

**BOARD OF SELECTMEN MINUTES –September 14, 2009
SUNDERLAND TOWN OFFICES**

Present: Mr. Bergeron, Mr. Fydenkevez and Mr. Wissemann

Others: Ms. Nartowicz

Behind the Camera: Tom Zimnowski

- Call to order at 6:02 p.m.
- Executive Session-Mr. Bergeron announced that the Board of Selectmen would enter into an executive session under C.39 § 23B ¶3. Motion by Mr. Fydenkevez to enter into executive session and return to open session after executive session, 2nd by Mr. Wissemann. Roll call vote to enter into executive session Mr. Fydenkevez-yes, Mr. Wissemann-yes, Mr. Bergeron-yes.
- Reentered open session at 7:00pm
- 40B-Mr. Bergeron-Executive Session was held at 6:00 p.m. regarding 40B. Overview of open meeting agenda.
- Public Hearing Snowzees-Legal ad read by Clerk, Mr. Wissemann. Public hearing called to order at 7:02pm. Summary of pledge of license-Mark H. Snow. Discussion regarding reason and method of pledge. Motion to authorize pledge of license by Mr. Wissemann, 2nd by Mr. Fydenkevez. Vote 3-0. Public hearing closed at 7:06pm.
- 40B Mediation Session-Mr. Bergeron-Last Tuesday was 40B mediation session. Overview of process and path forward. Jay Talerman, 40B Legal Counsel-Some of issues throughout have been water, wetlands, traffic, intersections/impacts, internal traffic, fire apparatus (lack of) for 3-story buildings, and concerns with applicability to Town's Housing Plan. Town is not interested in 150 garden-style units. Two possible points for discussion. Mr. Bergeron-Mix of spaces/drastically downsized, ownership development; outright purchase of land by Town. Left with idea for different, smaller development that addresses Town's Housing Plan. Density of units were a sticking point. Question is-who holds the permit for the water rights? Applicant is looking for some sort of response from Town. Steve Krol-Wasn't a lot of give on applicant's part. Summary of mediation process. Would be interested in much smaller cluster development in housing style not necessarily geared toward student housing. Mr. Talerman-Applicant didn't discount entirely modification of numbers of units, conservation issues. Mr. Bergeron-Town needs to decide if it should continue to negotiate. Discussion regarding land for water protection. Discussion regarding prior Town involvement in trying to purchase the land and water. Value couldn't be put on land until water assessment is done (DEP). Fred Laurenitis-Water District isn't in the market for additional water sources right now. Infrastructure would have to be improved to provide any water from site. Mr. Wissemann-Trying to find interested parties and viability to purchase would be interesting. Mr. Griffin-We're a long way from that. Mr. Talerman-Would have to find business partners, assessments, etc. Every year that the large development exists will cost the Town a great deal of money. Discussion regarding failed override and pedestrian vs. motor vehicle accident impacts to Town's case. David Pierce-Maybe it would be in the Town's best interest to look at buying land. There may be several options the Town could look at with regard to development. Mr. Fydenkevez-Would want to tie in any purchase with components of the Town's Housing Plan. There's only so much the Town can afford, and there's only so much the Town can absorb with regard to cost of services. Mr. Laurenitis-District looked into some funding sources from stimulus. Would allow for 75% grant, but Waster District may not qualify. Town may be able. Mr. Bergeron-Hearing that there may be interest in continuing discussion. Mr. Laurenitis-With costs to the community down the road, it may be more cost effective to purchase outright. Jim Bernotas-To the Town's advantage to some way end up with this piece of property. Discussion regarding case before HAC, and weight of Town's case. Discussion regarding potential uses of land, the HAC and court process. Mr. Fydenkevez-The Town's Housing Plan has been accepted by the State. Solid basis for Town's standing. Barre Tozloski-Reminder that ZBA had concerns from the beginning about costs to Town. Russ Cranshaw-Town should keep talking with developer-is developer is willing to make dramatic changes? Mr. Talerman-Town would have to commit to information gathering in order to submit counter proposal. Mr. Bergeron-Need to continue to emphasize working within framework of Housing Plan. Mr. Fydenkevez-May have to use a little creativity

with public/private partnerships in the process. Mr. Fydenkevez-Stick with what was discussed in executive session. Mr. Taleran-That was consistent with discussion in open session.

