

**SELECTBOARD MEETING  
TUESDAY, NOV. 24, 2020  
VIRTUAL AGENDA  
7 P.M.**

**Join Zoom Webinar from your computer:**

**<https://us02web.zoom.us/j/89680349620?pwd=VDFZMG9OaGRHK3JzOGJLK2wrcnJPOT09>**

**By phone: +1 646 558 8656 Webinar ID: 896 8034 9620 Passcode: 318859**

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<p><b>Note: Not all topics listed here may be reached for discussion. In addition, the topics listed are those which the chair reasonably expects will be discussed as of the date of this notice. This meeting may be audio and/or visually recorded.</b></p>
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1. Call to Order
2. Approval of Minutes: Draft minutes of Nov. 10, 2020, Draft Executive Session Minutes of Nov. 10, 2020
3. Open Forum/Announcements
4. COVID 19 Update (S Hart)
5. Joint interviews with Planning Board for PB Associate Member  
A. Michael Adelman (Planning Board Associate Member)
6. Authorizing Smart Growth Grant Use for MassWorks Grant
7. Request from Bylaw Review to send Attorney Opinion on Town Meeting
8. Symposium of Understanding Update (Diversity and Inclusion Employee/Public Project, Dr. Lauren Appio)
9. Town Administrator's Report
10. Adjourn

**SELECTBOARD MEETING  
TUESDAY, NOV. 10, 2020  
DRAFT MEETING MINUTES  
VIRTUAL MEETING ROOM – 7 P.M.**

*Present were Chair Jeff Cyr, Vice Chair Sarah Etelman, Member Chris Geraghty, Member Bruce Forcier, Member Andrea Miles, and Town Administrator Michael J. Sullivan.*

**CALL TO ORDER**

Cyr called the meeting to order at 7 p.m.

**MINUTES**

Geraghty motioned to approve the draft minutes of Oct. 20, 2020. Miles seconded. All in favor.

**Members voted affirmatively by roll call vote as follows:**

**Etelman – Aye**

**Miles - Aye**

**Cyr – Aye**

**Forcier – Aye**

**Geraghty – Aye**

**OPEN FORUM / ANNOUNCEMENTS**

Miles informed the board there are three finalists for the school committee superintendent position. The school committee will conduct those interviews.

Cyr thanked all veterans for their service and wished them a happy Veterans' Day. He also thanked the first responders who assisted in two recent incidents which involved a shooting and a fatal car accident. Finally, he offered thanks to Town Clerk Carlene Hamlin and the elections staff for a successful and safe presidential election.

**COVID-19 UPDATE**

Hart said numbers continue to rise. There are 16 new confirmed positive COVID cases in South Hadley since the previous week, 11 contact cases, and two more each of suspect and probable cases. She also noted the town recorded its first death not related to a long-term care facility, which brings total deaths to 26.

Cases continue to trend to younger ages. One case was connected to fall youth sports.

Hart mentioned the new orders from Governor Baker which include the requirement of masks both indoors and outdoors even when social distancing is possible, and a mandatory closing period for businesses. Massachusetts residents are encouraged to stay home between 10 p.m. and 5 a.m.

**CLOSURE MANAGEMENT**

After a presentation by Kip Foley from Closure Management on a proposal to reopen the South Hadley landfill to contaminated construction soils, Selectboard members asked for a Google

Form to be created to which residents can submit concerns and questions. The link to the form is here: <https://docs.google.com/forms/d/1Dqtl-WQfriUrTOvEzf1bb5IEswNZNm52H-ROCDy00Bc/edit>

Kip will also hold virtual meetings with the Conservation Commission and Planning Board. He offered to hold virtual meetings with abutters and concerned residents.

### **TOWN ADMINISTRATOR SEARCH**

Etelman moved to authorize Sullivan to enter into an agreement with Community Paradigm Associates, LLC. Geraghty seconded.

#### **Members voted affirmatively by roll call vote as follows:**

**Etelman – Aye**

**Miles - Aye**

**Cyr – Aye**

**Forcier – Aye**

**Geraghty – Aye**

Board members agreed to have Sullivan contact Bernard Lynch of Community Paradigm to attend its next meeting to answer any questions members have regarding the town administrator search.

