

**Town of *New Salem* Selectboard  
Meeting Minutes  
April 4, 2022  
Held Virtually via Zoom**

**Convened:** 7:00 pm

**Present:** Randy Gordon, Wayne Hachey, Hugh Mackay, Selectboard; Kathy Neal, Town Coordinator; Stacy Senflug, Town Clerk; Joe Cuneo, Fire Chief; Claire McGinnis, Finance Committee; Jen Potee, Board of Health; David Cramer, Planning Board; Lisa Finestone, Tree Committee; Marny Ashburne; Nancy Slator, *New Salem News*; Michael Lovezoola; Vincent Barletta; Michael Pill; Peter Fisher; Brian & Genie Casey; Jean Derderian; Janell & Felicia Curtis

**Selectboard Reviewed & Signed the Following:**

- Payroll & Vendor Warrants

**Discussion Items**

***Date of Annual Town Meeting***

Randy asked if the date chosen was June 13. Kathy recalled it being June 7. Stacy responded she isn't available on June 13. She was, however, available for June 13 which would be a Tuesday. Randy then asked about start time. Claire suggested times after 6 pm. She noted that the Finance Committee was in favor of a Tuesday meeting and traditionally town meetings start at 7 pm. Hugh felt 7 pm would be fine and Wayne concurred.

***Redistricting***

Randy asked Kathy if there is follow up. Kathy responded that she spoke with Senator Comerford's office. The Senator's district is moving to be more in the North Quabbin area. So that may help us in the end. So it may be a trade off one way or the other since the House district is moving from being Athol/Orange centered into being more Belchertown/Ludlow. Randy noted that Senator Comerford's office has always been responsive to our needs. Wayne felt confident that the confluence of information coming out addresses the concerns.

***Proposed Easement to Barletta for Public Well***

Randy began by setting out some expectations and how participants would be allowed to participate. He suggested a few time limits such as no more than 10 minutes for presenters. Vincent began his presentation. The existing well is not qualified in the opinion of DEP. The new well proposed with its setbacks, half would be to the 37 South Main northern plot line. So half the setback would be on the town property. It's east of the volleyball court where the Fire Dept. has their water basin presently. He went over a few exhibits with proposed language. This included a plot plan with the proposed well location. Michael Pill introduced himself as a local attorney. He represented several neighbors to the Barletta property. He went over a memorandum he prepared elaborating on his concerns. He felt that the easement requires a town meeting vote. He also warned that the easement could bear personal liability on the Selectboard should it approve the easement without town meeting vote. Further if the town were to ever challenge the easement subsequent the language would require the town to pay attorney's fees should the town lose. Michael Pill then submitted that it would establish a public water system and that cannot be done in this manner. There are minimums that would have to be met. The language in this easement refers to a type of well he contended didn't exist. There was also a preservation restriction that he contended would be a problem as well. Michael Lovezoola, representing Vincent, elaborated on meetings with DEP. The well's citing would be where DEP and the owners engineer felt it should. In the Special Permit granted to the property that was issued, there was a provision for this type of well. DEP was satisfied with this solution. He noted that DEP does call this kind of well a small water supply. That's their term. They are limited to a 1,000 gallons a day from this well. Still, he noted there would also be a benefit to the Fire Dept. which would also be able to receive water from this well. This is the best solution as he understood DEP to have concluded. He understood it could very well require a town meeting vote. Hugh noted his read of the materials is that this easement appears to mean we could lose some ability to modify our volleyball field as we would never be able to develop it further or change its use substantially. This impacts the towns property rights. Vincent suggested that

could be staked out. He did not believe that the 100 feet would go into the court. It would be close, but likely not infringing on that court itself. Most of the area is wooded.

Wayne noted the Stowell Building has a hand dug well that's probably 12 feet deep. The Town Hall has a stone lined well that's probably 8 feet. One of his big concerns is that if we put a deep well up near the Town Common, it could have an effect on other wells in Town Center that may be hand dug wells as well. Michael Lovezzola responded that the existing well for the property is 100 feet deep. Tests were run by the Board of Health in relation to the well. 31 gallons a minute were drawn and they only drew down about 6-8,000 gallons during that period. A 1,000 gallon a day limit sounds like a lot. It would probably be the same depth, and that's a restriction. They likely wouldn't use anywhere near that. This well could even draw less than the existing well, which has no limit of course. He also outlined the various limits and how in his opinion they end up not having a huge impact on the town. There are still many things the town can do within the area and he agreed with Vincent that it wouldn't impact the volleyball fields. Stacy asked for clarification. She noted there is a well on the property and she asked why it wouldn't serve the needs of the building and further what is the volume sought? She noted her well is rather deep, but does run "rusty" during dry spells in the region. She expressed concern about the impact on neighboring wells. Michael Lovezzola responded that these are valid concerns. The well on site has the capability of drawing a lot of water. It's 31 gallons a minute so that calculated would be far more water. They could take 10,000 gallons a day from the existing well. The problem is that well does not meet DEP's requirements for a public water supply. There are special requirements for drilling, testing, and developing the well. They wouldn't take anywhere near 1,000 gallons a day from that well. The museum would likely use only a few hundred gallons a day even when busy. They need a public water supply because of public restrooms and simple water use. This isn't a restaurant, so it's not using that much water. It's mostly for restroom and water fountain. If there were a gathering, an event, that might use that much. But the building is only allowed at maximum 25 events a year. Now he conceded that the tests do show some impact on the neighboring properties, but that was in context of drawing the existing well down several feet which would have such an effect. Wayne asked whether DEP would allow an alternative such as a storage tank. Michael Lovezzola responded they are open to any ideas that can attain regulatory approval. They want it to work well for everyone and it's why they worked for it to have a benefit to the Fire Dept. Still DEP preferred the easement option.