- Route 116 Crosswalk-Mr. Bergeron-Route 116 is a busy road. October 5th public forum on safety issues at the site. Mr. Fydenkevez-Would like UMASS Transit involved in education information being distributed. Mr. Wissemann-The process shouldn't be to lay blame, but to make the area safer for all. Bicycles are out-be careful. Mr. Bergeron-Change in route of Sunderland Elementary School busses.
- September 1, 2009 Minutes- Motion by Mr. Fydenkevez to accept September 1, 2009 minutes, 2nd by Mr. Wissemann. Vote 3-0.
- September 8, 2009 Minutes-Mr. Bergeron gave an overview of Whately meeting on Senior Center issues. Mr. Fydenkevez-Sunderland has had some COA members resign. Tremendous loss of experience. Many things going on in Deerfield with regard to the Senior Center. Can't have regional agreement without total communication. Hopefully progress will be made. Survey going out to Sunderland seniors tomorrow. Motion to accept minutes of September 8, 2009 by Mr. Fydenkevez, 2nd by Mr. Bergeron. Vote 2-0-1 (Mr. Wissemann absent 9/8/09).
- Regional Flu Clinic-Mr. Fydenkevez-Regional flu clinic on October 3, 2009 at Frontier Regional School. Parents, talk with your primary care physician about your children's' care and take simple precautions.
- Town Administrator Contract-Hold to next meeting.
- Stantec Annual Landfill Sampling Contract-Motion to approve by Mr. Fydenkevez, 2nd by Mr. Wissemann. Vote 3-0.
- 7-11 Common Victualler License - 7-11 Common Victualler license for remainder of year. Motion by Mr. Wissemann, 2nd by Mr. Fydenkevez. Vote 3-0. License transfers-discussion regarding periodically checking for license transfers, etc. Mr. Fydenkevez-Suggest letter to go to management.
- Resignation Letter-Part-time Police Officer Lankowski resignation letter read by Clerk, Mr. Wissemann. Motion to accept with regret by Mr. Wissemann, 2nd by Mr. Fydenkevez. Vote 3-0.
- Town Office Copier Lease – Motion to enter into 5-year lease agreement for Town Office Building copier by Mr. Wissemann, 2nd by Mr. Fydenkevez. Vote 3-0.
- Klemyk APR-Discussion regarding location of site and quality of soil. Town commits to 10% of purchase price. Mr. Fydenkevez-Need to continue looking at land for APR and prioritizing parcels. Discussion regarding prioritizing agricultural land for protection as part of Master Plan. Discussion regarding GIS access for Conservation Commission to develop overlays, do inventories, etc. Motion to accept APR and sign Form E by Mr. Wissemann, 2nd by Mr. Fydenkevez. Vote 3-0.
- Sunderland Elementary School-Mr. Fydenkevez-School Committee meeting tomorrow evening. Budget season again. Would like sub-group: 1 member of Board of Selectmen, 1 member of School Committee, and 1 member of Finance Committee to keep conversation going.
- FY11 Budget-Important to discuss the upcoming year's budget and beyond. Mr. Bergeron-SES budget value is designed for certain number of students. Would like to see long-term planning based on student population. Talked with School Committee Chair who was receptive. Mr. Fydenkevez-Communication between all parties is very important. Ms. Nartowicz will call a fall meeting of TA's and school administration again.
- Warrant by signature.

Motion to adjourn by Mr. Fydenkevez and 2nd by Mr. Wissemann. Vote 3-0. Meeting adjourned at 8:48pm.

Respectfully submitted,

Margaret Nartowicz
Town Administrator