

Select Board Meeting Minutes November 27, 2018 Tuesday, 6:30 p.m.

***Select Board Conference Room, Town Hall
All meetings of the Select Board are recorded***

ATTENDANCE: Chairman, Joseph J. Deedy
Vice-Chairman, Russell S. Fox
Clerk, Doug Moglin
Chief Administrative Officer, Karl J. Stinehart
Administrative Assistant, Sondra S. Pendleton

OTHERS IN ATTENDANCE: See Attachment "A" – 1 Page(s)

The Public Body convened in Open Session according to M.G.L. c.30A, S21 (b) (1). The scheduled meeting of the Select Board was called to order by Chairman, Mr. Deedy, at 6:30 p.m.

A MOMENT OF SILENCE WAS HELD FOR PAT FRAZIER, FORMER TOWN OF SOUTHWICK ANIMAL CONTROL OFFICER

Public Comments:

Regarding Dog Hearing Decision:

Mrs. Emmelmann – spoke in favor of the Massai's dogs, stating she has never had an issue with them.

Their babysitter also stated she has never had a problem with the dogs.

Mr. Turner – Kline Road – spoke in favor of the Massai's dogs, their daughter rides horses at their stable.

Mrs. Massai stated they feel terrible about the issue, however even though her husband wasn't home at the time, people are posting things about him (and the fact that he is a police officer), on Facebook, Mass Live, etc., and she would like the town to do something about it.

Payables, Payroll and Minutes:

- The Board acknowledged Payables Warrant 1913B, dated 11/19/18, in the amount of \$1,190,085.55.
- The Board acknowledged Payroll Warrant #1913, dated 11/26/18, in the amount of \$252,445.73.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to approve the Regular Session Minutes of 11/13/18.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to approve the Executive Session Minutes of 11/13/18.

6:40 p.m. Change of Corp Name for Parthenon Pizza Restaurant, Inc. d/b/a Zanto to Z2S Enterprise, Inc. d/b/a Zanto

Notice is hereby given under Chapter 138 of the Massachusetts General Laws that Parthenon Pizza Restaurant, Inc. d/b/a Zanto, Spiros Zanatouliadis, Manager, has requested a public hearing to: Change the Corporate Name from Parthenon Pizza Restaurant, Inc. d/b/a Zanto to Z2S Enterprise, Inc. d/b/a Zanto.

- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to open the Hearing.

- Mr. Deedy read the Legal Ad (no need to advertise) in its' entirety.

- Read any paperwork to be "entered into the record" – None.

- Ask for anyone to speak in favor – None.

- Ask for anyone to speak against – None.

- General Discussion – None.

- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to close the Hearing.

- General Discussion – None.

- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to grant the change of the Corporate Name from Parthenon Pizza Restaurant, Inc. d/b/a Zanto to Z2S Enterprise, Inc. d/b/a Zanto.

Action Items, Bills, Mail, Correspondence, Vendor and/or Personnel Contracts, Personnel Decisions, Policy Adoptions, Payroll Actions, Old Business, New Business, Etc.-Possible Motions/Votes:

- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to renew the Town of Southwick 2019 Liquor Licenses pending receipt of all requirements of the Local Licensing Authority.

- Mr. Richard Michnovetz of Agawam is requesting a bench be put outside of the Animal Shelter honoring the Polverari's for the building of the shelter. If Mr. Michnovetz succeeds in funding for the bench the Board will bring up the subject for approval again for acceptance.

**7:00 p.m. Hearing: 801 College Hwy.
RE: Update of Underground Storage Tank**

- Mr. Deedy read the Legal Ad in its' entirety.

- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to open the Hearing at 7:00 p.m.

- There was no paperwork to be "entered into the record", however Chief Anderson from the Southwick Fire Department stated that the hearing was being held to get licensed for 2 new tanks, each of which are 12,000 gallons. The last license for that property has a license for 2 10,000 gallon tanks. Need to clarify size which goes from 20,000 gallons to 24,000 gallons

- The Chair asked for anyone to speak *in favor* – none.

- The Chair asked for anyone to speak *against* – none.

- General Discussion – Hearing being held to update underground storage tank information.

- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to close the Hearing.

- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to grant going from 20,000 to 24,000 gallons to 24,000 gallons total at the site.

7:10 p.m. Attorney Dupere

RE: Discussion on Job Classification and Compensation Review Services Scope

A MOTION was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to approve a Proposal to the Town of Southwick for a Pay Equity Audit including Job Description review by the Dupere Law Offices in the amount of \$5,000.00 and completed prior to finalization of the 2020 Budget.