Lisa asked Vincent about why this wasn't considered as part of the renovation and the project as part of the overall discussions for Special Permit. Another question was how it would be known when 1,000 gallons had been drawn? Vincent responded the new well will have a special pump to only draw up to its maximum. With the existing well they'd be fine. But DEP holds that they need this for the public part. They're trying to meet the definition required by DEP. This easement application comes because DEP wishes them to pursue it first. Lisa asked why this didn't come up sooner. Michael Lovezzola explained we wouldn't go to DEP first like this asking to become a public water supply. If the property is a public water supply, then DEP regulates it. If they stick to just the well they have, then Board of Health would have to regulate it. Michael Pill disputed the well tests done previously and put forward several contentions as to the assertions made by other parties. He agreed to the idea that this should have been known when they planned this facility. He also felt that they'll use more than a few hundred gallons a day. Stacy noted the town just got through the major development of its internet infrastructure which has delayed much of what the town might have otherwise done. She felt the town shouldn't limit what it might do with its properties because it has granted an easement. Hugh noted a concern about the use of the property and what the easement means. Michael Pill submitted that DEP's own rules say that they either have to own or control the property. Wayne noted the area would be restricted for sure in use. Kathy interjected to say that it was always known this would have to go to town meeting. She reminded she is an attorney and that while she saw some defects and errors to clean up, she didn't see why it couldn't be discussed. Randy noted in his opinion there is a limited benefit to the town, further, this type of easement just isn't the standard type that towns do and he didn't really see a compelling reason to grant the easement. Hugh suggested that Town Counsel be asked to make an official recommendation. Wayne concurred but wished for an official opinion from the Fire Chief as well. Joe responded he is very much in favor. It would have a clear and significant benefit for the Fire Dept. It would help refill a tank at the Station that provides water for the trucks and would help the town overall. Stacy asked if that wouldn't tell us that the town should drill its own well? She wondered if the Selectboard has to bring this to the town meeting. Randy submitted that they could always bring it as a Citizens Petition.

#### ***Proposed Revised Dog By-Law (Requested by Franklin County Sheriff's Office)***

Kathy elaborated that now that we've joined the County Sheriff's program for providing Animal Control Officers they have made a request for changes. Theirs would be fairly different than what the town has created. Wayne felt there was some overlap. Still he felt it prudent to adopt any differences. Randy suggested Jean could

assist Kathy as she helped write the current by-law if Jean was willing. Kathy was open to the idea if Jean was. She then noted a few areas that she knows the town would likely wish to keep rather than change and some of those the program doesn't have any issue with the town keeping. Hugh recalled some things from the AG's review of it. Wayne felt the by-law we do have is solid. Kathy agreed that it is. Jean noted she is willing to assist.

#### ***Approval of Seasonal Pouring License for New Salem Cider***

This is an annual license application. The Selectboard saw no reason not to approve the license and did so.

A motion was made by Wayne to issue the license to pour for New Salem Cider. The motion was seconded by Hugh and passed unanimously.

#### ***Approval of Use of Town Common for Town-wide tag sale on May 14***

Randy briefly went over the prior history of this. The event is being planned by Lyn Layton. Hugh noted there was some talk in the *New Salem News* on it and he had no problem with what was proposed there. The time, Kathy reminded, was 8 am to 2 pm.

A motion was made by Hugh to approve the requested use of the Town Common. The motion was seconded by Wayne and passed unanimously.

#### ***Letter of thanks for Senator Comerford & Representative Whipps***

Randy reported this is a thank you for work done for funds to repair town roads. It was agreed to sign the letter.

