



MINUTES
Board of Selectmen Meeting
Tuesday, October 16, 2012 at 5:00 P.M.
Town Hall Hearing Room, 60 Center Square
East Longmeadow, Massachusetts 01028

Present: James D. Driscoll Chairman, Board of Selectmen (BOS); Paul L. Federici, Chairman, Board of Health (BOH) and Clerk of the Board.

Nick Breault, Town Administrator (TA); Attorney James T. Donahue, Town Counsel (TC);
Lorraine Banspach, Assistant Executive Secretary.

Chairman Driscoll called the meeting to order at 5:08 p.m. with the Pledge of Allegiance, and then made announcements in accordance with G.L., 30A, (e), and recognized that a reporter from the Reminder was present and taping tonight's meeting.

Public Forum:

Heather Cunningham, 44 Mill Road & Karen Godbout, 146 Meadowbrook Road; re: Roosters & Chickens.

K. Godbout referenced recent BOS meeting where a discussion about rooster complaints was discussed; and then explained and discussed her views on the Massachusetts Right to Farm (RTF) laws. J. Driscoll discussed the details of how the complaint came about his research into it; and there was discussion about this particular situation. There was discussion about the RTF act and how they could bring it to Town Meeting and the numbers of communities that have adopted it and different ways to implement it. H. Cunningham added comments about the RTF act and the current situation with the rooster. There was general discussion about by-laws in place with regards to animals. Ralph Page, Planning Board, was in the audience and recognized by J. Driscoll and he offered some commentary regarding the by-laws. The BOS will have TC review the RTF act and discuss it at the next meeting.

Brown Farm Property.

J. Driscoll opened discussion regarding the recreation opportunities for the property and H. Cunningham was asked to discuss an idea she proposed to him. H. Cunningham gave a history of how she developed a concept of using the property as a stable for passive use for horse trails; perhaps with having an organization like 4-H use it as a base; to use the money set aside for demolition and use it to reinforce the buildings and use it for horses and passive recreation. There was discussion at length about the concept. The BOS will have the Recreation Director meet with H. Cunningham, and then invite her, the Community Preservation Committee, Recreation Director and Town Counsel to the next meeting.

John Flynn, Hampden Board of Selectmen.

J. Flynn met with the BOS to discuss the Town of Hampden's interest in formalizing an agreement for East Longmeadow to regionalize Information Technology services; and for investigating the same plan for Human Resources services. There was discussion about planning a Regional Boards of Selectmen meeting. The BOS said they agreed with the concept of the agreement for the IT services. There was also consensus about joining together in a community impact study with regards to casinos.

HEARING:

99 West LLC d.b.a., Ninety Nine Restaurant, 390 North Main Street, John R. Grady, Concept President, 99 Restaurants applying for a Transfer of Stock. Previously approved by the ABCC. Corey Bergeron, Manager attending Hearing. For signature Form 43.

C. Bergeron met with the BOS. P. Federici read the hearing notice. A sign up sheet of attendees was passed around. C. Bergeron explained that the company was purchased by American Blue Ribbon Holdings and is no longer owned by O'Charley's. The ABCC has already approved the transfer.

J. Driscoll asked if there was anyone present that wanted to speak on the matter and nobody came forward. TC did not have any issues with it. P. Federici had no comment on it.

Motion P. Federici so moved for the approval of the transfer of stock from O'Charley's to American Blue Ribbon Holdings, as already approved by the ABCC. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0. J. Driscoll praised the company as good neighbors and noted that the Regional Vice-president was there with food during the October (2011) snowstorm.

Motion P. Federici so moved for a five minute recess. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

HEARING:

Yummydough, Inc. d.b.a. Fusion Café, (Mike Chang, Manager) transfer of Licenses to MESS, LLC, d.b.a., Bentley Bistro, 53 North Main St. - For approval: a) All Alcoholic Beverages License; b) Manager, Brian Ryan; c) Substitute Manager, Vincent Santaniello; d) Alteration of Premises; e) Change in hours; f) Common Victualer License; g) Food Service Establishment Permit, hours Sun. – Wed. 11am-12Midnight; Thurs. – Sat., 11am-1am; f) Catering License; g) Milk & Cream License; h) Entertainment License, hours: Sun. –Wed. 11am-12 Midnight; Thurs. – Sat., 11am-1am. Approved by Health Inspector. Insurance pending.

