



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: Wayne H. Tack, Sr.,
Mark L. Bail,
Mary A. McDowell

Board Meeting: June 7, 2010 @ 7:00 P.M.

AGENDA:

CALL TO ORDER:
PLEDGE OF ALLEGIANCE:
CITIZEN PARTICIPATION:

OLD BUSINESS AND INFORMATION:

APPOINTMENT:

7:15 GRANBY HOUSING AUTHORITY

ACCEPT AND SIGN MINUTES:

OTHER ACTIONS ITEMS:
NEW BUSINESS AND INFORMATION:

- 1 Accept Departmental Reports
- 2 Approve and Sign Maintenance Warrants
- 3 Approve Common Victualler's Licenses
- 4 61-A Removal Request
- 5 Sign Sewer Commitment
- 6 Approve Sewer Abatement
- 7 STM Warrant Articles
- 8 2010 Appointments

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

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Granby, Massachusetts 01033
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GRANBY BOARD OF SELECTMEN
KELLOGG HALL, ROOM 1
MEETING MINUTES OF
June 7, 2010

Members Present:

Mary McDowell, Wayne Tack Sr., Mark Bail
Town Administrator Christopher Martin

Wayne Tack, Sr., chair called the meeting to order at 7:00 P.M.

Wayne Tack, Sr., led the meeting with the "Pledge of Allegiance".

CITIZEN PARTICIPATION

No residents came forward.

NEW BUSINESS

On a motion by Mark Bail and seconded by Mary McDowell, it was unanimously voted to accept the departmental reports as written.

On a motion by Mark Bail and seconded by Mary McDowell, it was unanimously voted to approve and sign the maintenance warrants.

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to approve the following Common Victualler's' Licenses, with all to expire on 12/31/2010

- | | | | |
|-------|---|--|---------------|
| 10-43 | Mary Champagne | d/b/a Born To Run Agility Team, LLC | Dufresne Park |
| 10-44 | Patriotic Dog Products LLC | | Dufresne Park |
| 10-45 | Rockwell/New England Rides & Amusements | | Charter Days |
| 10-46 | Evelyn Hatch_ Pleasant St | d/b/a Breezy Acres Greenhouse and Garden | 25 |
| 10-47 | Sweet Street Confections | | Charter Days |

Maudetta A Taylor has indicated her intent to sell Chapter 61A land known and located on a portion of a parcel of land on Taylor Street shown on Assessors' Map 3-F-5. The lot to be sold is 8, 442 square feet (acres to be removed is .19) as defined by the Assessors.

As required by Mass. General Law, the Selectboard have the right to exercise their option to purchase the land. On a motion by Mark Bail and seconded by Mary McDowell, the Board voted not to exercise their option to purchase. Tack-AYE, Bail-AYE and McDowell-AYE.

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to approve and sign Sewer Use Fee Warrant No. 10-02 for \$58,133.02.

Mr. Martin stated that he had received a request to abate Pleasant Valley Inc of 24 West State Street sewer bill for No. 2108 Commitment No. 10-2. The total for the bill being abated is \$1130.50. They have a meter and they should be charged for 7.0 EDU's instead of the 14 EDU's that they have been charged. Mr. Lecca will bring in his meter reading each year to be able to receive any abatement. On a motion by Mark Bail and seconded by Mary McDowell, it was unanimously voted to abate the sewer bill for \$1130.50 for Pleasant Valley Inc. (Certificate No. 10-35).

Mr. Bail read the Board's letter of response to Mr. P. Martin Conway concerning his comments about a senior tax abatement program during Citizen Participation at the Board's May 18th meeting.

Mr. Bail read the Board's letter of response to Mr. Michael Riberio concerning his comments about when town meetings are held and improving access to town meeting warrants and providing more opportunities for voters to understand the issues surrounding the articles during Citizen Participation at the Board's May 18th meeting.

Mr. Bail read the Board's letter to the South Hadley Select Board acknowledging and thanking them for participating in the Town's Memorial Day Parade.