### **TOWN ADMINISTRATORS REPORT**

No member pulled an item out to highlight. For the full report, see the Nov. 10 Selectboard Packet on the town website.

### **EXECUTIVE SESSION / ADJOURN**

While still in open session, Etelman moved the South Hadley Selectboard convene in Executive Session under the provisions and consistent with MGL Chapter 39 for the purpose of contract discussions in relationship to AFSCME Local 1033 request to bargain and to discuss the Town Administrator contract and not return to public session. Cyr seconded. All in favor.

#### **Members voted affirmatively by roll call vote as follows:**

**Etelman – Aye**

**Miles - Aye**

**Cyr – Aye**

**Forcier – Aye**

**Geraghty – Aye**

The board will not return to open session. The meeting adjourned at 8:32 p.m.

**RESPECTFULLY SUBMITTED**  
**Kristin Maher**  
**Executive Assistant to Administration**

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## Online Form Submittal: Application for Appointment to Board, Commission, or Committee

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noreply@civicplus.com <noreply@civicplus.com>

Tue, Sep 22, 2020 at 12:45 PM

To: chamlin@southhadleyma.gov, kmaher@southhadleyma.gov, sgmeiner@southhadleyma.gov

### Application for Appointment to Board, Commission, or Committee

#### Step 1

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##### Committees

Before the Selectboard or other appointing authority makes appointments, they would like to know a little about you and why you feel you could contribute to the board or committee. Please take a few minutes and complete the brief expression of interest information below and click submit to send your application for consideration.

**Please Note:** When submitting online, when you click the "submit" button you are agreeing to read a copy of the Massachusetts General Laws Chapter 268A "Conflict of Interest" provided by the Town Clerk, if appointed, and to the best of your abilities agree to abide by the provisions of the statute. You may receive a phone call to confirm your interest in the appointment.

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Choose From the Following      Planning Board Associate Member

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List your board or committee choices here in the order of preference. If you selected "Other" above, please indicate which board or committee to which you wish to apply.

Please give any details regarding your interest in this appointment.

Participation in the Planning Board offers me an opportunity to serve my community, utilizing skills pertinent to municipal service. South Hadley has some vision of what it wants and needs. I feel equipped to assist in realizing these for current and future residents.

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#### Please Provide the Following Information

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Name      Michael J Adelman

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Email

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Address1      152 Stonybrook Way

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Address2      *Field not completed.*

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City      South Hadley

---

State      MA

---

Zip      01075

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Primary Phone

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Alternate Phone      *Field not completed.*

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Cell Phone:      *Field not completed.*

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#### General Questions

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Are you a registered voter in the Town of South Hadley?	Yes
Are you a Town Meeting Member?	No
Is any of your immediate family employed by the Town of South Hadley?	No
Do you now or have you previously served in town government?	Yes
If yes, please list the board(s), commission(s), or committee(s) on which you serve(d), and the dates of service for each.	Delran NJ Planning Board, 12 years, 8 years as Chair Delaware Valley NJ Regional Sewerage Commission, 2 years
What skills and experience do you have? (Knowledge, other volunteer experience, employment experience, etc.)	Extensive experience (37 years) in sales and marketing management for a multi-national consumer products company. Strong analytical skills, and well developed collaborative approaches to managing plans with external partners. Detail oriented.
Please list any additional information you think may be helpful in reviewing your application.	Always engaged in volunteer activities- youth sports and camping; trail building in National Parks and Forests, Red Cross Board (3yrs), Chair of University of Arkansas Osher Institute (3yrs), a Learning in Retirement program. Trustee and Chair of Stonybrook Village Condo. Active in church congregation. Children and grandchildren live locally.
How did you learn of the vacancy you are applying for?	Newspaper, Town Website, Another Resident
If you indicated another resident or other above, please provide the resident's name or provide additional details.	<i>Field not completed.</i>
Upload a Letter of Interest	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

The MassWorks project for Lyman, Dayton, Fulton, and Newton Streets involves a combination of roadway, pedestrian, biking, water line, and sewer improvements. The program is intended to facilitate improvements undertaken in a quick time frame. In the application, the Town committed to undertake the engineering and permitting of the project elements using Smart Growth District funds which were given for the creation of the Newton Street Smart Growth District. A total of \$350,000 is available from that grant and can only be used for “Capital Improvements” – clearly engineering and permitting for the MassWorks improvements is part of the Capital Improvements.