#### ***Discussion of Police Future Planning Committee Resident Survey***

Randy briefly began by reporting that the Police Dept. will get a grant for some equipment. Senator Comerford has also reported on some bridge academy grants that are available. Claire then took over and reported on the work done on the survey. The survey is ready and the intention is to mail it. They then would like to do a presentation with those results. Wayne suggested that we'll need to turn utilities back on for the Town Hall if a presentation is to be done there. Randy asked about the questions which were asked on the survey and the background on them. Claire briefly went over them noting the process for how they were picked and the desire to get a sense of how people are familiar with their policing. Any major change in model should take into consideration what the public finds to be important about this vital public service. So the questions focus on providing data to inform the decision ahead of the town. Hugh noted that some of the questions are designed to be measurable. So they aren't entirely objective. That's more for what public comment is for in a hearing. With the survey we need measurability so the questions are more yes or no. Randy asked about the age bracket question. Hugh responded that it was really about ensuring that a part of the population isn't missed. Claire concurred emphasizing that if nobody over 50 answers the survey we know we missed that segment. She then expressed hope that a public hearing would serve as another way to gather information. Some people may prefer to attend a meeting and express themselves there instead of in a survey. Further information could be shared. She wished to have this process be very open and multifaceted in the conversation held by the community. She also expressed some concerns about the Police Chief wanting his whole department to attend. She felt that imprudent. It would affect the hearing and the results. She was open to holding a special meeting with the department as a whole to hear its concerns and feelings on this. But the public meeting should be more focused on the community as a whole. She also didn't wish the room to be filled with known supporters or known opponents. Randy asked about publication as of yet. Claire responded they have a press release for local papers and information will go out just ahead of the survey. Wayne expressed the hope that this will be positive and result in good things.

#### ***Board of Health Update***

Jen began by reporting on an email in regards to Swift River Elementary School and comes from DEP. Board of Health is still processing it. The request includes asking for a signature from the Selectboard's in both towns regarding the work being done at the school for PFAS. They want a commitment that the towns are working to resolve this. Jen then reported that Board of Health will meet on April 11. In other news the Board of Health would like to organize a town-wide cleanup. We really also need to focus on illegal dumping occurring in town. She thanked the Police Dept. for their work to pursue illegal dumpers. As to the Transfer Station related ARPA, that's still in the works so the bill won't arrive for some time. Randy asked if there have been any increases in COVID cases in town. Jen responded she hadn't heard on any official report on there being any.

### ***ARPA Funds Discussion***

Randy asked Kathy about an ARPA reporting period. Kathy responded that the current report is for a period we didn't expend funds for. Otherwise she has already registered where necessary for reporting. Randy asked about the Board of Health's request for the Transfer Station. Kathy responded that we haven't received the bill for that yet as it remains under construction. Randy reminded we've only given money to Broadband, Fire Dept., and Board of Health. Wayne interjected to say that there may be some Police Dept. needs that could fall under this. Kathy affirmed that Joe Camden is working on submissions. Wayne reminded that we should consider our options for the Police Station. Randy generally agreed asking if the mold problem at the present station was ever fixed. It was unclear. Still, Randy wanted to see the mold issue addressed. Wayne turned to the prior proposed idea of moving the Police to the brick annex to the Stowell Building. That area could be readily converted into a Police Station. The current station just isn't ideal and shouldn't be used for anything aside from storage.

### ***Old Academy Building & Library Art***

There is a large historic painting that was originally in the Library. But it is now hanging in the Old Academy Building. There may be some concern about moisture. Wayne asked if it is an oil painting or not. Kathy responded it is a charcoal drawing. Wayne responded that such paintings can mold. Randy reminded it is a drawing of the Town Common. The Trustees of the New Salem Academy may have plans for it for their museum. If that's the purpose and its being taken care of, it should remain. After all, Randy reminded, we don't have a lot of places to hang historic things. So if it needs to be moved for its preservation it should be, but if it's being preserved where it is that's fine. Hugh then reported that he expects to consult with some parties soon.

### ***Date of Next Meeting (due to Patriots Day Holiday)***

Randy asked about the date. Hugh suggested it be April 19, the Tuesday after Patriots Day. Wayne had no issue with that proposal. It was so agreed.

### ***Veterans Memorial Update***

Wayne reported on this unanticipated item. The committee setup for this is now up and operating. They have plans for this and things are now in the work. Hugh asked about the funds question that arose in the past. Wayne responded something appears to have gone wrong and the funds went into the towns general fund. Thus they are gone. The solution is restoring the funds from Free Cash. So a vote at a town meeting. Still, it may be possible to do an end of year transfer. But End of Year Transfers cannot be done prior to May 1.

### ***Town Building Signs***

Stacy brought up this unanticipated item. There's one that's in need of some repair. It's been off its post and hinges for several months. Wayne noted he's had to repair it in the past. So has Ken Bright. Wayne agreed to look into it with Kathy. Hugh suggested we also consider for our handyman position the requirement for this. Or some other official. Wayne recalled the handyman is stipend and paid \$1,500. Randy asked if the person is paid regardless of work or not. We should consider that. It should be clarified. Hugh concurred.

### ***Minutes***

The Selectboard reviewed the minutes for March 21, 2022. The Selectboard saw no reason not to accept them as written and determined to do so.

A motion was made by Wayne to approve the minutes of March 21, 2022 as written. Hugh seconded the motion and it passed unanimously.

A motion to adjourn at 8:34 pm was made by Wayne. The motion was seconded by Hugh and passed without objection.

Respectfully Submitted  
Jakob K. Hamm, Selectboard Clerk