

SELECTMEN'S MEETING  
Monday, November 14, 2016  
AGENDA

- 6:00 PM Pole Hearing – Petition # 20325197 – Greenwich Road (Ware-Greenwich Rd)
- 6:10 PM Pole Hearing – Petition # 20318147 Collins Road
- 6:20 PM Pole Hearing – Petition # 20318147- B Miner Road
- 6:30 PM Pioneer Valley Planning Commission – Public Performance Hearing of FY16 CDBG Program
- 7:00 PM Conservation Commission – To Discuss the October 19<sup>th</sup>, 2016 Conservation Commission Meeting and Related Matters & Request for Abutter Exemption

New Business:

Appointments:

- Agricultural Commission, Alternate - Halley Stillman
- Agricultural Commission, Alternate - Curt Stillman

Old Business:

Department Reports:

Signatures & Approvals:

- Mayflower Assessing Service Quotes – Recommendation of Approval by Board of Assessors
- EnviroTrac, Ltd – Contract Amendment #5, 179 Main Street Environmental
- Senior Tax Work-Off Policy
- Chapter 90 Project Request – Backhoe Loader (3<sup>rd</sup> Lease Payment)
- Chapter 90 Reimbursement Request - Engineering Rt. 32 Reconstruction and Czeski Road Reconstruction
- Payroll Warrant #10 & AP Warrant #10

*This meeting agenda is posted in compliance with Massachusetts Open Meeting Law. The agenda may change to reflect unforeseen business.*

**SELECTMEN'S MEETING**  
**Monday, November 14, 2016**  
**Minutes**

Present: K. Young, R. Kmiec, S. Krasnecky, P.V.P.C. – T. Harvey, P.V.P.C. J. O'Leary, R. Bottomly, J. Tobias, M. Baxter, W. Zinni, T. Cofske

K. Young called the meeting to order at 6:00 PM and read the meeting agenda into record.

Public Hearing: Pole Hearing – Petition # 20325197, Greenwich Road

MOTION: K. Young – to open Pole Hearing for Petition # 20325197, Greenwich Road

SECOND: R. Kmiec

ROLL CALL VOTE: I, I, 2-0

Notice of Public Hearing read into record by R. Kmiec.

National Grid Engineer Ricardo Mondinato presented the plans and explained the project proposed. National Grid proposes to upgrade wires and replace 65% of the poles in order to provide better service and prevent frequent power outages during small weather events. He further explained that National Grid checks the pole locations prior to planning replacement of poles. The diameter of the replacement wire is 50% thicker and will be significantly stronger than the existing wires.

MOTION: K. Young – To approve Petition # 20325197, Greenwich Road.

SECOND: R. Kmiec

ROLL CALL VOTE: I, I, 2-0

MOTION: K. Young to close the Pole Hearing for Petition # 20325197, Greenwich Road.

SECOND: R. Kmiec

ROLL CALL VOTE: I, I, 2-0

Hearing Closed

Public Hearing: Pole Hearing – Petition # 20318147 Collins Road

MOTION: K. Young – to open Pole Hearing for Petition # 20318147 Collins Road

SECOND: R. Kmiec

ROLL CALL VOTE: I, I, 2-0

Notice of Public Hearing read into record by R. Kmiec.

National Grid Engineer Ricardo Mondinato presented the plans and explained the project proposed. National Grid proposes to expand the number of poles because the distances between poles are long, causing the wires to sag. National Grid is proposing three additional poles in that area to help prevent the sagging currently seen.

Ms. Taft who is an abutter to the proposed area of work expressed her concern for the location of one of the poles too close to one of her trees.

R. Mondinato asked Ms. Taft if she would prefer the pole to be located twenty feet from the tree on either side. She indicated she would prefer that alternative and agreed to exchange her contact information with Mr. Mondinato, stating that she would be glad to work with him on the location.

MOTION: K. Young – To approve Petition # 20318147 Collins Road

SECOND: R. Kmiec

ROLL CALL VOTE: I, I, 2-0

MOTION: K. Young to close the Pole Hearing for Petition # 20318147 Collins Road

SECOND: R. Kmiec

ROLL CALL VOTE: I, I, 2-0

Hearing Closed

Public Hearing: Pole Hearing – Petition # 20318147- B Miner Road

MOTION: K. Young – to open Pole Hearing for Petition # 20318147- B Miner Road

SECOND: R. Kmiec

ROLL CALL VOTE: I, I, 2-0

Notice of Public Hearing read into record by R. Kmiec.