In the application, we proposed to have the project ready for bidding during the Spring of 2021. This would enable the project to be largely completed during 2021 and totally finished by June 30, 2022. To meet this time frame, we need to have the topographic and related survey work completed in the next few months to allow the engineering and design work to be completed in time for bidding the project during April/May 2021.

Fuss & O'Neill, Inc. provided cost estimates for the construction of the improvements as well as the engineering, permitting, and construction administration as follows:

<b>DESIGN/ENGINEERING</b>	<b>ESTIMATED COST **</b>
Topographic Survey, Data Collection, Base Plan Prep	\$49,300.00
Preliminary Design	\$63,600.00
Final Engineering & Construction Documents	\$110,490.00
Bid Stage Services	\$2,500.00
<b>Engineering Subtotal:</b>	<b>\$225,890.00</b>

<b>PERMITTING</b>	<b>ESTIMATED COST **</b>
Environmental Screening & Public Outreach	\$2,000.00
<b>Permitting Subtotal:</b>	<b>\$2,000.00</b>

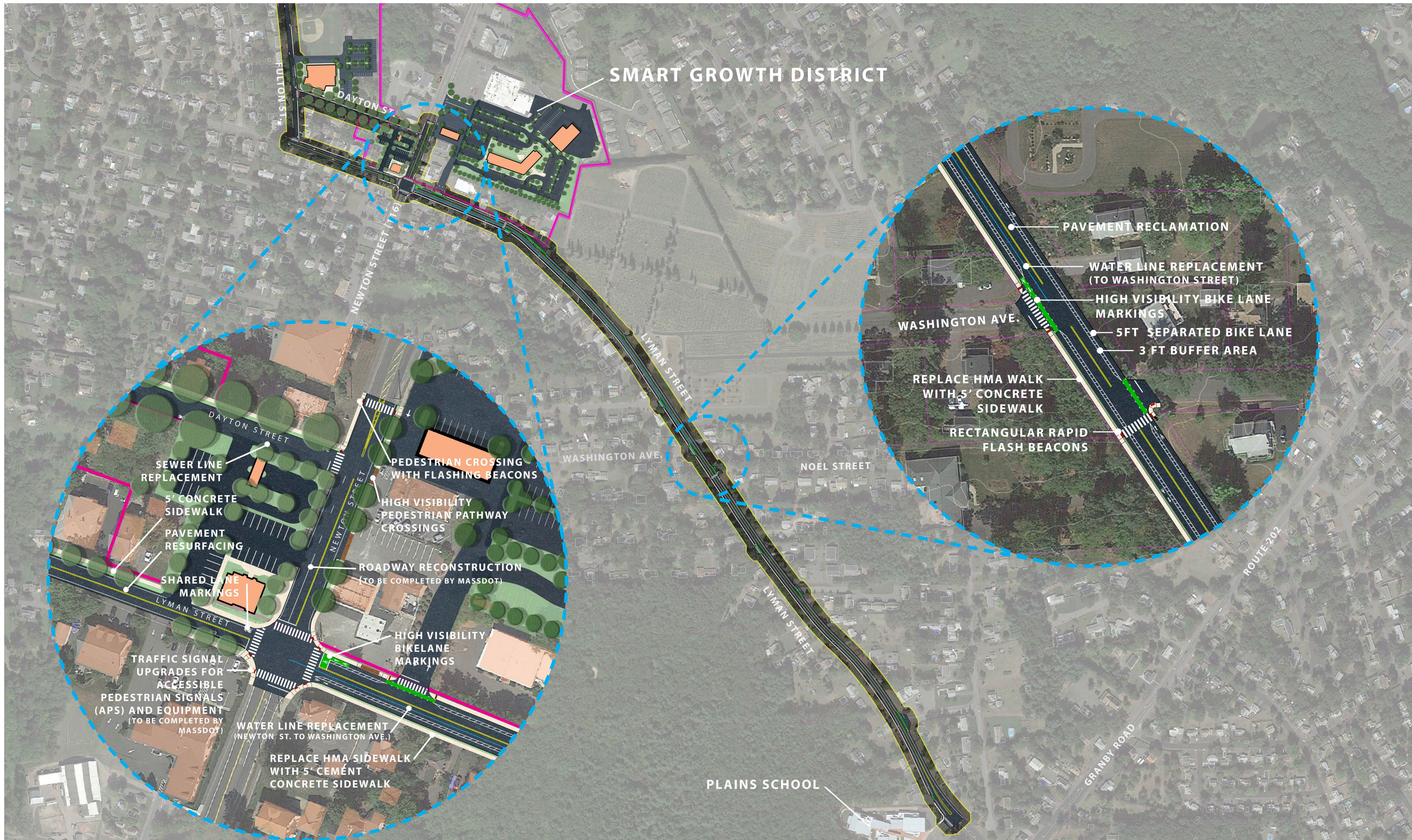
<b>CONSTRUCTION ADMINISTRATION</b>	<b>ESTIMATED BUDGET ***</b>
Pre-Construction Conference	\$800.00
Shop Drawing, Submittal Review	\$1,950.00
Respond to RFI's	\$1,000.00
Construction Inspection	\$3,500.00
Meetings & Project Management - Invoicing, Pay Req's, scheduling, reporting, etc.	\$2,500.00
<b>Construction Admin. Subtotal:</b>	<b>\$9,750.00</b>