Board went over who would present the articles at the STM Warrant on June 21st, 7:00 pm at the high school as follows: ARTICLES (*Mr. Martin explained first that it should read May 10th instead of May 3rd Town Meeting. The reason for article is that the words raising and appropriating really means taxation, even though we talked about taking from free cash as part the discussion, the motion rules. Mr. Martin spoke with DOR and they suggested we rescind the vote and take a sequent vote transferring it from free cash.*)

Mark Bail Articles :

ARTICLE 1. To see if the Town will vote to rescind Article #25 of the May 03, 2010 Annual Town Meeting raising and appropriating \$200,000 into the General Purpose Stabilization Fund, or take any other action in regard thereto.

ARTICLE 2. To see if the Town will vote to transfer from Free Cash the sum of \$200,000 into the General Purpose Stabilization Fund, or take any other action in regard thereto.

ARTICLE 3. To see if the Town will vote to rescind Article #26 of the May 03, 2010 Annual Town Meeting raising and appropriating \$270,000 into the Capital Equipment Stabilization Fund, or take any other action in regard thereto.

Wayne Tack Articles:

ARTICLE 4. To see if the Town will vote to transfer from Free Cash the sum of \$270,000 into the Capital Equipment Stabilization Fund, or take any other action in regard thereto.

ARTICLE 5. To see if the Town will vote to rescind Article #27 of the May 03, 2010 Annual Town Meeting raising and appropriating \$550,000 into the Municipal Buildings Stabilization Fund, or take any other action in regard thereto.

ARTICLE 6. To see if the Town will vote to transfer from Free Cash the sum of \$550,000 into the Municipal Buildings Stabilization Fund, or take any other action in regard thereto.

Mary McDowell Articles:

ARTICLE 7. To see if the Town will vote to accept Massachusetts General Law Chapter 41 Section 19K Additional Compensation For Town Clerk, or take any other action in regard thereto.

(This was discussed at Selectboard meeting last August)

ARTICLE 8. To see if the Town will vote to transfer from Free Cash \$3,600, or a greater or lesser amount, for the purpose of purchasing a portable sound system, or take any other action in regard thereto.

(This was brought forward from the Town Moderator, who believes we should have our own system).

ARTICLE 9. To see if the Town will vote to transfer from Free Cash \$31,000, or a greater or lesser amount, for the purpose of contracting janitorial services for the Town's municipal buildings, or take any other action in regard thereto.

(This is for all the municipal buildings to be cleaned; again this was talked about at earlier Selectboard meetings).

APPOINTMENTS

George Knight, Michael Buckley, Cynthia Gaspari-Dec elected members of the Granby Housing Authority, Nancy Brown, Director of Granby Housing Authority and the Select Board discussed appointing a resident to fill the unexpired elected Granby Housing Authority position until the next town elections in May 2011. The Housing Authority said they have name of a resident who was interested in serving, Sandra Sweatt of 22-D Phins Manor. The Housing Authority wishes to nominate Ms. Sweatt. Sandra Sweatt was present at the meeting and told the board about herself, and why she wished to be a member of the Granby Housing Authority. On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to appoint Sandra Sweatt of 22-D Phins Manor to expire on May 16, 2011. Mr. Tack, Sr, aye, Mary McDowell, aye, Mr. George Knight, aye, Mr. Michael Buckley aye, Cynthia Gaspari-Dec, aye and Ms. Nancy Brown, aye.

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to affirm the candidates presented by Town Administrator Christopher Martin on page 1 (listed in the back of the minutes with corresponding expiring dates).

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to affirm the candidates presented by Town Administrator Christopher Martin on page 2 with an opening for appointments on the Cable TV Advisory Committee and Conservation Commission (listed in the back of the minutes with corresponding expiring dates).

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to affirm the candidates presented by Town Administrator Christopher Martin on page 3 with an opening for appointments on the Dufresne Ad-Hoc Committee and Finance Committee (listed in the back of the minutes with corresponding expiring dates).

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to affirm the candidates presented by Town Administrator Christopher Martin on page 4 except for the Granby Website Design Committee which is finished with their task

and with an opening on the Gymnasium/Athletic Fields Committee from the Recreation Department (listed in the back of the minutes with corresponding expiring dates).

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to affirm the candidates presented by Town Administrator Christopher Martin on page 5 with 3 openings on the Historical Commission that need to be filled. Discussion was made concerning not keeping/keeping the Landfill Ad-Hoc Advisory Committee. It was agreed to keep the Committee and open it up for more members. It was also noted that it was Richard Bombardier and not Robert Bombardier on the Landfill Ad-Hoc Advisory Committee (listed in the back of the minutes with corresponding expiring dates).