P. Federici read the hearing notice. J. Driscoll disclosed that he had entered into a real estate transaction six months prior to this hearing with one member of the entity (transferee) and he had disclosed this with the Town Clerk and his board and TC; and that after discussion with TC and since the transaction closing was recent, and because this is a two member board, he was invoking the rule of necessity under MGL Chapter 138, section 16 (b); and went on to further clarify his reasoning for this disclosure.

J. Driscoll asked if anyone had any questions regarding his disclosure and nobody came forward.

P. Federici then disclosed that he has been friends with the Santaniello's his whole life, and that they are not relatives but they do have relatives in common, and that he also knows the Manager, Brian Ryan, and that he does not believe that his knowledge of them as friends will affect his decision making ability regarding this license.

Attorney Don Anderson made a presentation to the BOS regarding the proposed transfer. The proposal included requests to increase the hours of operation by one hour Sunday through Thursday, and to change the entertainment license to keep up with technology for background music and for an addition of two musicians to the one piano player for a total of three. J. Driscoll noted that there is a sign up sheet circulating for attendees. A floor plan was laid out and discussed, and was marked as Exhibit 1. A proposed menu was circulated. D. Anderson stated that his clients understood that the full menu must be available at all times. D. Anderson asked the Chairman if there needed to be an amendment to the entertainment license to include televisions and the Chairman said there was not, that they have been included as entertainment and not as a separate request for any establishment.

J. Driscoll asked if there was a report from the Police Department about any problems with this property for the past several years and the Chief indicated that there weren't any; and explained in brief some of the history of the original establishment going in there.

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J. Driscoll asked if there was anyone in attendance that wished to comment and nobody came forward. D. Anderson explained that they have held meetings to address how to continue to be good neighbors.

Motion P. Federici so moved to enter into executive session to discuss matters with respect to an individual's right to privacy, to return to open session to vote on the matter before them. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0, by roll-call vote.

Motion P. Federici so moved for the approval of the transfer of the all alcoholic beverages license from Yummydough, Inc. d.b.a. Fusion Café to MESS, LLC, d.b.a., Bentley Bistro, 53 North Main St. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved for the approval of Brian Ryan as Manager for the aforementioned application. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved for the approval of Vinnie Santaniello as Substitute Manager for the new establishment. J. Driscoll seconded out of necessity. Discussion: J. Driscoll noted that they do require that not only the managers, but any staff that serves alcohol must take the TIPS course or something equivalent. Motion carried unanimously, 2-0.

Motion P. Federici so moved for the approval of the change in hours that will now be from 11:00 a.m. until 12:00 a.m. from Sunday to Wednesday, and the hours remaining of 11:00 a.m. until 1:00 a.m. on Thursday, Friday and Saturday. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved for the approval of common victualer license. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved for the approval of the transfer of the food service establishment permit, with the hours as mentioned in the previous change. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved for the approval of the catering license for the new establishment. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved for the approval of the milk and cream license transfer. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved for the approval of the entertainment license for the previously approved hours and to include the ability for up to three musicians to perform, and a DJ to use any source of recorded music. J. Driscoll seconded out of necessity. Discussion: J. Driscoll clarified that it is up to three musicians. Motion carried unanimously, 2-0.

Motion P. Federici so moved for the approval of the altering of the premises as presented in Exhibit 1. J. Driscoll seconded out of necessity. Discussion: J. Driscoll said that everything they've asked for has been approved for every other food license holder in town for similar reasons; the trends of single dining and the entertainment license and hours to be equal with other license holders. Motion carried unanimously, 2-0.

J. Driscoll noted that this is approved by the Health Inspector, and that the insurance is pending.

MEETINGS/INVITATIONS/REMINDERS:

Board of Selectmen Meeting, Tue, Oct. 30, 2012, (Time TBD) Town Hall Hearing Room.

The BOS set the meeting time for 5:00 p.m. The TA asked what time the BOS wanted to set the

Hearing for the Body Art Regulations, and the BOS set it for 6:00 p.m.

The following were announced and noted.