<b>Total Anticipated Project Cost:</b>	<b>\$2,949,514.87</b>
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\* Cost includes contingencies (10%) during construction  
 \*\* Subject to adjustment pending final approved scope of project  
 \*\*\* Subject to adjustment depending on level of construction inspection desired by the Town.

Thus, based on the above estimate, to get this project started, there needs to be an allocation of \$237,640. We would not need to contract for all of this work immediately as the most immediate need is for the Design/Engineering Services and Permitting. It should be noted that these costs are equate to approximately 8.7% of the estimated construction costs.



Newton & Lyman Street Improvement Area - South Hadley, Massachusetts



Smart Growth District - Proposed Developments - South Hadley, Massachusetts



Lyman Street with Complete Street Renovation



Lyman Street - Existing

MEMORANDUM  
NOVEMBER 11, 2020

TO: Jeffrey Cyr, Selectboard Chair  
Michael Sullivan, Town Administrator

FROM: Anne Awad, Bylaw Review Committee Chair

Re: Response to Town Meeting members on recognition of speakers at Town Meeting

Following the Annual Town Meeting, some members of our committee received inquiries about a possible discrepancy between state law and our Town bylaw regarding the recognition of speakers at Town meeting. Chair, Anne Awad, advised the Town Administrator, who then forwarded the topic to Town Counsel for an opinion. Town Counsel reviewed and responded that no such discrepancy exists (attached here). As a result, we voted unanimously at August meeting to prepare a memo (attached here) to Town Meeting Members and other interested parties addressing the original questions and providing education on the recognition of speakers.

As of our meeting of November 10, the memo has not been disseminated. Subsequently, we voted unanimously to formally request that the Selectboard send these documents to Town Meeting Members. We believe this is an opportunity to respond to the original requests for clarity on recognition of speakers and provide public education that will support the function of both the Moderator and the Town Meeting. We respectfully request that the Town Counsel opinion and subsequent BRC advisory be provided to Town Meeting Members.

## MEMORANDUM

DATE: August 24, 2020  
TO: Town Meeting Members  
FROM: Bylaw Review Committee  
RE: recognition of speakers at Town Meeting

Following the Annual Town Meeting, several members of the Bylaw Review Committee were approached by members of Town Meeting to ask for a review of the Town Bylaw regarding recognition of speakers at Town Meeting as they felt it conflicted with State Law. The Town Administrator requested an opinion from Town Counsel (attached, with language borrowed to quote MGL and Town bylaws within this memo). The Town Counsel opined that there is no conflict between State Law, State guidance, and the Town Bylaws and that the language of the statute is clear. The guidance and statute both defer to the local bylaws and regulations or rules of the meeting.