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to affirm the candidates presented by Town Administrator Christopher Martin on page 6, with the following amendments: Mary McDowell affirmed to the New Ludlow Road Sewer Review Committee instead of Wayne Tack and adding Henry Clement (listed in the back of the minutes with corresponding expiring dates).

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to affirm the candidates presented by Town Administrator Christopher Martin on page 7, with following amendments: Patricia Stevens as a voting member of the School Building Committee and that James Pietras had resigned and Daniel Lynch will be retiring, therefore they not be appointed to the School Building Committee (listed in the back of the minutes with corresponding expiring dates).

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to affirm the candidates presented by Town Administrator Christopher Martin on page 8, with following amendments: Vote the Town Accountant appointment separately, Christopher Martin as a voting member of the School Building Committee, and John Robert had resigned therefore not be appointed to the School Building Committee, Mary McDowell affirmed to the Veterans District Rep instead of Christopher Martin and omit the Selectboard Policies Ah-Hoc Committee as it is a sub-committee of the Selectboard (listed in the back of the minutes with corresponding expiring dates).

On a motion by Mark Bail and seconded by Mary McDowell the Board unanimously voted to affirm the candidates presented by Town Administrator Christopher Martin on page 9, with following amendments: not affirm the appointments of Cory Gaouette, Nathan Laflamme, Jessica Layne and John Ritter per the Fire Chief list (listed in the back of the minutes with corresponding expiring dates).

Board went back to page 8 to vote on the Town Accountant appointment. Mark Bail made a motion to affirm the appointment of Christopher Martin as the Town Accountant Mary McDowell seconded the motion and Wayne Tack called for discussion on the motion.

Mary McDowell: *“As, I felt last year and continue to feel this year, I believe that our Town Administrator has to be fully engaged in the job of the Town Administrator. I think*

that the Town Accountant could possibly take away from that. I think it's not good town policy either to have the TA be the Town Accountant, that's nothing about a person, but about the positions and I do feel very strongly about that. I think we are doing a disservice to our town. Not that Chris hasn't done an absolutely wonderful job, but I think first and foremost Chris's job is the TA, and I think the demand of the TA are certainly enough to keep him busy. So I think for two reasons: #1. I don't think those two hats should be worn together in any town, #2. I think a TA should be able to give full energy to the job of TA, because certainly the demands are great. So I would not be in favor of continuing this as a town."

Mark Bail: *"I think in a perfect world I would agree with you ultimately. Right now the biggest issue is if we have to hire a new town accountant I don't think we can hire them with the amount of money we are paying right now."*

Mary McDowell: *"I think that is speculation Mark and basing a decision on that I think might be onerous, but if that is the only reason for not, then I think it might be unwise."*

Mark Bail: *"The other reasons I think there are some gained efficiencies by having Chris doing them both. Ultimately it is something we have to look at changing; it is something that the DOR report said we should change."*

Mary McDowell: *Several years ago, and we are still doing the same thing. I think there are citizens in this town who feel very strongly about this and I listened to them as well. I think we are doing a disservice to the town. Again Chris you have to understand this has nothing to do with you. It is a position not a person. I want to make that clear. (Chris Martin said it was clear) Chris's forte is clearly finance and working with figures. So it is not anything about the job he is doing. I just think it is a very bad policy. It is not good practice for town government."*

Wayne Tack: *For myself I am more than satisfied with the job Chris does, he has lead us into some very good financial situations. We have checked and rechecked on the legality of it. If it weren't legal we wouldn't be able to do it. So I would be in favor of leaving Chris on as the Town Accountant myself, as I was last year. It is our choice, it is not part of the Town Administrator's job, and it is not a rule that we made. It is a choice on whether we want to have the TA be the Town Accountant or not. In this case, I feel comfortable with him being the Town Accountant also."*

Mary McDowell: *Do you feel it takes away from, when you where two hats in the same building there is no way something doesn't suffer."*

Wayne Tack: *I wouldn't say that there isn't a time that is a fact, but there also times its very convenient for us to be able to be sitting with both TA and Town Accountant at the same time, like at Town Meetings, we have the proper answers when we need them. That has been very helpful."*

Mark Bail: *I have also had John Libera (Finance Committee) tell me from their standpoint it works very well, there are trade-offs either way."*

Wayne Tack: *At this point the Finance Committee, Town Accountant and Treasurer are all very comfortable with where we are at, at this point (Mary McDowell except me,) I do see your point, I just don't agree with you at this point."*

On a motion by Mark Bail and seconded by Mary McDowell the Board voted to affirm the appointment of Christopher Martin as Town Accountant till June 30, 2011. Mark Bail, Aye, Wayne Tack, Aye, and Mary McDowell, Nay. Mary McDowell asked that the

vacancy on committees be placed in the newspaper. Mr. Martin said he would after he researches what each committee does.

