

**SELECTBOARD MEETING
TUESDAY, SEPT. 14, 2021
VIRTUAL AGENDA
7 P.M.**

Join Zoom Webinar from your computer:

<https://us02web.zoom.us/j/82827022748?pwd=eW02cjZOZ2RPdlZqZmtXQk9YNmdXZz09>

By phone: 1 312 626 6799 Webinar ID: 828 2702 2748 Passcode: 945903

Watch live on SHCTV Channel 15 or <https://shctv15.com/watch-live/>

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.

1. Call to Order
2. Approval of Minutes: Draft minutes of Aug. 10, 2021 and Aug. 26, 2021
3. Multi-date All Alcohol license request from Stephen McCray for 15 dates: Oct 2, 3, 8, 9, 10, 11, 15, 16, 17, 22, 23, 24, 29, 30, 31 at McCray's Farm, 55 Alvord St.
4. Receive Administrative Consent Order from DEP
5. Town Meeting Discussion
6. Resignation of School Committee Member Charles Miles
7. Schools/Facility Coordinator Discussion
8. Town Administrator's Report
9. Adjourn

**SELECTBOARD MEETING
TUESDAY, AUG. 10, 2021
MEETING MINUTES
VIRTUAL SELECTBOARD MEETING ROOM – 7 P.M.**

Present were Chair Jeff Cyr, Vice Chair Sarah Etelman, Member Chris Geraghty, Clerk Carol Constant, Member Andrea Miles, and Town Administrator Michael J. Sullivan.

CALL TO ORDER

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

APPROVAL OF MINUTES

Constant motioned to approve the minutes of June 22, 2021, July 13, 2021, and July 27, 2021. Miles seconded. All in favor.

ROLL CALL VOTE

Etelman - Aye
Miles - Aye
Constant - Aye
Geraghty - Aye
Cyr - Aye

ANNOUNCEMENTS

Sullivan said the library and senior center are the town's designated cooling shelters and are available as such during each building's hours of operation. During this heatwave the spray parks at Buttery Brook Park and The Beachgrounds will extend their hours until 7 p.m.

Cyr reminded the public about Big Rig Day at Buttery Brook Park on Aug. 11.

Miles suggested residents complete the public library's survey for strategic planning.

ONE-DAY BEER & WINE LICENSE REQUESTS

Geraghty motioned to approve the One-Day Beer & Wine license request from Willits Hallowell for Aug. 27, 2021 with the stipulation the event be held outdoors with COVID safety protocols put in place and the application be updated to include the actual location of the event.

COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET AMENDMENT PUBLIC HEARING

Cyr opened the public hearing at 7:16 p.m. and closed it at 7:20 p.m. Etelman motioned to approve the budget amendment. Geraghty seconded. All in favor.

ROLL CALL VOTE

Etelman - Aye
Miles - Aye
Constant - Aye
Geraghty - Aye
Cyr – Aye

225-229 HADLEY STREET 61A

The board tabled this item to their next meeting.

REMOTE / HYBRID PUBLIC MEETING POLICY

Maher said the tech team has been testing locations and equipment set-ups in different municipal buildings and settled on the new senior center as the best place to hold both hybrid meetings and in-person meetings. Work continues on equipment testing.

TA TRANSITION PLAN

Sullivan said incoming town administrator Lisa Wong is scheduling introductory meetings with department heads. Her first day is Oct. 31. She will make efforts to attend board meetings and meet other community contacts.

TOWN MEETING DISCUSSION

Sullivan will compile a list of potential upcoming town meeting warrant articles for a future town meeting.

PERFORMANCE BASED EVALUATION

Selectboard members chose the five goals for the performance-based evaluation this year – Communication/ Community Relations; Policy Development; Diversity, Equity & Inclusion; Innovation and Fiscal Management. The board will vote on a final draft of the PBE at its next meeting.

TA REPORT

For the full town administrator's report, see the Aug. 10, 2021 Selectboard Packet.

Miles expressed her gratefulness for Police Chief Jennifer Gundersen extending her contract with South Hadley for three years. Cyr congratulated Sgt. Hebert. Cyr encouraged the board to see the new senior center building.

Sullivan said he has seen great cooperation among residents complying with the town's request to wear masks within municipal buildings. However, he has received a few difficult calls about the request. He said the town is not trying to be punitive and the request is practical.

ADJOURN

Etelman motioned to adjourn. Miles seconded. All in favor.

ROLL CALL VOTE

Etelman - Aye
Miles - Aye
Constant - Aye
Geraghty - Aye
Cyr - Aye

The meeting adjourned at 8:10 p.m.

Respectfully submitted
Kristin Maher
Executive Assistant to Administration

**SELECTBOARD MEETING
TUESDAY, AUG. 26, 2021
MEETING MINUTES
VIRTUAL SELECTBOARD MEETING ROOM – 6:30 P.M.**

Present were Chair Jeff Cyr, Vice Chair Sarah Etelman, Member Chris Geraghty, Member Andrea Miles, and Town Administrator Michael J. Sullivan. Clerk Carol Constant was absent.