National Grid Engineer Ricardo Mondinato presented the plans and explained the project proposed. National Grid proposes to relocate three poles on Miner Road to fix the long span issue as explained in the Collins Road project.

No questions or concerns were raised by the public or Board of Selectmen.

MOTION: K. Young – To approve Petition # 20318147- B Miner Road

SECOND: R. Kmiec

ROLL CALL VOTE: I, I, 2-0



MOTION: K. Young to close the Pole Hearing for Petition # 20318147- B Miner Road  
SECOND: R. Kmiec  
ROLL CALL VOTE: I, I, 2-0  
Hearing Closed

Appointments:

The Board of Selectmen reviewed a letter of interest submitted from Halley and Curtis Stillman who wish to be appointed as alternate members of the Agricultural Commission.

MOTION: R. Kmiec to appoint Halley and Curtis Stillman as alternate members to the Agricultural Commission.  
SECOND: K. Young  
VOTE: Unanimous

Pioneer Valley Planning Commission – Public Performance Hearing of FY16 CDBG Program

Pioneer Valley Planning Commission, Ted Harvey provided the Board of Selectmen with the updates on the Fiscal Year 2014 and Fiscal Year 2015 Community Development Block Grant Programs.

The FY2014 updates included the following:

- Improvements of Gilbertville infrastructure (Taylor and High Street) were completed in 2015.
- The Senior Outreach Program has been successful. The range of seniors taking advantage of the program are between 35 and 37. Currently, checking to see if we can extend this program.
- Domestic Violence program has been utilized.

The FY2015 updates included the following:

- The Housing Rehabilitation has been a bit slow. The Department of Community Housing has approved extending the program to June 2016.
- Domestic Violence Prevention and Advocacy program, the Planned Approach to Community Health and Adult Learning programs shared by Ware and Hardwick have all been utilized.
- The Hardwick Senior Lunch Program for delivered lunches on Saturdays has been a big hit with many seniors throughout Hardwick.
- 179 Main Street Environmental Hazards study has been completed.

The Hardwick Community Development Strategy has been reviewed and appears to be in conformance. The strategy has been approved through 2018 and will not require resubmission.

Pioneer Valley Planning Commission, John O'Leary provided the following updates on the Fiscal Year 2016 Community Development Block Grant Program:

- Sewer line construction for Prospect Street and Bridge Street is anticipated to begin in the spring of 2017.
- A Request of Qualifications will be going out for the Barrier Removal Design study for the Municipal Office Building. It is anticipated the study will be underway by the end of December 2016 or the beginning of January 2017.

### Department Reports

Senior Center – G. Judd presented the following:

- Senior Center trash needs to be picked up every week. The center does not have anyone that can take the trash. There is a lot of food waste that makes it too heavy to manage and they are concerned about attracting rodents. Would like to have the Highway Department pick it up. K. Young asked T. Cofske to speak with Highway Superintendent to pick up the trash. T. Cofske stated that the Recycling Center staff takes the trash when conducting the municipal recycling run and the Sr. Center trash is placed in the Recycling Centers trash dumpster.
- Senior Center is low on water. The replacement water jugs are too heavy for them to pick up and bring to the Senior Center. K. Young asked T. Cofske to take care of this issue. T. Cofske informed G. Judd that Recycling staff will bring the jugs of water this week during the next municipal recycling run.
- 20 people signed up for the Thanksgiving lunch.

Fire Department – Fire Chief, R. Walker provided the following:

- The Fire Department Open House and Halloween Trick or Treating went well.
- The lighting upgrade at the station has been completed.
- The old hose is not in compliance. Will bring the hose to the Recycling Center to be stored in the spare container until the next bulk waste event.

### New Business

R. Stanley, 92 Pine Street informed the Board of Selectmen that there are issues with a neighbor's wood burning outdoor furnace that is operating. He stated that the Board of Health had issued a permit for the furnace last year, but had not conducted a follow up inspection. He stated that the stack is not high enough and it is not known whether or not the stove meets the states manufacture compliance.

R. Stanley showed the Board of Selectmen the satellite image he provided to the Board of Health showing the distance of the furnace is within 11 feet of the property line.



R. Stanley stated that the stove is running all the time because it is used to heat the water too and he believes materials other than wood are being burned.

R. Stanley explained that this is an emergency situation and he feels he has no property rights. He feels there is no sense of emergency with the town and permitting process for these furnaces should be clearer and applicants given guidance on what they need to do to ensure it is done correctly.