Massachusetts General Law (MGL C.43A, Section 5 states “Subject to such conditions as may be determined from time to time by the members of the representative town meeting, **any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote**”. (emphasis added). The Massachusetts Secretary of State’s Guide to Town Meetings states “All of a town’s registered voters may speak in an open or representative Town Meeting. In a representative Town Meeting, a registered voter who is not a town meeting member has a right to speak **subject to conditions prescribed by the meeting.**” (emphasis added)

South Hadley’s General Bylaws, Chapter 72, Article IV, section 13, state: “Only voting members are entitled to address any Annual or Special Town Meeting, except that others may speak to articles at the discretion of the Town Moderator **or upon a majority vote of the voting members.**” (emphasis added)

The Town Bylaw does not ban non-Town Meeting Members from speaking. The language of the Bylaw would group registered voters with others who might wish to speak or be invited to speak to a particular issue or article in the warrant. This would include high school students, local college students, business owners who don’t live in town, property owners who don’t live in town, subject experts on a particular matter who don’t live in town, attorneys representing a client who might be impacted by a particular article. Etc. The right to speak is left to the discretion of the Town Moderator and/or Members, language which is within the “conditions” that may be prescribed at the meeting.

A Town Meeting Member who believes that a speaker should be recognized after Town Moderator has refused or hesitated, can make a motion to allow the speaker. If the motion is seconded and passes by majority vote, the Town Moderator is overruled and the speaker is recognized.

Jeff Cyr, Chair  
Sarah Etelman, Vice-Chair  
Christopher Geraghty, Clerk  
Andrea Miles  
Bruce Forcier

Michael J. Sullivan  
Town Administrator

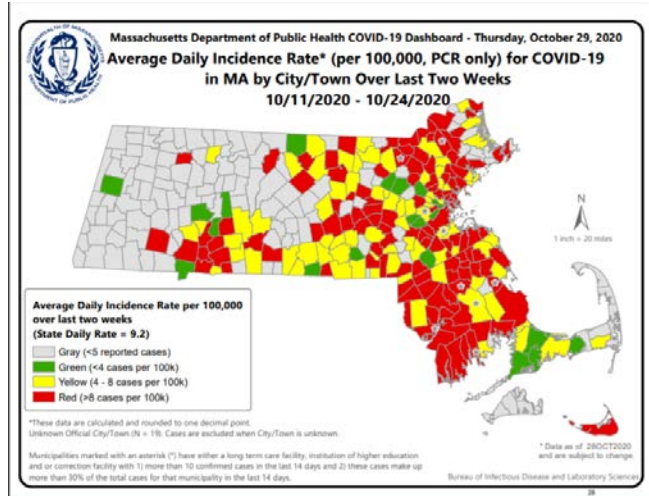
# Town Administrator’s Report to the Selectboard Nov. 18, 2020

Honorable Selectboard,

Please consider and review the information presented in this report. Thank you for your attention, patience, and leadership!

## COVID 19 Update

In plain speak the trend for the Commonwealth is terrible news and is equally challenging for the Town of South Hadley with 50 new cases when you combine confirmed (21) and contact (19) categories. This is the largest increase of the entire pandemic. There was one additional death reported last week



Massachusetts Department of Public Health COVID-19 Dashboard – Thursday, November 12, 2020  
Count and Rate of Confirmed COVID-19 Cases and Tests Performed in MA by City/Town, January 1, 2020 – November 11, 2020