CALL TO ORDER

Cyr called the meeting to order at 6:30 p.m.

ONE-DAY BEER & WINE LICENSE REQUESTS

Etelman motioned to approve the one-day requests from David Isakson for Aug. 28 at Ebenezer's Bar & Grill, 60 Bridge St., Gregory Tiner for Aug. 28 at South Hadley Sporting Club, 135 River Rd., and Stephen McCray for Sept. 9, 10, 11 at McCrays Farm, 55 Alvord St. as a consent agenda. Miles seconded. All in favor.

ROLL CALL VOTE

**Etelman – Aye
Miles – Aye
Geraghty – Aye
Cyr – Aye**

FY22 TRASH FEE WARRANT

Miles motioned to approve the trash fee warrant in the amount of \$815,000. Geraghty seconded. All in favor.

ROLL CALL VOTE

**Etelman – Aye
Miles – Aye
Geraghty – Aye
Cyr – Aye**

COMMITTEE TERM AMENDMENT TO JULY 13, 2021 MINUTES

Miles motioned to accept the amendments as presented. Geraghty seconded. All in favor.

ROLL CALL VOTE

**Etelman – Aye
Miles – Aye
Geraghty – Aye
Cyr – Aye**

PERFORMANCE BASED EVALUATION

Etelman motioned to approve the FY22 PBE as presented. Geraghty seconded. All in favor.

ROLL CALL VOTE

**Etelman – Aye
Miles – Aye
Geraghty – Aye**

Cyr – Aye

225-229 HADLEY STREET 61A

Etelman moved the South Hadley Selectboard, representing the Town of South Hadley, waives its right to purchase 225 Hadley Street and 229 Hadley Street, also known as map 58 parcels 8 and 65, held by Karen Couture, under Chapter 61A, pursuant to a sale of these properties and satisfying of outstanding taxes associated with a Chapter 61A property transfer. Miles seconded. All in favor.

ROLL CALL VOTE

Etelman – Aye

Miles – Aye

Geraghty – Aye

Cyr – Aye

SEPTEMBER FIREWORKS DISCUSSION

Board members discussed whether they should move forward with holding the fireworks event as COVID cases rise locally and nationally. The board ultimately agreed to continue although Etelman voiced concern.

OTHER BUSINESS

Sullivan said 1,000 Mount Holyoke College students are in the process of moving on to the Mount Holyoke College campus. When move-in is complete there will be 2,000 students on the South Hadley campus and 160 at Hampshire College. A total of 80 percent of the students are vaccinated. All will be tested upon arrival and those who are unvaccinated will be tested regularly. A total of 90 percent of the faculty are vaccinated. Some faculty are teaching remotely, and some international students have not been vaccinated but will be offered the vaccine when they arrive.

The Selectboard will next meet on Sept. 14.

ADJOURN

Miles motioned to adjourn. Etelman seconded. All in favor.

ROLL CALL VOTE

Etelman – Aye

Miles – Aye

Geraghty – Aye

Cyr – Aye

The meeting adjourned at 6:56 p.m.

Respectfully submitted
Kristin Maher
Executive Assistant to Administration



09/07/2021

OD-13

1 Day Alcohol License

Status: Active

Date Created: Aug 30, 2021

Applicant

STEPHEN MCCRAY
smccray840@yahoo.com
55 ALVORD ST
SOUTH HADLEY, MA 01075
413-531-0717

Applicant Email

Permit Info

Permit For

1 Day All Alcohol

Check This Box to Request Multiple Dates



Number of Dates Requested

15

Check This Box If Event(s) Is/Are Being Held On Town Property



Check this box to acknowledge that individual applicants can be approved for up to 30 permits per year.



Event Details

Date of Event 10/02/2021	Name or Organization Hosting Event McCrays Farm
Provide a Detailed Description of What The Event Is	

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/03/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/08/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/09/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/10/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/11/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/15/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/16/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/17/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/22/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/23/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/24/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/29/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event

10/30/2021

Name or Organization Hosting Event

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

Date of Event**Name or Organization Hosting Event**

10/31/2021

McCrays Farm

Provide a Detailed Description of What The Event Is

Fall activities. Pumpkin picking rides during the day, haunted hayrides at night. All outdoors. Drinks will not be allowed on the ride at night.

Street Address of Where The Event is Held

55 Alvord St

Hours of Operation (Ex. 8:00 AM - 5:00 PM)

1200-2300

SELECTBOARD

Jeff Cyr, Chair
Sarah Etelman, Vice-Chair
Carol Constant, Clerk
Christopher Geraghty
Andrea Miles

Michael J. Sullivan
Town Administrator

September 8, 2021

Department of Environmental Protection
Attn: Revenue Unit
1 Winter Street, 4th Floor
Boston, MA 02108
Revenue number: 617-292-5668
Fax number: 617-556-1049

RE: Electronic Funds Transfer Request
ACOP-WE-21-00009886

Director, BAS Division of Fiscal Management:

In order to complete a wire transfer for payment of the penalty assessed under (WERO Tracking ID ACOP-WE-21-00009886), Town of South Hadley requests the following information:

DEP's Federal Tax Identification Number,
The name and address of DEP's bank,
DEP's account name and number, and
The ABA/routing number for DEP's account.