R. Stanley informed the board that the unit is supposed to be 2 feet above the roofline and 50 feet or more from the property boundary lines.

K. Young advised R. Stanley to take this to the next Board of Health meeting and if there is no progress made in resolving the issue, then contacting DEP may be the next step to take.

R. Kmiec suggested he contact the Board of Health and request an emergency meeting. The meeting could be scheduled within 48 hours of the meeting.

R. Stanley will stop by the Selectmen's office to obtain the phone numbers for DEP and the EPA.

Conservation Commission – To Discuss the October 19<sup>th</sup>, 2016 Conservation Commission Meeting and Related Matters & Request for Abutter Exemption

W. Zinni informed the Board of Selectmen that the Commission has experienced an issue within due to an anticipated project on the west side of Hardwick. Two of the Commissioners are abutters to the property. We are requesting the help of the Selectmen to resolve this.

K. Young asked if anyone on the Commission had reached out to the Massachusetts Ethics Commission regarding the matter.

J. Tobias said that she spoke with an ethics attorney for an opinion. He had provided her the following information:

- An abutter who is a voting appointed official must recuse themselves from voting or submit a disclosure form and allow the Ethics Commission to decide.
- The Ethics Commission looks at all officials that are abutters as having a financial interest.
- When it comes to terms of "matter" it can be looked at as a conflict.

K. Young advised the Commissioners that going forward, both abutters will need to recuse or file disclosures.

W. Zinni stated that with the help of the Town Clerk, the Commission understands that one could recuse and sit in the audience.

J. Tobias stated that the Ethics Commission does not require those who recused themselves to leave the room. Leaving the room is considered best practice and although recommended, it is not a requirement.

W. Zinni stated that he returned to a message left by A. Rylestone informing him that she had permission from the Board of Selectmen to participate. This was not discussed with the Commission and he feels this request was not sanctioned. He wants it on record that the request of A. Rylestone to be granted permission to participate in any upcoming hearings regarding that property was not sanctioned.

K. Young stated that it had been presented to him as a hardship. After careful consideration, it does not appear to be a case of hardship.

R. Kmiec informed the Commission that the only case for hardship is called the Rule of Necessity. In other words, there would be no quorum if she were not allowed to vote. This is not the case in this situation. Recusing is the best way to proceed. He further advised that the Commission be very clear in their meeting notes.

K. Young stated that all business must be above board and transparent.

W. Zinni stated that the Commission has been working hard to be more helpful to the community. When someone comes in and asks for guidance, he sees it as valid.

K. Young concurred with W. Zinni and stated that public officials are here to assist citizens.

R. Kmiec advised the Commission to be very clear and take care to be accurate when advising. Be certain that your minutes reflect accurately the guidance given in order to have record.

W. Zinni explained that the Commission was just as much to blame as the gentlemen that sought guidance for the escalated meeting the other night.

K. Young stressed the importance of treating each applicant fairly. In addition, he thanked the Commissioners for serving the Town of Hardwick.

The Board of Selectmen are not issuing an exemption as requested by A. Rylestone.

### Signatures & Approvals

The Board of Selectmen signed the following:

- Mayflower Assessing Service Quotes – Recommendation of Approval by Board of Assessors
- EnviroTrac, Ltd – Contract Amendment #5, 179 Main Street Environmental
- Senior Tax Work-Off Policy

- Chapter 90 Project Request – Backhoe Loader (3<sup>rd</sup> Lease Payment)
- Chapter 90 Reimbursement Request - Engineering Rt. 32 Reconstruction and Czeski Road Reconstruction
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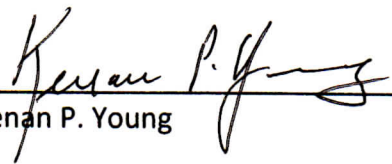
Adjournment

MOTION: R. Kmiec, to adjourn the meeting.

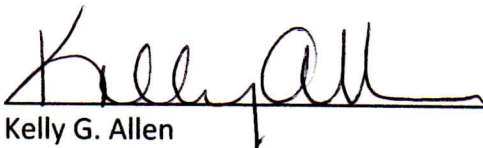
SECOND: K. Young

VOTE: Unanimous

The meeting adjourned at 7:20 PM.

  
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Kenan P. Young

  
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Richard V. Kmiec

  
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Kelly G. Allen