TOWN ADMINISTRATOR

Old Police Station Building: Mr. Martin informed the Board that he checked on the question of insurance concerning a vacant building. Yes, the insurance would be higher if the building is left empty. To be considered vacant it has to be less than 33% in use. He has asked for the rates for vacant vs. non-vacant and has not yet received those quotes.

Mr. Martin has also been in contact with a representative from the State and he and Chris will be getting together regarding the State's future intentions with the building.

Ethics: Mr. Martin has sent a letter to the Ethics Commission and received a letter back stating that they do not give advice to towns. They did suggest that the Treasurer contact their office so that they could give legal advice directly to him. Mr. Martin also received a letter from Mr. Nally asking him to send a letter to Town Council asking for a ruling on whether there is a violation or a potential violation of ethics law. Mr. Martin feels in light of the letter from ethics he would rather have Mr. Nally contact the Ethics Oversight Board rather than Town Council.

Mary McDowell: Mary told the Board that she had a letter from Ethics written to the COA Director (she will give a copy to each of the Board members) concerning the same type of thing and it seems to her that it is pretty clear it would be a violation. She did contact the Ethics and again was told that that the person needs to contact them. However, they believe that the town to be working correctly, should be looking at the Special Municipal Employee Status to stop any concerns. Mary does wonder what this means to the town knowing what Ethics has said as she reads this as a Board member she believes its clear that there is a violation here. Again what do you do if a person does or does not follow through on this and yet we have information corresponding to another position in town?

Mr. Martin: I believe they look at each instance individually and they don't try to compare from another situation. So I believe Mr. Nally needs to contact them and if he doesn't then the relationship ends.

Mr. Bail: Looking at the law it states you have to work at least 500 hours in order to qualify under that contract part and Mr. Nally is working no more than 55 to 60 hours at the most. He thought he had to qualify for one of the exemptions.

Mr. Nally told Mary McDowell that he working at least 200-250. Mr. Martin said he went back and checked 3-Fiscal Years worth and Mr. Nally worked at least 30 but not more than 60.

It was agreed that it would be in the best interest of the town if they had something in writing stating that there was no ethics violations and would ask Mr. Nally to take care of getting something in writing to them. Mr. Martin will send a letter to Mr. Nally asking him to get a ruling from the Ethics Oversight Committee.

REPORTS OF INDIVIDUAL MEMBERS OF THE BOARD

Mary McDowell would like a letter sent to Nancy Sedlak congratulating her on getting the Citizen of the Year award and the Massachusetts Unsung Hero award.

Auditors Report: Mr. Martin is waiting for the Auditors to finish their report. He hopes to have the report soon.

Fire District 2-South Hadley: Mr. Martin is still trying to get a hold of Mr. Moriarty, he has been sending emails to him and has not heard back from him. He wasn't sure if Mr. Moriarty was getting on the Board. Mr. Martin will send a letter to the whole Prudential Committee again.

Safety Complex Update: Doing some painting, very close to finishing up. Chris asked about a grand opening maybe sometime in the fall. Chris will check with the Fire and Police Chiefs.

COA Building Update: They are almost ready; they are putting floors in, doing wiring for computers. Ann was getting prices on chairs and tables. They are planning on starting the lunch program the second week in July.

Website: 6 weeks being on liberal side. We just finishing the punch list and then we are ready to go live.

CWMP –AECOM- They are on the next agenda. Mr. Martin has not received any communications from Rural Development.

Office Hours: June 17th, 4-6 pm a possibility.

Next Meeting Agenda: Senior Tax Work-Off Program (Mary McDowell)

ADJOURNMENT

On a motion by Bail and seconded by Mary McDowell, it was unanimously voted to adjourn the meeting @ 8:08 p.m.

Respectfully submitted,
Cathy Leonard
Town Administrator's Secretary