



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: September 20, 2010 @ 7:00 P.M.

AGENDA:

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CITIZEN PARTICIPATION:

OLD BUSINESS AND INFORMATION:

APPROVAL OF MINUTES: JUNE 7, SEPTEMBER 2, 13

REPORT OF TOWN ADMINISTRATOR:

APPOINTMENTS: 7:10 Appointments: Granby Cultural Council
7:30 Pole Hearing # 9145261-Kendall Street
8:00 Evelyn Slater-Aldrich Hall
8:15 Paul Beaulieu-Kestrel Trust
8:30 1-Day Liquor License Application

NEW BUSINESS AND INFORMATION:

1. Accept Departmental Reports
2. Approve and Sign Maintenance Warrants
3. Sign Special Town Meeting Warrant
4. Proclamation-Constitution Week
5. Public Notice: MDAR-considering Acquisition of Land -148 Pleasant St
6. Public Notice: DCR-considering Acquisition of Land-off and generally parallel to the easterly side of Route 116
7. Waiver of 120-day notice- off and generally parallel to the easterly side of Route 116

ADJOURNMENT:

**250 STATE STREET, ROUTE 202
Granby, Massachusetts 01033
Telephone: (413) 467-7177
Fax: (413) 467-2080**

**GRANBY BOARD OF SELECTMEN
KELLOGG HALL, ROOM 1
MEETING MINUTES OF
September 20, 2010**

Members Present:

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 citizens present.

OLD BUSINESS AND INFORMATION

No old business or information was taken up at this meeting.

APPOINTMENTS

On a motion by Mark Bail and seconded by Wayne Tack, Sr., it was unanimously voted to affirmed the renewed appointments of Sue Bennett 190 Batchelor Street and Mary Jo King. 9 Jennifer Drive to the Granby Cultural Council for the Town of Granby for a term ending August 31, 2013.

Sara Leonard came in front of the Board to tell them a little about her and why she wanted to be appointed to the Granby Cultural Council. On a motion by Mark Bail and seconded by Wayne Tack, Sr., it was unanimously voted to affirm the appointment of Sara Leonard to the Granby Cultural Council for the Town of Granby for a term ending August 31, 2013.

On a motion by Mark Bail and seconded by Wayne Tack, Sr., the Board unanimously voted to sign and approve the 1-day special liquor license for William J Sondej for the Immaculate Heart of Mary Parish Oktoberfest on October 16th only, with the stipulation that all the requirements were met that the Chief of Police stipulates and a one million dollar liability and indemnification policy naming the Town is obtained.

Mr. Tack opened the pole hearing for 9145261-Kendall Street and Mark read the ad for the hearing. Mr. Don Nutting from National Grid explained to the Board where the new poles would be added and explained that they were for a new house that was being built by Mr. Gerald Lavoie.

Mr. Tack opened the floor to any opponents concerning the hearing:

Michelle Brown, 165 Kendall Street, and William Snyder, 162 Kendall Street asked that a no vote be made. Kimberly Lachance of 166 Kendall could not be present at

the meeting by Ms. Brown said she had written a letter stating that she did not want the poles there either. Copy of letter was submitted to the Board.

Michelle Brown spoke in opposition of where the poles would be located. She does not want the poles located near her house. Mr. Lavoie paid her for an easement on her property and the easement agreement says nothing can go on her property and all the electrical wires were to go underground. Copy of easement was given to the Board.

Mr. Snyder told the Board that Mr. Lavoie owns a lot of land behind his house and has just recently had a road put in back there. He also suggests that Mr. Lavoie put the poles at the recently made driveway by his own house. He said he purchased his home without any poles on the left of his house and he wants it to stay that way. He does not feel that Mr. Lavoie has a hardship here as he can put the poles on his own property.

Mr. Nutting explained that the guidelines would be on Mr. Lavoie's property and underground or on Town property.

Mr. Snyder and Ms. Lachance did not care whose property the poles would be on, they did not want them adjacent to their houses.

Mr. Lavoie told the Board that the poles would be on Town property and the underground wires would be on the right away, no poles would be on the right away.

Ms. Brown said that the poles would be on her side of the right away, the right was to be used as a driveway, no pavement and all utilities were to be underground

. Ms. Brown stated in the original agreement she was not supposed to see a pole. Again Mr. Lavoie states poles go on Town property.

Atty. John Donahue who drew up the easement asked to speak. He stated Mr. Lavoie owns a large piece of land and in order to get access to that land an easement was drawn for Kendall Street to that land "parcel 18". Ms. Brown was right in that all wiring (electricity) and utilities to that back lot is to be underground, we took that easement with Ms. Brown and paid her a substantial amount of money and that easement was taken 3 to 4 years ago. "But as I understand National Grid needs to put a telephone pole to allow the underground wiring to go into the easement, which is spelled out in the easement." The easement says that "access easement shall be for installation, maintenance, replacement, removal and repair and use of underground utility lines". So Ms. Brown gave Mr. Lavoie this easement for access to his premises, which basically is a driveway and in that driveway the underground utilities need to be placed. And basically to do this National Grid needs to erect a pole which will be on Town property. There will be no poles on Michelle Brown's property or no poles on that easement, they will be all underground.