Candidates Night, Thurs., Nov. 1, 2012, 7pm; COA, 328 North Main Street

Election Day, Tue., Nov. 6, 2012, Birchland Park School, 7am-8am

Town Offices closed Mon. Nov., 12, 2012 in observance of Veterans' Day

Board of Selectmen Meeting, Tue, Nov. 13, 2012, (Time TBD) Town Hall Hearing Room

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Preliminary Election for Board of Selectmen, Tue., Nov. 20, 2012, Birchland Park School, 7am-8am

34th MMA Annual Meeting & Trade Show, Jan., 25 & 26 2013 in Boston.

APPROVAL OF MINUTES:

Motion P. Federici so moved to approve the open session minutes of August 22nd. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved to approve the executive session minutes of August 22nd. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Paul Morrissette, Fire Chief.

Firefighter Bill Houle: Chief Morrissette reported that he recently graduated from the Fire Academy.

Surplus Equipment: Chief Morrissette explained that he has a surplus desk and sent an email to department heads to see if they wanted it, but nobody did; that he has a couple of inquiries from employees interested in taking it for their homes; and that there is probably some other surplus items. The BOS consensus was to not distribute it to employees; but to have the Chief and TA work with TC on a policy, or perhaps a Town tag sale.

Invitations:

1) EL Firefighters Association Ziti Dinner: The Chief described the event.

2) Hampden County Fire Mutual Aid Assoc. Nov. Meeting: The Chief described the event and invited the BOS to attend.

Approval of a One Day Liquor License (beer & wine) EL Firefighters Ziti Dinner, Saturday, October 20, 2012 from 5pm-8pm, St. Michael's Community Center, insurance on file.

Motion P. Federici so moved for the approval of the one day liquor license for beer and wine for the Firefighters Ziti Dinner, Saturday, October 20th, from 5-8 p.m., insurance on file. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Chief Brady's retirement dinner: J. Driscoll noted that this event is on November 10th with tickets still available at the fire station.

Capital Requests: The BOS did not have questions for the Chief at this time.

Motion P. Federici so moved for a two minute recess. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

HEARING:

TAX CLASSIFICATION HEARING:

P. Federici read the hearing notice. J. Driscoll recognized that the Board of Assessors (BOA) and Director of Assessing. Bill Johnston, BOA Chairman, stated that the purpose of this hearing was to determine whether there will be a split tax rate, and not the tax rate itself, and whether or not to adopt small exemptions for residential or commercial. The TA reported that no comments were presented in writing. J. Driscoll and P. Federici made comments supporting a single tax rate.

J. Driscoll opened the hearing up for public comment and noted that a sign in sheet was circulating.

Dawn Starks, representing the East of the River Chamber of Commerce, made comments in favor of a single tax rate.

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Ralph Page, representing the East Longmeadow Small Business Association and speaking as a small business owner, urged the BOS to support a single tax rate. Dan McDonough, representing Lenox/American Saw, Newell-Rubbermaid, presented statistics and information about his firm's growth over the past decade, some of their plans for the future, and made comments supporting a single tax

rate. J. Driscoll expressed his wanting to keep East Longmeadow competitive for business. Dan Burack, resident, and Board member of Westmass Development Corp., discussed East Longmeadow's growth in the Industrial Park, and how the single tax rate helped with that, and thanked the BOS for keeping it a single rate. J. Driscoll reported that a projected tax rate, based on preliminary numbers, would be for a decrease of 1.22%, that last year's rate was \$18.85 and this year's projected could be \$18.62.

Motion P. Federici so moved to approve a single tax rate, Factor of 1, for Fiscal Year 2013. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Douglas Mellis, Police Chief.

Shred Day and Prescription Take Back Days.

It was noted that both events were a success; that there was over 100 pounds of prescription drugs collected.

Civil Service List.

There was discussion about filling two police vacancies in time for the academy in February, which would mean scheduling interviews in November. The Chief explained more about the process to date.

Capital Requests.

The Chief is waiting for quotes from the vendor on vehicles.

Request for investigation. Item moved to executive session.

Springfield RECC report.

