will happen in phases.

Motion to open town hall for appointments on November 1, 2020.

Motion: Chunglo                      Second: Waskiewicz

Vote: 5-0-0

### **6.7 Town Administrator Transition**

David Fill states that it has been successful with Carolyn Brennan.

Carolyn Brennan states that she is happy to join the town as Town Administrator.

Motion to accept Carolyn Brennan as Town Administrator pending legal review.

Motion: Stanley

Second: Chunglo

Vote: 4-0-1

### **7. Old Business**

#### **7.1 Library, Fire Substation, and Senior Center Updates**

All three building projects are moving along

### **8. Other Items Not Anticipated 48 Hours in Advance**

### **9. Announcements**

The American Legion is hosting a Chicken to Go Dinner on September 20<sup>th</sup>.

Joyce Chunglo offers the Select Board's condolences to Linda Rex, Margaret Freeman, Nancy Murkowski, Orene Berg and Irene Zima.

### **10. Executive Session**

### **11. Adjournment**

#### **11.1 Adjournment**

Motion to adjourn.

Motion: Chunglo

Second: Stanley

Vote: 5-0-0