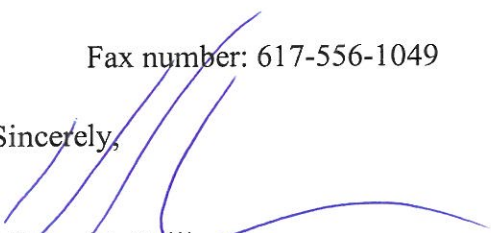
Please mail or fax this information to:

Respondent's contact name:

Address:

Fax number: 617-556-1049

Sincerely,


Michael J. Sullivan
Town Administration, South Hadley
(413) 538-5017 extension 6136

SELECTBOARD



Jeff Cyr, Chair
Sarah Etelman, Vice-Chair
Carol Constant, Clerk
Christopher Geraghty
Andrea Miles

Michael J. Sullivan
Town Administrator

September 8, 2021

Department of Environmental Protection
Attn: Revenue Unit
1 Winter Street, 4th Floor
Boston, MA 02108
Revenue number: 617-292-5668
Fax number: 617-556-1049

RE: Electronic Funds Transfer Request
ACOP-WE-21-00009886

Director, BAS Division of Fiscal Management:

In order to complete a wire transfer for payment of the penalty assessed under (WERO Tracking ID ACOP-WE-21-00009886), Town of South Hadley requests the following information:

DEP's Federal Tax Identification Number,
The name and address of DEP's bank,
DEP's account name and number, and
The ABA/routing number for DEP's account.

Please mail or fax this information to:
Respondent's contact name:
Address:

Fax number: 617-556-1049

Sincerely,

Michael J. Sullivan
Town Administration, South Hadley
(413) 538-5017 extension 6136

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL
AFFAIRS DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter Of:
Town of South Hadley
Enforcement Document Number:
00009886
Issuing Bureau: BWR

Issuing Region/Office: WERO Issuing
Program: WPC
Primary Program Cited: WPC Subpgm(s)
Cited: NPDES
FMF/Program ID #50753/271-001/076

**ADMINISTRATIVE CONSENT ORDER WITH PENALTY
AND
NOTICE OF NONCOMPLIANCE**

I. THE PARTIES

1. The Department of Environmental Protection (“Department” or “MassDEP”) is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. MassDEP maintains its principal office at One Winter Street, Boston, Massachusetts 02108, and its Western Regional Office at 436 Dwight Street, Springfield, Massachusetts 01103.
2. The Town of South Hadley (“Respondent” or “South Hadley”) is a municipality with its principal offices located at 116 Main Street, Room M18, South Hadley, Massachusetts 01075.

II. STATEMENT OF FACTS AND LAW

3. MassDEP is responsible for the implementation and enforcement of: M.G.L. c. 21, §§ 26- 53, the Surface Water Discharge Permit Regulations at 314 CMR 3.00; the Ground Water Discharge Permit Regulations at 314 CMR 5.00; the Sewer System Extension and Connection Permit Regulations at 314 CMR 7.00; the Supplemental Requirements for Hazardous Waste Management Facilities at 314 CMR 8.00; the Water Quality Certification Regulations at 314 CMR 9.00; the Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges at 314 CMR 12.00; and the requirements for Certification of Operators of Wastewater Treatment Facilities at 257 CMR 2.00. MassDEP has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.

4. Respondent owns and operates a Publicly Owned Treatment Works or POTW and associated Treatment Works (as defined at 314 CMR 12.02) consisting of pumping stations and piping within its municipal limit. Respondent’s Sewer System is made up of approximately 85

In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886

Page 2

miles of sewer (both pressure and gravity), five (5) sewage pumping stations, eight (8) sewer siphons and a WWTP located at 2 James Street in the abutting City of Chicopee. South Hadley possesses a NPDES Permit (MA0100455) (Permit) for its WWTP allowing it to discharge a

treated effluent from Outfall 001 to the Connecticut River. Respondent's Permit was issued on September 27, 2012 and became effective on December 1, 2012. Although the Permit expired on December 1, 2017, Respondent filed appropriate documentation to renew the Permit. In accordance with 40 CFR 122 and MassDEP regulations at 314 CMR 12.00 and 314 CMR 3.00, Respondent's Permit is Administratively Continued until such time as a new Permit is issued.