Action Items, Bills, Mail, Correspondence, Vendor and/or Personnel Contracts, Personnel Decisions, Policy Adoptions, Payroll Actions, Old Business, New Business, Etc.-Possible Motions/Votes continued:

- The Board received an invitation to the Southwick Senior Center Candy Cane Extravaganza on 12/19/18 from 11:00 a.m. to 1:00 p.m.
- Dog Hearing decision: MGL Chap. 140 Sec. 17 Ms. Alyssa Mcguire and David and Kaitlin Massai:
 - The dogs have been relocated out of Town.
 - Mr. Moglin stated the Board got a ruling from Counsel and that the Board, acting in their capacity as Police Commissioners (which makes them Mr. Massai Supervision), is in the realm of the law to make a determination on the Dog Hearing Decision.
 - Mr. Fox stated it is unfortunate that this has caused friction with the neighborhood. And if the dogs were to come back to Town he wanted the Massai's to have to meet the recommendation of the ACO.
 - **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to have an agreement drawn up with the Massai's stating that if the dogs were to come back to town the Massai's to have to meet the recommendation of the ACO.
- The Board will attend a School District FY20 Budget Roundtable on 11/29/18 at 5:30 p.m. and will bring up the Safe Routes to Schools Program.
- The Board reviewed notice of the CPA State Share distribution of the 2018 Trust Fund in the amount of \$150,011.00
- **MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to approve the Lake Management Committee 2019 Boat Ramp Attendant/Maintenance Pay Rates. See Attachment "B" – 1 Page(s)
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to approve a School Sewer Project Change Order #4 to zero out the remaining balance to JL Raymakers & Sons.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to approve renewal of the Class I, II and III Car Licenses pending receipt of all requirements of the Local Licensing Authority.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to have Mr. Deedy obtain more information for a Intermunicipal Agreement for Animal Boarding Services for W. Springfield and sign-off with W. Springfield.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to reach out to our legislators and Governor for Alum Treatment Funding for the Congamond Lakes.

Action Items, Bills, Mail, Correspondence, Vendor and/or Personnel Contracts, Personnel Decisions, Policy Adoptions, Payroll Actions, Old Business, New Business, Etc.-Possible Motions/Votes continued:

- The Board received an MRF Update.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to appoint Dan Valeri as the Southwick Fire Department Chaplin.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to approve R. Levesque Associates, Inc. and use leftover sidewalk monies for Depot Street survey.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to approve all 3 Board Members to sign the Land Use License for 58 Berkshire Avenue.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to interview for 2 Southwick Police Reserve Officers, submitted by Chief Bishop, on 12/4/18.
- The Board received an updated flyer from Franklin Land Trust.

Old Business & Dates to Remember:

- Update on 250th Anniversary Meeting –Meeting of 11/19/18 @ 6:30.
- Candy Cane Extravagaza 12/19/18 11:00 a.m. to 1:00 p.m.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to support a 3 year lease/purchase agreement for the Southwick Police Department Taser Replacement Program with Finance Committee support (11/26/18 meeting).

New Business:

Mr. Moglin would like revenue projections from the applicant on the Host Agreement on the recreational marijuana facility.

The following is a listing of all documents viewed or discussed during the Open Session part of the meeting:

Copy of an email from Ann Gustfson RE: 58 Berkshire Avenue Easement
PVPC Correspondence for the FY16 Federal Grant Amendment
WG&E email RE: Whip City Fiber Overview
Dog Hearing continuance paperwork/pictures RE: MGL Chap. 140 Sec. 17 Ms. Alyssa Mcguire and David and Kaitlin Massai
Regular Session Minutes of 10/30/18
Executive Session Minutes of 10/30/18
A Discharge of Lien on Real Estate for 80 South Lane, Granville
PVPC Financial Warrant #23 in the amount of \$2,263.83
Paperwork for the hiring of Clerical Floater Kathleen Carlson/Secretary for Cemetery Commission
Paperwork for the hiring of Custodial/Maintenance Floater Carmine Manning
Small Business Saturday Invitation to The Hood Café
Listing of winter plow vendors
Donation paperwork to the Select Board from WMRC, Inc.
Alum Treatment memorandum
Memorandum of Understanding for Southwick Police Department Provisional Officer
Southwick Police Department Taser Upgrade letter
Memorandum RE: Roundtable Meeting with STGRHS Thursday, 11/29/18 at 5:30
Request for appointment of Southwick Fire Department Firefighter memo

The Administrative Assistant was asked to leave the meeting.

A MOTION was made to go into Executive Session RE: M.G.L. Chap. 30A, S20 (b), S21 (3) & (4) Ch. 214, Section 1B and; CMR 29.03 (1) (b) at 8:40 p.m. not reconvene in Open Session.

RE: Litigation and strategy for Collective Bargaining with Clerical Unit and Non-Unit Personnel

Exception #3: X Move to go into Executive Session to discuss strategy with respect to litigation, and that the Chair declare that an open meeting may have a detrimental effect on the litigating position of the body, and to:
Move to go into Executive Session to discuss strategy with respect to collective bargaining, and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body, and not to reconvene to Open Session.

Exception #4: X Move to go into Executive session to discuss the deployment of security personnel or devices or strategies with respect thereto, and to not reconvene into Open Session

RE: Ch. 214, Section 1B

A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enforce such right and in connection therewith to award damages.

Respectfully submitted,

Sondra S. Pendleton
Administrative Assistant

Cc: Town Clerk