



TOWN OF GRANBY

Kellogg Hall, Room 1
250 State Street
Granby, MA 01033
Telephone: (413) 467-7177 Fax: (413) 467-2080

Town Administrator: Christopher Martin

Granby Select Board: Mary A. McDowell, Chair
Wayne H. Tack, Sr., Clerk
Mark L. Bail, Member

Board Meeting: December 21, 2009 @ 7:00 P.M.

AGENDA:

CALL TO ORDER:
PLEDGE OF ALLEGIANCE:
CITIZEN PARTICIPATION:

OLD BUSINESS AND INFORMATION:
DA Letter

APPOINTMENT: 7:02 EASTERN BANK
7:10 AECOM-CWMP

ACCEPT AND SIGN MINUTES:

OTHER ACTIONS ITEMS:

NEW BUSINESS AND INFORMATION:

- 1 Accept Departmental Reports
- 2 Approve and Sign Maintenance Warrants
- 3 Sign State Primary Warrant
- 4 MSBA Letter
- 5 Sign Sewer Commitment
- 6 Approve Common Victuraller's Licenses
- 7 Approve Class 1, 2 and 3 Licenses

REPORT OF TOWN ADMINISTRATOR
REPORTS OF INDIVIDUAL MEMBERS OF THE BOARD:
EXECUTIVE SESSION:
ADJOURNMENT:

**REGULAR SESSION
DECEMBER 21, 2009**

Members Present: Mary McDowell, Mark Bail, and Wayne Tack Sr.

Others Present: Christopher Martin, Steven Nally, Maureen Pacella, Katherine Kelly-Regan, Dennis Houle, Dennis Szetsko and the press.

Ms. McDowell called the meeting to order at 7:00 P.M.

Ms. McDowell led the meeting in the pledge of allegiance.

Mr. Nally introduced Ms. Pacella from Eastern Bank, the Town's financial advisor, to the Board. Mr. Nally informed the Board that the Town recently underwent a bond rating process. As a result of this process, the Town was issued an "AA" rating. This rating was issued due to the Town's financial management capabilities, low debt ratio and conservative revenue forecasting for budgeting purposes thereby allowing the Town to address potential State funding reductions.

The Town recently conducted a \$1,631,000 general obligation bond sale. Due to the Town's rating, the Town received a 3.53% interest rate. The projected interest rate was 4.1%. This issue was for the financing of the West Street School roof project and the refinancing of a USDA note with an interest rate of 5.25%. With this reduced interest rate, the town will save around \$278,000 in interest on the USDA note.

Mr. Bail asked if this was the first time the Town had issued bonds. Mr. Nally replied that it is to his knowledge. Mr. Nally also stated that he thought this was the first time the Town had received a bond rating.

Ms. McDowell asked how this rating would affect the upcoming school project. Mr. Nally replied that this rating would only benefit the Town if additional bonds were issued for the project. Ms. McDowell asked how often is the rating reviewed. Ms. Pacella replied that it is usually reviewed every 2 – 3 years but is also reviewed any time the Town issues bonds. Mr. Nally also reported that due to a relationship between Eastern Bank and Easthampton Savings Bank, Easthampton Savings Bank repurchased \$585,000 of the Town's bonds for local investment.

As part of the sale, the Board is required to take another vote regarding the sale and repayment of the bonds. Mr. Tack made the following motion that was seconded by Mr. Bail:

That the sale of the \$1,631,000 General Obligation Municipal Purpose Loan of 2009 Bonds dated December 15, 2009 (the "Bonds"), to Eastern Bank Capital Markets at the price of \$1,642,023.40 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on December 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

| <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> | <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> |
|-------------|---------------|----------------------|-------------|---------------|----------------------|
| 2010 | \$76,000 | 2.25% | 2018 | \$80,000 | 3.25% |
| 2011 | 75,000 | 2.25 | 2019 | 80,000 | 3.50 |
| 2012 | 75,000 | 2.00 | 2020 | 80,000 | 3.75 |
| 2013 | 75,000 | 2.00 | 2021 | 80,000 | 3.75 |
| 2014 | 80,000 | 2.50 | 2022 | 85,000 | 3.75 |
| 2015 | 80,000 | 2.75 | 2023 | 85,000 | 3.75 |
| 2016 | 80,000 | 3.00 | 2024 | 90,000 | 3.75 |
| 2017 | 80,000 | 3.00 | 2029 | 430,000 | 4.00 |

That the Bonds maturing on December 15, 2029 (a “Term Bond”) shall be subject to mandatory redemption or mature as follows:

Bond due December 15, 2029

| <u>Year</u> | <u>Amount</u> |
|-------------|---------------|
| 2025 | \$90,000 |
| 2026 | 90,000 |
| 2027 | 95,000 |
| 2028 | 95,000 |
| 2029 | 60,000 |

The Board unanimously voted to approve the motion.