5. The following facts and allegations have led MassDEP to issue this Consent Order:

- A. On August 22, 2019, South Hadley notified MassDEP that it had operated its emergency bypass at its Main Street Pumping Station due to a problem experienced during the replacement of a valve by a contractor. South Hadley reported that the action was necessary to avoid the flooding of the pump station and possible back up of the collection system. Opening the bypass was reported by South Hadley to have discharged approximately 284,000 gallons of raw sewage to the Connecticut River (the "Discharge").
- B. On August 22, 2019, while the South Hadley's Contractor, Scherbon Consolidated attempted to replace a 24-inch slide gate valve at the Main Street Pump Station, which had been inoperable for several years, a bypass pumping line installed by the Contractor ruptured causing raw sewage to fill up the wet well of the pumping station.
- C. Although South Hadley had retained an engineer to assist it in designing the work, the bypass, and even included a back-up pump to address a potential pump failure, the emergency corrective actions could not be performed due to the lack of a specialized hose connector and lack of accessibility to the pump station. Calls made by South Hadley to obtain another specialized hose connector were unsuccessful. Without a second specialized coupling connector on site or ready access to one, neither South Hadley nor the Contractor had recourse to address the equipment malfunction or the lack of access to the pump station. South Hadley is aware that a specific elevation in the pump station wet well will cause a backup into the basements of residential homes in the area unless the Emergency Bypass is manually opened. The Emergency Bypass was manually opened to prevent that back up to homes and the Discharge began at approximately 11:20 am.
- D. On August 22, 2019, MassDEP notified officials for CTDEP and Connecticut River stakeholder groups of the Discharge.

In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886
Page 3

- E. On August 22, 2019, MassDEP directed South Hadley WWTP personnel to notify the South Hadley Board of Health and Boards of Health in downstream communities about the Discharge.
- F. On August 22, 2019, South Hadley personnel notified MassDEP that the Discharge was stopped at approximately 3:53 p.m.

G. On or about August 27, 2019, in accordance with 314 CMR 12.03(8), Respondent submitted formal notification of the SSO referenced in Part II.A. and B. of this Consent Order. Respondent's formal notification estimated 284,000 gallons of sewage discharged as a result of the ruptured bypass pumping line installed for the slide gate valve replacement project.

H. On August 26, 2019, MassDEP issued a Notice of NonCompliance, (NON-WE-19-000080003, (NON)) to South Hadley for noncompliance with the MassDEP regulations at 314 CMR 12.04. The facility should be staffed with seven personnel but was only staffed with five people. The staffing level was not the cause of the August 22, 2019 SSO as South Hadley had subcontracted that repair to Scherbon Consolidated. The NON also detailed several exceedances of E. coli in the effluent in the months of May and June of 2019 and September 2018.

I. October 23, 2019, Respondent responded to the NON as follows: the WWTP had a staff of 6 and was actively advertising for the position of Assistant Supervisor. Additionally, as requested per the NON, an updated staffing plan was provided.

The staffing and licensing for the WWTP positions were listed as follows:

<u>Staff Grade</u>	
Mike Cijka, WPC Operations Manager Grade 7C-full, Collection Systems	
Melissa Labonte, WPC Compliance Manager	Grade 2 Industrial
Michael McMullen, Senior Operator	Grade 4M
Lisa Provencher, Senior Operator	Grade 6C
Victor Davila, Plant Attendant	No License required, Grade II M
Open Position	Assistant Supervisor, Grade 5

In the most recent South Hadley WWTP staffing plan 2019, the plan mentions that there are currently six people on staff, but the WWTP should be staffed with seven. The one open position consists of an assistant supervisor (grade 6 license).

In the Matter of: Town of South Hadley
 WERO Tracking ID ACOP-WE-21-00009886

Page 4

J. South Hadley responded that it was working with a Consultant on recommendations to improve the disinfection process to address the E. coli exceedances, which included installing baffles in each of the chlorine tanks to increase detention time and promote better mixing. This improvement was underway, with one side completely finished the week of the letter, the other scheduled for week after. For the remainder of that month

plant staff were carefully monitoring performance in these tanks, and additional dye testing was intended to be completed to confirm that the poor mixing zones had been eliminated.

- K. In addition, South Hadley receives significant Inflow and Infiltration (I/I) into its collection system which results in extraneous water being collected, transported, and treated by South Hadley. South Hadley in addressing the Combined Sewer Overflows in its collection system had developed the capacity to transport and treat the I/I under most conditions.
- L. The regulations at 314 CMR 12.00 require all systems determine the extent of I/I in its collection system and to address extraneous I/I in the system. South Hadley submitted a timely I/I Report in accordance with the requirements at 314 CMR 12.00. MassDEP conditionally accepted that I/I Report in a letter dated March 28, 2019. The I/I Report identified I/I estimations for the South Hadley Sewer System and a proposed work schedule for future I&I work over the next five (5) years. South Hadley also provided MassDEP with a completed MassDEP CMOM (Capacity Management Operation and Maintenance) Self-Assessment checklist that was received on or about February 21, 2018.