The TA reported that the outcome of the meeting that he and the Chief attended in September was to have the Town's decide whether or not to commit to a RECC by December. Chief Mellis discussed in brief the governance and payment structures and what models might be used, and how the use of 9-1-1 funding from the state would affect those decisions. The TA added that this would likely not be a money saver for the Town; and Chief Mellis clarified that because residents still use the seven digit phone number there will still be a need to keep an officer in the station. There was brief discussion about staffing, with Mr. Pete Punderson recognized by the Chairman to ask for a point of clarification on the issue.

Motion P. Federici so moved to enter into executive session to discuss matters pertaining to potential litigation and personnel issues, to return to open. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0, by roll-call vote.

ELCAT Employee.

Motion P. Federici so moved, under Mass General Law 268A, section 25, to have the current ELCAT employee who is currently suspended with pay, to be suspended without pay. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

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Surrounding Impacted Community status, re: Springfield Casino Proposals.

Carolyn Brennan, Executive Director of the Council on Aging; Chief Mellis; George Kingston, Chairman of the Planning Board, and the Town's representative on the Pioneer Valley Planning Commission (PVPC); and Ralph Page, Planning Board Member, were invited to join the discussion at this time.

There was discussion about what impact a casino in Springfield might have on East Longmeadow.

G. Kingston reported that Gaming Commissioner Bruce Stebbins recently made a presentation at the PVPC about the casino application process and what a surrounding impacted community must do to apply for mitigation for these impacts, and summarized these points. The BOS consensus was to be included in the process. There was discussion about what some of the impacts could be and how to proceed.

Motion P. Federici so moved that the Board support this and have the Town Administrator and potentially impacted department heads, to include the Council on Aging, Public Safety, Accounting, Planning, School Department and DPW to work together on an impact statement to submit to the BOS for review by mid-December's meeting. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0. J. Driscoll thanked Bruce Stebbins for bringing this to the Town's attention and to George Kingston for his representation on the PVPC.

Carolyn Brennan, COA Executive Director.

Proposed kitchen restructuring.

C. Brennan reported that Mr. McCormack is unable to return to work; and proposed combining the Kitchen Coordinator position with the Cook, to raise the hours to 30 and the pay to draw a larger group of qualified people; and discussed the positives of doing so. There was discussion of the meals program and how the combined position would serve it.

Motion P. Federici so moved to approve the request and the job description as presented. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved to allow the Council on Aging (Executive) Director, with the Board (BOS) liaison to facilitate the normal hiring process, to encapsulate it so they can come back with a recommendation to the Board as soon as possible. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

CIC Grant Update.

C. Brennan explained that there is a grant out to promote regionalization of services that is a great opportunity to enhance the van service that is provided with Hampden, which is grant funded and not funded directly from either community's tax base. She will be applying with Hampden for the full \$50,000; along with applying for another grant to obtain two vans from the Pioneer Valley Transit Authority.

COA Flea Market request, Saturday, October 27, 2012 from 9am-2pm. Sign permit and Raffle permit approval pending. Request to waive Raffle fee.

C. Brennan said this is to benefit the Meals on Wheels program.

Motion P. Federici so moved to approve the sign permit and the raffle, and the waiver of all fees for the non-profit. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

CDBG Grant.

The TA reported that the federal timetable for submission has been moved back to sometime in February; and that the Town's public meeting on it will likely be November 14th or 15th.

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Resignation: Rocco Carabetta, Capital Planning Committee.

J. Driscoll noted this resignation, with regret, but also acknowledged that Mr. Carabetta was subsequently appointed to the Appropriations Committee, and thanked him for his service.

Space studies, Schools and Town:

The TA gave an update on the School space study process; that he and the Building Commissioner were participating in the Designer Selection process, and that the RFQ was set to go out.

The TA then reported that the IT Director expressed an interest in being the point person for the Town

Space study.

Motion P. Federici so moved to appoint Ryan Quimby as the point person, and for any Designer Selection Committee that may come for that study. J. Driscoll seconded. Motion carried unanimously, 2-0.

Linden Avenue request, DPW response.

Motion P. Federici so moved to approve the sign. J. Driscoll seconded. Motion carried unanimously, 2-0.

Letter from Charter, re: Annual rate justification filing for 201. Item noted.

Capital Planning request FY 14. The BOS noted that they have the Fire request.

Photo request from Dolly Nicoli. No action taken.

EL Together: a) Temporary Food Service Permits (Approved by Health Inspector); b) Recommendations from Police, Fire, Recreation, DPW. Insurance on file.