City/Town	Total Case Count	Case Count (Last 14 Days)	Average Daily Incidence Rate per 100,000 (Last 14 days) <sup>1</sup>	Relative Change in Case Counts <sup>2</sup>	Total Tests	Total Tests (Last 14 days)	Total Positive Tests (Last 14 days)	Percent Positivity (Last 14 days)	Change in Percent Positivity <sup>3</sup>
Sheffield	26	<5	7.0	No Change	4877	962	3	0.31%	No Change
Shelburne	15	<5	11.7	No Change	2221	286	5	1.75%	Higher
Sherborn	28	<5	1.8	Higher	2861	397	1	0.25%	Lower
Shirley	240	43	30.3	Higher	6134	692	47	6.70%	Higher
Shrewsbury	571	67	12.1	Higher	27866	3841	75	1.95%	Higher
Shutesbury	<5	0	0	No Change	1369	180	0	0%	No Change
Somerset	459	122	30.9	Higher	12100	2037	135	6.63%	Higher
Somerville	1620	176	16.6	Higher	146031	26372	201	0.76%	Higher
South Hadley	255	23	9.1	Higher	16014	2402	24	1.00%	Higher
Southampton	55	12	14.2	Higher	3672	526	14	2.66%	Higher
Southborough	95	8	5.9	Lower	10984	2138	8	0.37%	Lower
Southbridge	202	46	19.6	Higher	10211	1230	47	3.82%	Higher
Southwick	208	20	14.6	Higher	5411	728	21	2.88%	Higher
Spencer	136	23	14.3	Higher	7209	914	25	2.74%	Higher
Springfield	5113	770	30.2	Higher	118689	18161	959	5.28%	Higher

Data are current as of 8 am on 11/11/2020. For populations <50,000, <5 cases are reported as such or suppressed for confidentiality purposes. <sup>1</sup>For the calculations used to delineate Grey, Green, Yellow, and Red, please see table on page 27. <sup>2</sup>Number of new cases occurring over the current two-week period (10/25/2020 - 11/07/2020) compared to the previous two-week period (10/10/2020 - 10/22/2020). Higher number of new cases in the current two-week period higher than the number of new cases during the last two-week period. Lower number of new cases in the current two-week period lower than number of new cases during the last two-week period. No change number of new cases in current two-week period is equal to the number of new cases during the last two-week period. <sup>3</sup>Change in percent positivity compared to the previous week's (11/5/2020) report. No Change <0.10% difference in the percent positivity. Municipalities marked with an asterisk (\*) have either a long term care facility, institution of higher education and/or correction facility with 1) more than 10 confirmed cases in the last 14 days and 2) these cases make up more than 30% of the total cases for that municipality in the last 14 days. DPH calculates rates per 100,000 population using denominators estimated by the University of Massachusetts Dorrance Institute using a modified Hamilton-Perry model (Strate S, et al. Small Area Population Estimates for 2011 through 2020, report, Oct 2014). As of 11/15/2020, the Massachusetts Department of Public Health is using the 2019 population estimates, the most current available data. Please note: Data for these tables are based on information available in the DPH surveillance database at a single point in time. Case counts for specific cities and towns change throughout the day as data cleaning occurs (removal of duplicate reports within the system) and new demographic information (assigning cases to their city or town of residence) is obtained.

The above map shows how “red” the Commonwealth has become in terms of the two-week trend. If you look at South Hadley we are surrounded.

Below, in blue and italicized, I have copied the latest change to the guidelines determining when a community would rise or fall to a different color-coded community.

It will be more difficult in the future for South Hadley to become a “red” community, however, as I have mentioned prior, some of that is due to the fact that South Hadley has a higher number amount of testing (a good thing) due to MHC protocols for students and staff. Order #56 and other information is on our website as well as the state website.

Order #56

**Rules effective November 6, 2020**

*For the purposes of COVID-19 Order No. 56, prior to November 6, 2020, a community shall be designated “red” in the weekly municipality data published by the Department of Public Health (DPH) if the community has more than an average daily incidence rate of 8 cases per 100,000 residents in the weekly report. Communities not meeting this threshold are deemed either yellow, green or grey.*

*Effective November 6, 2020, a community shall be designated “red” in the weekly municipality data published by DPH if the community meets one of the following metrics in the weekly report:*

- *The community has a population size under 10,000 and had more than 25 cases;*
- *The community has a population between 10,000 and 50,000 and had an average daily incidence rate of 10 or more cases per 100,000 residents and a test positivity rate of 5% or more; or*
- *The community has a population over 50,000 and had an average daily incidence rate of 10 or more cases per 100,000 residents and a test positivity rate of 4% or more.*