6. The Discharge, Staffing Levels at the WWTP, and the I/I in the South Hadley collection system are in violation of the Massachusetts Clean Water Act and the regulations 310 CMR 12.00.

7. This is a violation of 314 CMR 3.00 “No person shall discharge pollutants to surface waters of the Commonwealth without a currently valid permit from the Department pursuant to M.G.L. c. 21, § 43 and 314 CMR 3.00, unless exempted in 314 CMR 3.05.”

8. MassDEP regulations at 314 CMR 12.03(5)(b) as amended of April 25, 2014 and was revised June 6, 2014, and MassDEP Guidance (Section 9.3) provide that there is no Cost-Effective Analysis (CEA) for any inflow sources as they are considered extraneous flows that can be readily removed. Therefore, all sources of inflow need to be identified and eliminated in a timely manner.

III. DISPOSITION AND ORDER

In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886
Page 5

For the reasons set forth above, MassDEP hereby issues, and Respondent hereby consents to, this Order:

9. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called for herein rather than to expend additional time and resources litigating the matters set forth above. Respondent enters into this Consent Order without admitting or denying the facts or allegations set forth herein. However, Respondent agrees not to contest such facts and allegations for purposes of

the issuance or enforcement of this Consent Order.

10. MassDEP's authority to issue this Consent Order is conferred by the Statutes and Regulations cited in Part II of this Consent Order.

11. Respondent shall perform the following actions:

- A. Within thirty (30) days from the date of this Consent Order, South Hadley shall develop a procedure and schedule for inclusion in its Operation & Maintenance Manual for the exercising the Main St. Pumping Station valves and other valves in the system.
- B. Within Sixty (60) days from the date of this Consent Order, South Hadley shall submit contingency bypass plans for future maintenance projects to avoid unpermitted discharges.
- C. By November 30, 2021, South Hadley will solicit for Engineering Services for repairs to the Judd Brook Interceptor to address inflow and infiltration identified in South Hadley's 2017 I/I Report and as identified in flow monitoring studies on the Judd Brook sub-basin and the South Granby Road Basin completed in 2020 by the town's engineering consultant.
- D. By January 1, 2022, South Hadley shall provide MassDEP with an updated staffing plan for its WWTP and associated appurtenances. The updated staffing plan shall include the names, certifications, grades, and numbers of staff for the WWTP, IPP sewer system and other relevant POTW infrastructure. Should temporary emergency certification be required, Respondent should contact Mr. John Murphy of the MassDEP at (617) 292-5867 for further assistance. Should the number of staff be less than the required number of positions or not meet the required grade or certifications required by the plan, Respondent shall provide a detailed plan for meeting the required staffing level.
- E. By March 31, 2022, South Hadley will complete Engineering Plans, Specifications and Estimate for repairs to the Judd Brook Interceptor necessary to address inflow and infiltration as identified in South Hadley's 2017 I/I Report and as identified in flow monitoring studies on the Judd Brook sub-basin and the South Granby Road Basin completed in 2020 by the town's engineering consultant.
- F. By May 30, 2022, South Hadley will solicit for Construction Services based on the documents prepared in Section III(E) for Construction Services for repairs to the Judd Brook Interceptor.

In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886
Page 6

- G. By October 31, 2022, South Hadley will substantially complete repairs to the Judd Brook Interceptor.
- H. By August 31, 2023, South Hadley will obtain final completion of all repairs to the Judd Brook Sewer Interceptor per the documents prepared in Section III(E) and other repairs as identified as necessary by South Hadley subsequent to the repairs being undertaken.
- I. Within six (6) months from the date of this Consent Order, South Hadley shall submit a

schedule to undertake the removal of the I/I identified in South Hadley's 2017 I/I Report. Plans and programs to control I/I shall be in compliance with 314 CMR 12.04(2) and MassDEP's guidance manual titled Guidelines for Performing Infiltration/Inflow Analysis and Sewer System Evaluation Surveys, dated May 2017.

12. Except as otherwise provided, all notices, submittals and other communications required by this Consent Order shall be directed to:

Matthew J. Sokop, P.E.
Wastewater Management Section Chief
Bureau of Water Resources
MassDEP WERO
436 Dwight Street
Springfield, MA 01103

Such notices, submittals and other communications shall be considered delivered by Respondent upon receipt by MassDEP.

13. Actions required by this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations, and approvals. This Consent Order shall not be construed as, nor operate as, relieving Respondent or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations, and approvals.

14. For purposes of M.G.L. c. 21A, § 16 and 310 CMR 5.00, this Consent Order shall also serve as a Notice of Noncompliance for Respondent's noncompliance with the requirements cited in Part II above. MassDEP hereby determines, and Respondent hereby agrees, that any deadlines set forth in this Consent Order constitute reasonable periods of time for Respondent to take the actions described.