Ms. Brown states her understanding was that the wiring was going from across the street, under the ground and down the road. There was no talk of a pole.

Mr. Snyder also commented the realtor for Mr. Lavoie asked if they could put the pole on his property and he said absolutely not.

The reason Ms. Brown feels so strong about this is because the easement agreement has already been broken concerning the tree line that Mr. Lavoie has butchered.

Mr. Snyder is still questioning why National Grid doesn't put the poles and service down the new driveway that Mr. Lavoie has put in by his own home and where the people who will buy that property have access. National Grid said it is too costly.

Mr. Tack does not see the problem as this is Town property. Mr. Bail has some concerns and needs to have more information. On a motion by Mr. Bail and seconded by Mr. Tack the Board unanimously voted to continue the hearing to the Select Board meeting on October 12th. A letter will be sent to all abutters on the time of the continuance on October 12, 2010. The Board will be taking limited public comments at

this continued hearing, only new information. Mr. Martin will have Highway Superintendent David Desrosiers look at the plans and the location and see if they are on town property.

Evelyn Slater spoke to the Board concerning her recommendations for the use of Aldrich Hall as a Community Cultural Center. She read her recommendation to the Board (located in back of minutes). The Selectboard thinks that it is a great idea to have Cultural Center, but not sure that Aldrich Hall is the place for it. First, they are not sure that the deed for Aldrich Hall will allow it to be used for any other use other than Municipal Offices. The Town is still unsure of what buildings will be available as we have no clear answers at this time for our school and library. Ms. Slater stated that she would be working on grants and would make this Center self-supporting. The Board agreed that this was a worthwhile endeavor and would encourage Ms. Slater to continue researching this Community Cultural Center and would like her to keep the Board informed of her findings.

ACCEPT AND SIGN MINUTES

On a motion by Mark Bail and seconded by Wayne Tack, Sr., the Board unanimously voted to accept the regular session meeting minutes of September 13, 2010, and September 2nd working session minutes.

NEW BUSINESS

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

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

Mr. Bail read the proposed special town meeting warrant article for October 18, 2010, (copy of the warrant article is included in the back of minutes) Town Council and the MSBA legal team approved the wording of the article.

On a motion by Mr. Bail and seconded by Mr. Tack, it was unanimously voted to approve and sign the October 18th, 2010 Special Town Meeting Warrant with one article. The STM will be held at the Granby High School in the gymnasium and begin at 7:00 pm.

The Board received a request from Cynthia Watson, Vice Regent of Mary Mattoon Chapter, NSDAR (*National Society Daughters of the American Revolution*). They would like the Selectmen to proclaim Friday, September 17 - Friday, September 24, 2010 as ***Constitution Week***. On a motion by Mark Bail and seconded by Wayne Tack, Sr., the Board unanimously voted to proclaim Friday, September 17 - Friday September 24, 2010 as ***Constitution Week***. Mark Bail read the proclamation at the meeting.

Mark Bail, read a letter from the MDAR dated August 17, 2010 that they are considering an interest in approximately 116 acres of land (Assessor Map 5A, Lots 1 & 2 148 Pleasant St.) within the municipality of Granby for inclusion in the Agricultural Preservation Restriction (APR) Program, keeping with the provisions of Chapter 7 Section 401, M.G.L. Mark Bail signed a confirmation of notice to be sent back to the MDAR that the letter was read in a public meeting.

Mark Bail, read a letter from the Department of Conservation and Recreation (DCR) dated September 8, 2010 that they are considering the acquisition of a strip of land approximately 1.3 miles in length and of variable widths, located in Granby and roughly parallel to and easterly of Route 116, shown on a location map appended hereto as Exhibit A. Mark Bail, keeping with the provisions of 301 CMR 51.00 signed a confirmation of notice to be sent back to the DCR that the letter was read in a public meeting.

Mark Bail read a second letter from the Department of Conservation and Recreation (DCR) dated September 8, 2010 asking that the Selectboard agree to shorten the notification period from 120-day notification concerning (in particular, 301 CMR 51.08(1)(b) of a strip of land approximately 1.3 miles in length and of variable widths, located in Granby and roughly parallel to and easterly of Route 116, shown on a location map appended hereto as Exhibit A. On a motion by Mr. Bail and seconded by Mr. Tack the Board unanimously voted to waive the 120-day notice requirements as pursuant to Code of Massachusetts Regulations Title 301 Chapter 50.0, et seq. concerning the DCR intent to purchase of a strip of land approximately 1.3 miles in length and of variable widths, located in Granby and roughly parallel to and easterly of Route 116.