*Communities not meeting the above threshold are deemed either yellow, green or grey.*

**Moving from 3.2 to 3.1**

*A community that qualifies as a “lower risk community” shall cease to qualify as a “lower risk community” if the 3 most recent weekly reports published by DPH indicate that the community is designated red in each of the 3 reports.*

*Upon meeting the above criteria the community must comply with the rules associated with Step 1 of Phase 3, effective the Monday after the data is published.*

**Moving from 3.1 to 3.2**

*A community that does **not** qualify as a “lower risk community” shall qualify as a “lower risk community” if the 3 most recent weekly reports published by DPH indicate that the community is designated yellow, green or grey in each of the 3 reports.*

*Upon meeting the above criteria, the community may move into Step 2 of Phase 3, effective the Monday after the data is published.*

Below is the most recent data for the virus and it is quite evident by any measure the presence of COVID 19 in the Town of South Hadley is on the rise with no signs of abating. With Thanksgiving a week away, we are pleading with you to use caution when interacting with others outside of your normal social sphere. This is a critical time for all of us.

LBOH Count - Events Per Disease and Classification in Jurisdiction

Event Dates from 03/01/2020 to 11/18/2020

Jurisdiction(s) selected: SOUTH HADLEY

Jurisdiction(s) used for report: SOUTH HADLEY

The report contains confidential information. The data are current as of 11/17/2020 and are subject to change.

Disease	Status	Num of Cases	11/10/2020	11/2/2020	10/27/2020
Novel Coronavirus	CONFIRMED	273	252	236	229
Novel Coronavirus	CONTACT	282	253	242	231
Novel Coronavirus	PROBABLE	13	12	10	9
Novel Coronavirus	SUSPECT	11	11	9	8

## Construction Soil Landfill Acceptance

At the Nov. 10 South Hadley Selectboard meeting there was an initial discussion about a proposal to exploit some of the space at the landfill. While this idea was brought to the Selectboard by a developer working in the disposal industry, it has in no way endorsed or supported by the Selectboard at this time.

There was conversation about the revenues it may provide, but there was also voice given to traffic concerns and possible environmental impact. The public is strongly encouraged to go to the link below and use the Google Form to ask questions and make comments about the project (proposal attached to the form).

<https://docs.google.com/forms/d/1Dqtl-WQfriUrTOvEzf1bb5IEswNZNm52H-ROCDy00Bc/edit>

The Selectboard encouraged the proposer to go virtually to other committee meetings such as Conservation, Health and Planning to continue the public outreach. There would be a significant investment by the proposer in way of a feasibility study. To ensure the effectiveness of a study and to inform the Selectboard if they would like to go forward on the project, it is critically important questions are asked early as opposed to later in the process.