15. Respondent shall pay to the Commonwealth the sum of five thousand seven hundred and fifty dollars (**\$5,750.00**) as a civil administrative penalty for the violations identified in Part II above. MassDEP hereby agrees to suspend payment of the entire penalty amount; provided, however, that if Respondent violates any provision of this Consent Order, or further violates any of the regulations cited in Part II above within two (2) years of the effective date of this Consent Order, Respondent shall pay to the Commonwealth the full amount of five thousand seven hundred and fifty dollars (**\$5,750.00**) within thirty (30) days of the date MassDEP issues Respondent a

In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886

Page 7

written demand for payment. This paragraph shall not be construed or operate to bar, diminish, adjudicate, or in any way affect, any legal or equitable right of MassDEP to assess Respondent additional civil administrative penalties, or to seek any other relief, with respect to any future violation of any provision of this Consent Order or any law or regulation.

16. Respondent understands, and hereby waives, its right to an adjudicatory hearing before MassDEP on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review. This waiver does not extend to any other order issued by the MassDEP.

17. This Consent Order may be modified only by written agreement of the parties hereto.

18. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given effect without the invalid provision or application, provided however, that MassDEP shall have the discretion to void this Consent Order in the event of any such invalidity.

19. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of MassDEP to issue any additional order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of MassDEP to pursue any other claim, action, suit, cause of action, or demand which MassDEP may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to enforce this Consent Order in an administrative or judicial proceeding.

20. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating, or in any way affecting, any legal or equitable right of MassDEP or Respondent with respect to any subject matter not covered by this Consent Order.

21. This Consent Order shall be binding upon Respondent and upon Respondent's heirs, successors and assigns. Respondent shall not violate this Consent Order and shall not allow or suffer Respondent's employees, agents, contractors or consultants to violate this Consent Order. Until Respondent has fully complied with this Consent Order, Respondent shall provide a copy of this Consent Order to each successor or assignee at such time that any succession or assignment occurs.

22. In addition to the penalty set forth in this Consent Order (including any suspended penalty), Respondent shall pay stipulated civil administrative penalties to the Commonwealth in accordance with the following schedule if Respondent violates any provision of this Consent Order:

For each day, or portion thereof, of each violation, Respondent shall pay stipulated civil administrative penalties in the following amounts:

Period of Violation Penalty per day
In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886
Page 8

1st through 15th days \$100 per day
16th through 30th days \$250 per day
31st day and thereafter \$500 per day

Stipulated civil administrative penalties shall begin to accrue on the day a violation occurs and shall continue to accrue until the day Respondent corrects the violation or completes performance, whichever is applicable. Stipulated civil administrative penalties shall accrue regardless of whether MassDEP has notified Respondent of a violation or act of noncompliance. All stipulated civil administrative penalties accruing under this Consent Order shall be paid within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. If simultaneous violations occur, separate penalties shall accrue for separate violations of this Consent Order. The payment of stipulated civil administrative penalties shall not alter in any way Respondent's obligation to complete performance as required by this Consent Order. MassDEP reserves its right to elect to pursue alternative remedies and alternative civil and criminal penalties which may be available by

reason of Respondent's failure to comply with the requirements of this Consent Order. In the event MassDEP collects alternative civil administrative penalties, Respondent shall not be required to pay stipulated civil administrative penalties pursuant to this Consent Order for the same violations.

Respondent reserves whatever rights it may have to contest MassDEP's determination that Respondent failed to comply with the Consent Order and/or to contest the accuracy of MassDEP's calculation of the amount of the stipulated civil administrative penalty. Upon exhaustion of such rights, if any, Respondent agrees to assent to the entry of a court judgment if such court judgment is necessary to execute a claim for stipulated penalties under this Consent Order.

23. The Respondent shall pay all civil administrative penalties due under this Consent Order, including suspended; or stipulated penalties and/or any associated fees. **The Respondent has four options for payment:**

Option 1: certified check;

Option 2: cashier's check;

Option 3: on-line payment using a credit card;

Option 4: electronic transfer.

Option 1 and 2:

Certified or cashier's checks must be made payable to the Commonwealth of Massachusetts and received **within 30 days of the effective date of this Consent Order.**

If payment is made by certified check or cashier's check, the Respondent shall clearly print on the face of its payment Respondent's full name, the enforcement document number appearing on the first page of this Consent Order, and Respondent's Federal Employer Identification Number, and shall mail it to:

Commonwealth of Massachusetts
Department of Environmental Protection

In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886
Page 9

Commonwealth Master Lockbox
P.O. Box 3982
Boston, Massachusetts 02241-3982

(IMPORTANT NOTE: DO NOT INCLUDE THE SIGNED ACOP WITH PAYMENT BY CHECK)

Option 3:

On-line Payment Using Credit Card

Your prospective BILL will contain information necessary to pay on-line by credit card. When you receive your BILL:

LOG ONTO THE MassDEP e-PAYMENT WEB SITE AT:
<HTTPS://WWW.MASSPAYS.COM/dep>

On-line payment using credit card is due **within 30 days of the effective date of this Consent Order. (If a BILL (invoice) is not received within 10 days of the effective date of the consent order, you should contact The Revenue Department at 617-292-5668 to obtain a copy of your BILL (invoice))**

Option 4:

Electronic Funds Transfer Respondent must complete the enclosed form “Electronic Funds Transfer Request” found on the last page of this document and, **within 10 days of the effective date of this Consent Order**, submit payment request to Director, BAS Division of Fiscal Management via Facsimile at the MassDEP Revenue Number: 617-556-1049 or via mail to:

Department of Environmental Protection
Attn: Revenue Unit
1 Winter Street, 4th Floor
Boston, MA 02108

In the event Respondent fails to pay in full any civil administrative penalty as required by this Consent Order, then pursuant to M.G.L. c. 21A, § 16, Respondent shall be liable to the Commonwealth for up to three (3) times the amount of the civil administrative penalty, together with costs, plus interest on the balance due from the time such penalty became due and attorneys’ fees, including all costs and attorneys’ fees incurred in the collection thereof. The rate of interest shall be the rate set forth in M.G.L. c. 231, § 6C.

24. Force Majeure

- A. MassDEP agrees to extend the time for performance of any requirement of this Consent Order if MassDEP determines that such failure to perform is caused by a Force Majeure

In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886
Page 10

- event. The failure to perform a requirement of this Consent Order shall be considered to have been caused by a Force Majeure event if the following criteria are met: (1) an event delays performance of a requirement of this Consent Order beyond the deadline established herein; (2) such event is beyond the control and without the fault of Respondent and Respondent’s employees, agents, consultants, and contractors; and (3) such delay could not have been prevented, avoided or minimized by the exercise of due care by Respondent or Respondent’s employees, agents, consultants, and contractors.
- B. Financial inability and unanticipated or increased costs and expenses associated with the performance of any requirement of this Consent Order shall not be considered a Force Majeure Event.
- C. If any event occurs that delays or may delay the performance of any requirement of this Consent Order, Respondent shall immediately, but in no event later than 5 days after obtaining knowledge of such event, notify MassDEP in writing of such event. The notice shall describe in detail: (i) the reason for and the anticipated length of the delay

or potential delay; (ii) the measures taken and to be taken to prevent, avoid, or minimize the delay or potential delay; and (iii) the timetable for taking such measures. If Respondent intends to attribute such delay or potential delay to a Force Majeure event, such notice shall also include the rationale for attributing such delay or potential delay to a Force Majeure event and shall include all available documentation supporting a claim of Force Majeure for the event. Failure to comply with the notice requirements set forth herein shall constitute a waiver of Respondent's right to request an extension based on the event.

- D. If MassDEP determines that Respondent's failure to perform a requirement of this Consent Order is caused by a Force Majeure event, and Respondent otherwise complies with the notice provisions set forth in paragraph C above, MassDEP agrees to extend in writing the time for performance of such requirement. The duration of this extension shall be equal to the period of time the failure to perform is caused by the Force Majeure event. No extension shall be provided for any period of time that Respondent's failure to perform could have been prevented, avoided or minimized by the exercise of due care. No penalties shall become due for Respondent's failure to perform a requirement of this Consent Order during the extension of the time for performance resulting from a Force Majeure event.
- E. A delay in the performance of a requirement of this Consent Order caused by a Force Majeure event shall not, of itself, extend the time for performance of any other requirement of this Consent Order.

25. Failure on the part of MassDEP to complain of any action or inaction on the part of Respondent shall not constitute a waiver by MassDEP of any of its rights under this Consent Order. Further, no waiver by MassDEP of any provision of this Consent Order shall be construed as a waiver of any other provision of this Consent Order.

In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886

Page 11

26. To the extent authorized by the current owner, Respondent agrees to provide MassDEP, and MassDEP's employees, representatives and contractors, access at all reasonable times to the South Hadley Sewer System for purposes of conducting any activity related to its oversight of this Consent Order. Notwithstanding any provision of this Consent Order, MassDEP retains all of its access authorities and rights under applicable state and federal law.

27. This Consent Order may be executed in one or more counterpart originals, all of which when executed shall constitute a single Consent Order.

28. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.

29. This Consent Order shall become effective on the date that it is executed by MassDEP.

SPECIAL INSTRUCTIONS:

Your two **signed copies of the Administrative Consent Orders with Penalty (ACOP)** must be delivered, for execution (signature) by MassDEP, to the following address:

Matthew J. Sokop, P.E.
Wastewater Management Section Chief
MassDEP WERO
436 Dwight Street, 5th Floor
Springfield, Massachusetts 01103

MassDEP will return **one signed copy** of the ACOP to you after MassDEP has signed, provided you have followed the above instructions.

Payment will be due, pursuant to the instructions outlined within the ACOP after you receive your fully executed copy.