Motion P. Federici so moved to approve the temporary food service permits, approved by the Health Inspector, pending recommendations from Police, Fire, Recreation and DPW, noting that the insurance is on file, and waiving the fees. J. Driscoll seconded. Motion carried unanimously, 2-0.

Leahy Field Signage. The BOS noted that the Planning Board approved the sign.

Request from EL UNICO re: One Day Liquor License (Beer & Wine) on Friday, November 9, 2012 from 6pm-10pm at St. Luke's Church, 400 Prospect St. in conjunction with their Porchetta dinner.

Motion P. Federici so moved to approve the UNICO request for a one day liquor license (Beer & Wine) on Friday, November 9, 2012 from 6pm-10pm at St. Luke's Church, for their Porchetta dinner. J. Driscoll seconded. Motion carried unanimously, 2-0.

Eastern Hampden County Veterans' Service District (EHCVSD).

The meeting is confirmed for November 20th.

Motion P. Federici so moved that he be the liaison to this committee. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

The BOS discussed the proposal for another community joining the District.

Invitations and Requests from LaPlante Construction re: Grand Opening Event, Thursday, October 18, 2012 from 4pm-6pm, 94 Maple Street: a) One Day Liquor License (beer & wine) (same date & time); b) Temporary Food Service Permit approved by Health Inspector). Insurance on file.

Motion P. Federici so moved to approve the one day liquor license for the date and time requested. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

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Motion P. Federici so moved to approve the temporary food service permit for the date and time requested. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Veterans' Day scheduled event, Sunday, Nov. 11, 2012. Item noted.

Boards and Commissions.

J. Driscoll had a question for TC; he acknowledged that G. Kingston is a great resource for the Town and a man of great integrity; but wondered if there is any kind of issue with his serving on two different boards (Planning and Conservation); TC said there are statutes that he could look at.

Carleen Eve Fischer Hoffman, Medical Reserve Corps (MRC) Unit Coordinator joined the discussion at this time. C. E. Fischer Hoffman and J. Driscoll discussed the qualifications of a few of the candidates for the MRC.

Motion P. Federici so moved to approve the seven candidates for the Medical Reserve Corps for an annual appointment, as presented. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0. J. Driscoll thanked C. E. Fischer Hoffman for volunteering for the Town.

J. Driscoll announced that there are single vacancies for the Zoning Board of Appeals (Associate), Cable Advisory Committee, Community Preservation Committee, Conservation Commission, ELCAT (Alternate), and Housing Partnership; and multiple vacancies on the Cultural Council (2); ADA Committee (3); Recreation Commission (3); and Fence Viewer (2).

Motion P. Federici so moved to approve the four members listed (Paul Federici, Lloyd Oakes, Don Maki, Nick Breault) and Rich Freccero to the Cable Advisory Committee. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved to approve the appointment to the Emergency Management Committee as presented. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved to approve the appointment of the six members to the ELCAT Committee as presented. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved to approve the Council on Aging eleven members as presented. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved to approve the seven (*sic*, 5) members of the Cultural Affairs Committee, noting that there are still two vacancies, as presented. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved to approve the ten (*sic*, 7) members of the ADA Commission noting that there are still three vacancies, as presented. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Green Committee appointments were tabled.

Motion P. Federici so moved to approve the four members of the East Longmeadow Housing Partnership Committee as printed, noting that there is still one vacancy. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

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Recreation Commission. J. Driscoll noted that the current Recreation Commission Chairman, Rich Page, intends to resign once a new commissioner is appointed, and so there are really three vacancies and not two. Colin Drury, Recreation Director, joined the discussion at this time. There was brief discussion about the current commission makeup.

Motion P. Federici so moved to approve the nine (*sic*, 7, including Mr. Page for now) members of the Recreation Commission, noting that there are still two, and eventually three vacancies, as presented. J. Driscoll seconded out of necessity. Discussion: J. Driscoll advised C. Drury to tell the members of the Commission how important it is to be active. C. Drury agreed, and cited the upcoming pool project and Brown property proposals, and how having ten voices, including his, are important to those processes; and noted Rich Page's 22 years of service. Motion carried unanimously, 2-0.