Mr. Martin asked the Board if they wished to recess the meeting in order to sign all of the documents related to the bond sale, as Ms. Pacella would like to take them back with her.

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to recess the meeting at 7:12 P.M.

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to reconvene the meeting at 7:19 P.M.

Dennis Szetsko of AECOM gave the Board a progress report regarding the CWMP. In November they did the individual soil probings. There was a 25 – 30% response to their request to go on individual properties to conduct these probings. They are currently going through the data collected and it is matching with the U.S. Soil Survey mapping. They have also been in touch with the Board of Assessors regarding the digitizing of their maps as part of this project. They will be meeting with the Board to discuss this further. AECOM has met with Town staff to identify study areas in the Town for the CWMP. They are currently on their timeline to complete the study. They are about 50% complete on the project. Mr. Bail asked Mr. Szetsko to go over what a Comprehensive Wastewater Management Plan (CWMP) is. Mr. Szetsko went over what the plan consists of and

indicated that it is a planning tool that is used in conjunction with the Town's Master Plan.

Ms. McDowell asked about the progress with Rural Utilities. Mr. Szetsko stated that correspondence has been going back and forth between them and USDA. AECOM is currently updating the Environmental Impact Report as requested by USDA. AECOM is supply data as USDA requests it. There have been no stumbling blocks as of now. If all goes well the Town will hopefully qualify for a 45% grant.

The Board next addressed the Old Business item of the letter that had been received from the District Attorney's Office. Ms. McDowell read the following statement into the record:

"The next agenda item concerns a letter sent to the Board by Assistant District Attorney Cynthia Pepyne dated November 24th 2009. Assistant District Attorney Pepyne has indicated in this letter that the Granby Selectboard were not in compliance with the Open Meeting Law for an Executive Session held on August 10th 2009. As Chair of this Board, I accept full responsibility for this action. As Chair, I acted with every good intention trying to preserve the privacy and rights of the individuals involved. At the time, I did believe that this meeting was warranted and did fall within the Board's purview for an Executive Session. Since then, after meeting with ADA Cynthia Pepyne, I have become more keenly aware of the ten recognized exemptions for Executive Session and matters, which would fall under each exemption. There has been no attempt by this Board or me to circumvent the Open Meeting Laws of the State. These minutes were approved and put into public record on August 21st 2009. Having said that and to comply with the request of ADA Pepyne, I will read the recorded minutes of the August 10th 2009 meeting."

Ms. McDowell then read the minutes of the August 10, 2009 meeting into the record.

Ms. McDowell then stated that having read the minutes of this meeting, August 10th 2009, she believed that the Town was now in compliance with the request of ADA Pepyne requesting that the meeting minutes be read and made available to the public and that she has requested a copy of these minutes be sent to her office when completed.

Ms. McDowell stated that takes care of our compliance with the Open Meeting Law and again, on behalf of the Board, she was hoping that the issue is resolved in terms of the DA's office.

Ms. McDowell asked Attorney Ryan for advice as to how to proceed at this point with regard to this issue as the Board was at a standstill until the DA's issue had been resolved. Attorney Ryan reviewed the history of the issue and his involvement with it. He also is satisfied the Board has corrected its action by reading the minutes. Attorney Ryan stated that if the Board wishes to continue to consider the subject matter, then it should be placed on a future Board meeting for discussion if the Board wishes to revisit

the subject matter and if notices should be sent to the individuals involved, if the Board decides to pursue the subject matter.

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to accept the departmental reports as read.

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to approve and sign the maintenance warrants.

Mr. Tack read the Special State Election warrant into the record. On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to approve and sign the Special State Election warrant.

Mr. Martin stated that the MSBA has sent a letter to the Town setting the enrollment figures for the school. As this relates to the Feasibility Study, it will require the signature of the town Administrator. As per the vote previously taken by the Board, Mr. Martin is bringing this letter before the Board for their review and approval for him to sign. The School has read the letter and is in agreement with the figures.