PLEASE DO NOT INCLUDE YOUR PAYMENT WITH THE SIGNED ACOPs SIGNED ACOPS ARE TO BE SENT TO THE ABOVE ADDRESS.

In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886
Page 12

Please call Matthew Sokop at 413-755-2218 if you have questions regarding payment and/or instructions.

Consented To:

Town of South Hadley

By:
Mr. Jeff Cyr, Chair

By:
Ms. Sarah Etelman, Vice-Chair

By:
Carol Constant, Member
In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886
Page 13

By:
Bruce Forcier, Member

By:
Andrea Miles, Member

Issued By:
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:
Michael J. Gorski
Regional Director
MassDEP WERO
Springfield, Massachusetts 01103

Date: _____

ATTACHMENT 1

Form Letter to be used by Respondent to Request Electronic Funds Transfer.

Note: Respondent's request to transfer funds electronically must:

- 1.) Be submitted on Respondent's letterhead, and
- 2.) Be submitted either:
 - a) via facsimile to MassDEP Revenue Unit, at fax number 617-556-1049, or
 - b) via regular mail, as follows, (see letter on next page).

In the Matter of: Town of South Hadley
WERO Tracking ID ACOP-WE-21-00009886
Page 14

(Respondent Letterhead required)

Department of Environmental Protection
Attn: Revenue Unit
1 Winter Street, 4th Floor
Boston, MA 02108
Revenue number: 617-292-5668
Fax number: 617-556-1049

RE: Electronic Funds Transfer Request
ACOP-WE-21-00009886

Director, BAS Division of Fiscal Management:

In order to complete a wire transfer for payment of the penalty assessed under (list enforcement number here), (put Respondent name here) requests the following information:

DEP's legal address,
DEP's Federal Tax Identification Number,
The name and address of DEP's bank,
DEP's account name and number, and
The ABA/routing number for DEP's account.

Please mail or fax this information to:
Respondent's contact name:
Address:

Fax number: 617-556-1049

Sincerely,

Signed:
Print name:
Title:
Work number:

Revenue number: 617-292-5668

Fax number: 617-556-1049

Date: _____

Town Meeting Articles

September 8, 2021

Prepared By Town Administrator Michael J. Sullivan

Honorable Selectboard.

The following list of articles are culled from conversations and inquiries made by various boards, committees, and individuals to me about possible warrant articles for a Special Town Meeting. This list is not exhaustive, and I am not aware of any formal or final language on anything contained with the list.

- An article to allow \$60,000 to be taken from the PEG access fund to renovate and update the studio at the high school. This would also allow the purchase of needed equipment for broadcasting from locations if warranted. Has been approved by Capital Planning Committee.
The cautionary tale for any PEG expenditures is the diminishing revenue from Comcast as their presence in the marketplace shrinks and other connectivity options grow (i.e., Fibersonic & 5G)
- An article to prohibit feeding bears and possibly other wildlife. This is an article which was sought by a now member of the BOH, but not in her capacity as such.
- An article dealing with obnoxious odors. I have not heard anything on this issue for quite some time. It has been historically a difficult enforcement item for other municipalities.
- An article to revise the sign by-law. It certainly needs it, but I am not sure any group or person is jumping the line to volunteer to take on this complex matter.
- An article to change the zoning for the corner of route 33 and 202. This is a request to the Selectboard which has been referred to the Planning Board for a public hearing.
- An article to “recall” elected officials. What can I say, it’s a popular idea with some members in every community?
- An article to opt out of the regional mosquito spraying. Many differing opinions on this subject it seems.
- An article to limit use of pesticides. Not sure we have the capacity to enforce or monitor, but there are those who say it should happen.

There also has been conversations about various initiative petitions which there is little municipal governmental oversight or input. At the present time I do not see any significant budget shortfalls which would warrant an article, but that may change quickly.

If the Selectboard was planning to call a Special Town Meeting, I am confident you would want to consider the venue and need. The door is closing on a “drive-in” style unless you had it on a Saturday or Sunday as the sun is setting earlier each day. Doing a “virtual” Zoom based STM is another approach. One idea is to have multiple “Virtual” meetings with only a couple of articles so discussion can be orderly. Of course, there could be a hybrid and/or an in-person Special Town Meeting if the Selectboard decides.

If there is to be a Special Town Meeting, I would strongly suggest there is at least 30 to 45 days set prior for discussion and preparation of the language for each article. In terms of the annual much of the language does not involve zoning or general by-law language, so the language is repetitive and does not require a great deal of Town Counsel research and review.

----- Forwarded message -----

From: **Schlachter, Allison** <aschlachter@shschools.com>

Date: Wed, Sep 8, 2021, 6:02 PM

Subject: Fwd: Resignation effective September 2, 2021

To: Jeff Cyr <jcyr@southhadleyma.gov>

Jeff,

Below is the resignation letter from Charles Miles. I appreciate your swift attention to this matter. I am happy to hear you are moving forward with the process.

Thanks,

Alli