Motion P. Federici so moved to appoint the eight Safety Committee members as published. J. Driscoll

seconded out of necessity. Motion carried unanimously, 2-0.

Zoning Board of Appeals appointments were tabled.

Animal Control Officer (ACO).

ACO conference.

P. Federici explained the request to attend the conference on November 19th, and expressed support for continuing education.

Motion J. Driscoll moved to approve the ACO's attendance at the meeting and to use the pool car if it is available. P. Federici seconded out of necessity. Motion carried unanimously, 2-0.

(ACO) Budget requests. The BOS consensus was to address budget requests in the coming cycle.

Appointment to ACOAM Board.

The TA explained that costs involved would be for any coverage needed from the Alternate ACO on days he is out of town, and travel costs.

Motion J. Driscoll moved to approve the ACO's appointment to the Board. P. Federici seconded out of necessity. Motion carried unanimously, 2-0.

Body Art re: Proposed Hearing Date October 30, 2012.

The BOS will start their regular meeting at 5:00 p.m. and the Hearing will be held at 6:00 p.m. The TA explained upon advice of TC that the add announcing the hearing can and will be brief and not include the regulations, but copies of the regulations are available in the Board of Health Office.

Letters, re: Massage Therapy By-laws.

This was to notify the BOH that letters were sent by J. Driscoll on behalf of the Board to notify the affected businesses of the new by-laws. The TA reported that the Planning Board expects to discuss the mitigation of hearing costs for the affected businesses at its next meeting.

Request for Re-grade, DPW Secretarial Positions.

The BOS noted receipt and will discuss at the next meeting.

Shelter Plan. Item tabled.

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Family Medical Leave Act Policy review.

Corinne Tranghese, Benefits Administration Manager, joined the discussion and reported that she is working with the School Department to ensure that there is consistency in the administration of FMLA.

Non-Union negotiations. Item discussed in executive session.

Medicare B - Retiree's question.

C. Tranghese explained that a retiree has a request for the Town to continue to pay their Medicare penalties if they leave the Town's insurance, and gave details without naming the retiree. This would result in the retiree going on a better plan through their spouse on the GIC at a lower cost; that if the Town paid the penalties it would still save money by not having to pay the Town's portion of the insurance premium; along with ensuring that there would not be any potential liability of the spouse coming on the Town's insurance because once a retiree leaves the Town insurance they can't come back.

TC said the concern he and Labor Counsel had was to determine how many other retirees are out there

in similar circumstances, and that if the BOS approved it they restrict it with the understanding that any future considerations would be only for retirees with similar circumstances. There was discussion about the Town's liability to make sure the retiree understands the ramifications of this and TC did not think there was any specific statute. There was additional discussion on this point and other aspects of the request and future requests.

TC offered the following new regulation for the BOS to consider adopting:

When there is a retired employee of the Town whose spouse is a retired municipal employee of the Commonwealth who is also covered by a 32B insurance plan, that that employee, if they request to leave the Town's insurance coverage, and would be allowed to do so, and that the Town would pick up the Medicaid (*sic*, Medicare) penalty beyond his leaving the employ of the Town, but only limited to that specific situation.

Motion P. Federici so moved to approve the rule as stated by Counsel. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Motion P. Federici so moved to approve the request, based on adopting the new healthcare regulation. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

TEU & Fire Negotiations. Items discussed in executive session.

39 Shaker Road Property.

The TA's letter to the department heads regarding any interest in use of the property was noted.

IAFF negotiations. Item discussed in executive session.

IT MOU – IT Support for Town of Hampden.

TC questioned whether the hourly rates proposed covered the actual costs; and that the response from the IT Director was still a little unclear with respect to health insurance and other benefits. Item tabled.

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Motion P. Federici so moved to enter into executive session to discuss non-union and union negotiations, and for discussions with Counsel regarding policy decisions the Board may make, to return only to adjourn. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0, by roll-call.

Motion P. Federici so moved to adjourn the meeting. J. Driscoll seconded out of necessity. Motion carried unanimously, 2-0.

Meeting adjourned at 8:30 p.m.

Minutes respectfully submitted by Nick Breault, Town Administrator

APPROVED AT THE BOARD OF SELECTMEN MEETING, TUESDAY, DECEMBER 11, 2012