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to permit the Town Administrator to sign the MSBA enrollment letter.

The Town Collector is issuing the first half sewer bills for FY2010. The commitment amount is \$58,133.02. The bills are dated December 14, 2009.

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to sign the sewer commitment #10-1 in the amount of \$58,133.02.

Mr. Tack read the following Common Victualler's Licenses to expire December 31, 2010:

| | |
|---|---------------------|
| Union Mart | 362 E. State Street |
| Calabrese Family DBA Little Italy Pizzeria | 56 W. State Street |
| Fairview Sportsmen's Fish & Game Association Inc. | 280 Carver Street |
| Dickinson Farms | 309 E. State Street |

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to approve the above-mentioned Common Victualler's Licenses.

On a motion by Mr. Bail and seconded by Ms. McDowell, it was voted to approve a Class I License to Suzuki of Western Mass Inc. DBA Allpower 43 W. State Street to expire January 1, 2011 with the restrictions listed. Mr. Tack abstained from voting.

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to approve a Class II License to Pleasant Street Auto Body & Repair Inc. 72 Pleasant Street to expire January 1, 2011 with the restrictions listed.

Mr. Tack read the following Class III Licenses to expire January 1, 2011:

| | |
|--|-----------------------------------|
| Nawrocki's Inc. DBA Granby Auto Salvage | 115 School Street |
| William E. Johnson DBA J & S Auto Sales | 72 Pleasant Street w/restrictions |
| Suzuki of Western Mass Inc. DBA Allpower | 43 W. State Street w/restrictions |

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to approve the above-mentioned Class III Licenses.

Ms. McDowell asked that the December 9, 2009 regular session minutes be amended to reflect that on all future vehicle purchases, the vehicle it is replacing will be traded in as part of the purchase.

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to approve the December 9, 2009 Regular Session minutes, as amended.

Ms. McDowell asked about the minutes for a November meeting. Mr. Martin will check with Ms. Leonard.

Ms. McDowell asked the Conservation Commission be put on a future agenda to discuss the dam reports. Mr. Martin stated that the two projects have already been submitted to the Capital Improvement Committee and put on the schedule of projects.

Ms. McDowell asked that the press release regarding Mr. Milewski be sent out to the newspapers.

Ms. McDowell asked about the NIMCAST letter received. Mr. Martin stated that it has been forwarded to Jeff McPherson as he had filled out the prior reports. Ms. McDowell asked about our compliance with NIMCAST requirements. Mr. Martin will have to ask Mr. McPherson regarding that.

Ms. McDowell congratulated Chief Barry on being the recipient of an award.

Ms. McDowell asked about a Finance Committee meeting she had seen. Mr. Martin stated that the State had reduced the Town's State Aid figures after the town had set the school budget. The Finance Committee was talking about calling a Special town Meeting to reduce the school budget to reflect the new State Aid figures prior to setting the tax rate. The amount being discussed was \$135,000. Mr. Libera had met with Superintendent Stevens and me prior to the meeting during which Ms. Stevens showed the actual difference in the figures was about \$3,000. Mr. Libera called the meeting to discuss the numbers with the full Finance Committee. At the meeting Ms. Stevens addressed additional costs that were not part of the voted budget. These costs could equal or even exceed the \$135,000 figure. If the budget were reduced now, then an additional appropriation would be required later on. Mr. Martin recommended that the budget not be reduced and that the excess funds be used to offset these costs that cannot be absorbed by other line items. Regarding the \$61,000 figure discussed, these were FY2010 ARRA

funds appropriated as a grant to offset the Chapter 70 Aid reductions by the State so there would be no true effect on the school budget. As the item was still in discussion phase, Mr. Martin did not see the need to involve the Board. The Board is usually involved when an actual warrant is being discussed. Ms. McDowell felt that the Board should have been informed even in the discussion phase.

On a motion by Mr. Tack and seconded by Mr. Bail, it was unanimously voted to adjourn the meeting at 8:10 P.M.

Respectfully submitted,



Christopher Martin
Town Administrator

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GRANBY SELECTBOARD MEETING MINUTES
EXECUTIVE SESSION
August 10, 2009

Members Present:

Mary McDowell, Wayne Tack Sr., Mark L. Bail

Mary McDowell called the meeting to order at 7:08 a.m.