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TOWN ADMINISTRATOR

Mr. Martin presented the Board with a letter to be sent to Nawrocki Construction concerning the non-renewal of their 3- gravel permits “*If we do not hear from you in 30-days we will have no choice but to issue cease and desist orders for each of your gravel operations*”. Both members signed the letter and it will be sent to both the business address and home address of the owner.

Mr. Martin presented the Board with a new 43 form for the Change of Manager for the 266 Lounge, which was approved at the Board’s September 7th meeting. The ABCC has changed forms during the time period it was given to the applicant. Both Selectboard members present signed the new form.

Janitor Services Bid: Mr. Martin opened 6 bids for this service. Low bid was Wicked Clean out of Chicopee MA, at \$ 1600.00 a month. They will be cleaning Public Safety Complex seven days a week and Kellogg Hall, Public Library, Council on Aging, Highway Department and the Annex 3-days a week. They will begin work on October 1, 2010.

Encumbrances for FY10: Mr. Martin presented the Board with the following encumbrances for FY2010 to be approved:

Ambulance Enterprise Fund:		
Wage & Salary- \$15,208.74	Capital \$1294.00	Total: \$16,502.74
Capital Project Fund:		
Capital Expenses- \$1,718,861.05		Total: \$1,718,861.05
General Fund:		
Wage & Salary- \$709,148.98	Expenses-\$63,727.80	Capital- \$197,656.26
		Total: \$970,533.04

On a motion by Mr. Bail and seconded by Mr. Tack the Board unanimously voted to approve the FY10 encumbrances as presented.

Insurance Bids: Mr. Martin explained that at their last meeting he kept everything brief as due to the hearing for the gravel permit application and did not bring up that he had

taken bids for insurance for the town. He had 4 bid proposals and MIAA came in as low bid @ \$108, 083. In addition to that we are getting a 5% discount when pay the premium as a lump sum upfront. Also they give out \$5,000 loss control grants and David Desrosiers is interested in one for a trailer that he can put all his cones and other equipment in. He will be applying for that grant. Additionally if we send employees to their training sessions or on-line training sessions we can qualify for another 8% of our annual payment. This covers: general property, general liability, automobile and all our professional liability policies.

Letter to Stoney Hill & Gravel concerning studies requested: Mr. Martin and Board members discussed the requests that were made by the Selectboard at their September 7th meeting concerning the continuation of the permitting process for the gravel application submitted by Stoney Hill & Gravel. Mr. Martin will put these requests in a letterform and send the letter to their Attorney's office.

1. Traffic Study – conduct a current traffic study on Batchelor Street between Trompke Avenue and School Street and one on Batchelor Street after Harris Street. The study should address the ability of these streets to handle the increased traffic from the proposed operation.
2. Culvert Issue – determine that the culverts on Batchelor Street between Trompke Avenue and School Street are sufficient to handle the weight of all gravel trucks, both filled and empty, entering and exiting your proposed operation.
3. Noise Study – provide the decibel level of all equipment that will be operating on-site as well as all equipment that will be entering and exiting the site.
4. Aquifer – determine what affect the proposed operation will have on the aquifer.
5. Truck Vibrations – determine and address the concerns of the harmful effects of truck vibrations on the residences along the proposed truck routes.
6. Flood Plain – determine and provide information that all the necessary requirements regarding the 100-year flood plain issue have been properly addressed with all appropriate agencies.

GCAM Update: Mr. Martin told the Board that he has been in touch with GCAM and they will tour the upstairs of 10 West State Street on the 29th of September.

Request from Jenn Curran: Mr. Martin explained to the Board that he had received a email from Jenn Curran asking if her family could put a sign on the Aldrich Hall property advertising the Patrick Curran Fundraiser for a two-week period. On a motion by Mr. Bail and seconded by Mr. Tack, it was unanimously voted to allow the sign to go, as long as it did not break any sign bylaws.

On a motion by Mr. Bail and seconded by Mr. Tack, it was unanimously voted to recess the meeting until the Board's next appointment arrived @ 8:34 p.m.

On a motion by Mr. Bail and seconded by Mr. Tack, it was unanimously voted to reconvene the meeting @ 8:39 p.m.

Paul Beaulieu of Kestrel Trust went over with the Board their request to have the Selecbboard approval of the Massachusetts Audubon Society, Inc deeding their property

located on know as Parcel B (comprising of 19.3850 acres) and Lot 3-A (comprising of 70,506 square feet) on Ferry Hill Road to the Kestral Trust. On a motion by Mr. Bail and seconded by Mr. Tack, it was unanimously voted to approve the foregoing Conservation Restriction reserved by the Massachusetts Audubon Society, Inc as being in the public interest pursuant to M.G.L. Ch. 184, sections 31-33.

ADJOURNMENT

On a motion by Mr. Bail and seconded by Mr. Tack, it was unanimously voted to adjourn the meeting @ 8:45 p.m.

Respectfully submitted,
Cathy Leonard
Town Administrator's Secretary