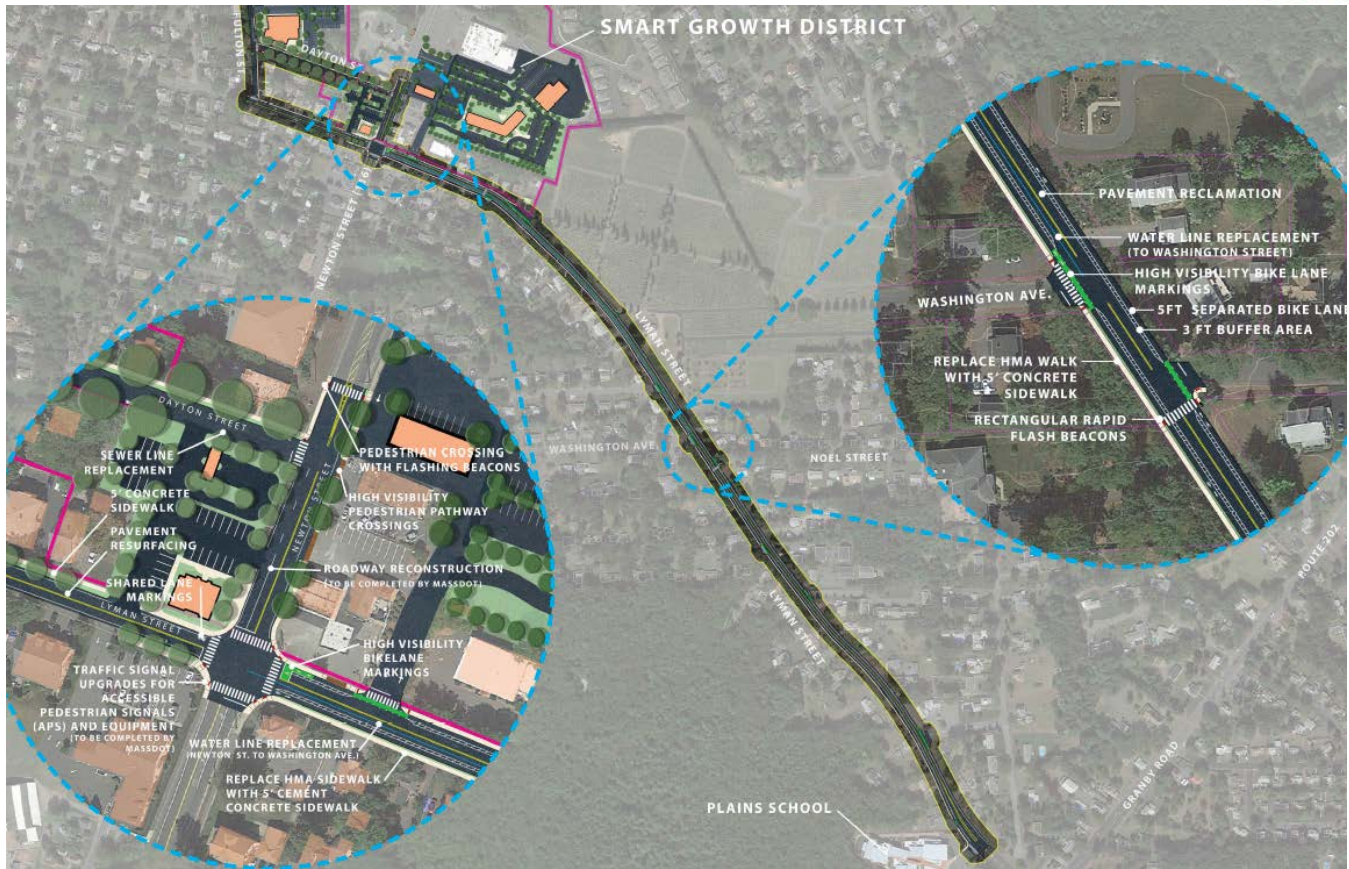
The costs associated with opening, including but not limited to the feasibility study, the state permitting, local planning or permitting, surveying or any other reasonable cost, would be borne by the proposer, not the town.

Kip Foley of Closure Management has worked on similar projects across Massachusetts and other northeastern states. He suggested the project may deliver a million dollars in revenue to the Town of South Hadley. However, there are other significant issues which need to be explored beyond the economics, and that was clearly expressed by the Selectboard at the meeting.

## MassWorks Grant at Lyman and Newton

Through a great deal of hard work by many including the DPW, District #1 and the Planning Department - especially Richard Harris, a recent \$2.7 million grant become a reality for South Hadley.

We greatly appreciate being part of the MassWorks Infrastructure Program and Governor Baker's recent announcement that we would receive an award from this competitive grant. Equally we are thankful for and to be beneficiary of the advocacy from Senator Comerford and Representative Carey in respect to this funding.



As depicted above, the Lyman and Newton intersection, along with Fulton and Dayton streets, will receive significant improvements including subterranean utilities, sidewalks, bike lanes and signalization as part of this investment and in concert with a Transportation Improvement Project (TIP) slated for 2022 to improve Newton (Route 116) from Ranger to Kendrick.

This is a great opportunity for the Town of South Hadley. MassDOT and the municipality are sensitive to the need to improve safety and traffic flow in this area and will do all they can within the resources to make those improvements during this project.

**Please stay safe!**

Respectfully submitted.

Michael J Sullivan  
 South Hadley, Town Administrator