Mary McDowell explained to the Board the reason for coming together was to investigate discrepancies in information. The discrepancies involve information relating to the non-appointment of Denis Houle, the senior associate member of the ZBA to full member status. Mary reviewed for the Board the discrepancy exists in information shared with the Board by Mr. Martin on August 3, 2009 in Executive Session. In response to an allegation that Mr. Martin told Mr. Don Zebrowski, ZBA Chair, that Denis Houle could not be appointed to the ZBA because it was a conflict of interest, Mr. Martin categorically denied making this comment.

At 7:12 a.m. Mr. Don Zebrowski was questioned on the appointment process of Mr. Houle. Mary McDowell asked him the following questions:

“Don we have asked you to come in this morning to help us clarify a discussion or series of discussions that took place regarding filling the vacancy on the Zoning Board of Appeals. You are not here because you have done anything wrong.”

1. As simply as possible just give us a chain of events concerning the vacancy on the ZBA.

Don stated that he went to Chris Martin with Denis' name and was informed by Chris that Denis could not serve in this capacity because it was a conflict of interest. He did not question this because he believed Chris was knowledgeable in this area. Because of the conversation with Chris he recommended Brien Laporte to fill the vacancy. Chris asked him to put this in writing.

2. Did you receive an email from Cathy Leonard regarding a conflict of interest concerning the appointment of Denis Houle to the ZBA? If so, on or about what date?

Don Zebrowski stated that he did receive an email from Cathy Leonard prior to being asked to submit Brien Laporte's name saying that the appointment of Denis Houle to the ZBA is a conflict of interest. He didn't know the exact date but it was just prior to being asked to put Brien's name in writing to Chris Martin.

3. Because there are discrepancies in the story told by you and the story told by our Town Administrator, we have got to get beyond the "he said", she said". Do you know of a way to do this?

Don Zebrowski answered no to this question.

4. Because according to you there is an email floating around in cyber space, if necessary, would you be willing to give your computer to an expert to retrieve your deleted emails?

Don Zebrowski answered that he did not have a problem with that.

5. This question has to be asked Don, were you ever asked to delete the email?

Don Zebrowski answered no to that question.

The Board thanked Mr. Zebrowski for coming in so early in the morning. Mr. Zebrowski left the meeting at approximately 7:25 a.m.

At 7:30 a.m. Chief Barry was asked to come before the Board to give us guidance on how to proceed in a legal and ethical way to gain access to our server to determine if certain emails were sent from Town Hall to a receiving party. We assured Chief Barry that we have checked with Counsel and have been told that we have the authority as a Board to proceed with gaining access to emails and that the Board is ready to do so if necessary.

Chief Barry said that it should be relatively easy to do this and that he has a gentleman named Bill Glover who could assist us in this. We informed him that we had one more person to question and that quite possibly we would not have to go any further, depending on the information received from Cathy Leonard.

Chief Barry said that he would do a preliminary phone call to this individual to determine if he had the time to do this. He asked me to let him know as soon as possible if we would need to hire Bill Glover for this task.

The Board thanked Chief Barry for his assistance and said that they would contact him if necessary to proceed with this matter.

Cathy Leonard arrived for work at 8 a.m. and we asked her if we could speak with her for a few minutes. Cathy Leonard was asked the following questions by the board:

"Cathy we have what could be a serious situation here. What we need from you is the truth. We are not here to get you in trouble. We are just here to find the facts on a recent appointment to the ZBA".

Cathy I do not feel that your job is in jeopardy if you tell the truth. Needless to say it is imperative that you do that. We have discrepancies in stories about this appointment and we are just trying to get to the bottom of it.

Your name has surfaced because we are told that you sent an email on behalf of Chris to Don Zebrowski regarding a conflict of interest in appointing Denis Houle.

1. Did you send an email to that affect? If so, on or about what date?

Cathy Leonard responded that she did not.

2. If you didn't send the email, than you would not have deleted it, correct?

Cathy responded "that's right"; yes."

3. Have you heard anything that would indicate to you or anyone else that there was a conflict of interest in the appointment of Denis Houle to the ZBA?

Cathy responded "no".

Cathy was thanked for speaking with the Board and was asked not to access her computer until further notice. Cathy requested that she view an email from Chris informing her that he would be out for the day. She also requested to notify the town departments of Chris's absence. She was allowed to do so.

There was a motion to adjourn the meeting by Mary McDowell and seconded by Mark Bail. All members voted to adjourn at 8:07 a.m.