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Michael J. Sullivan
Town Administrator

August 10, 2018

Honorable Selectboard,

It seems as though I have not penned a TA Report in months, I hope you all enjoyed the respite. This report will briefly capture some of the issues and projects which has been occupying my time as well as others in Town Hall, over the last five weeks.

Labor Law Seminar; the Town of South Hadley recently hosted a seminar at the South Hadley Public Library in particular to review United States Supreme Court (USSC) ruling on Janus v. American Federation of State, County and Municipal Employees Council 31 (June 27, 2018).

This case has sent shock waves through municipal government in regards to not only the change, but the potential impact. This case has to do with First Amendment Rights where an Illinois non-union member was required to pay an agency fee to AFSCME. The employee claimed the deductions were coerced political speech in that he did not agree with political positions held by AFSCME.

The USSC ruled that it was unconstitutional to force someone to pay agency fees or in some cases union fees without the individual employees expressed consent. The question remains if an employer does not have the individual documentation for those deductions what is the municipal exposure. ATA Wolowicz, Michelle Parent (HR) and I are very much interested in proceeding deliberately in reducing any exposure the Town of South Hadley may have in regards to this ruling, as we have been collecting union's dues as previously required by state law and in some cases agreement.

The seminar was hosted by the Town of South Hadley, presented free of charge by our labor counsel Sullivan, Hayes and Quinn and attended by two dozen HR and administrative professionals from six different communities. I am sure we will be discussing this issue further as we learn more and as there are challenges of the ruling Thank you Atty. Sullivan (no relation) for presenting and thank you ATA Wolowicz for organizing the meeting.



Town Counsel, Town Moderator Edward J. Ryan, It is with a very heavy hearts we have paid our final respects to Attorney Ed Ryan. There are few who have ever matched his dedication to South Hadley, his church, his family and unquestionably to his wife Priscilla. He is and will be missed by Town Hall staff. His five decades of service to the Town of South Hadley will not be equaled in my lifetime.

As is required of us in life we do need to move forward, beyond the loss. In respect to that requisite, numerous projects Town Counsel Ryan played an integral part are progressing. The Friday just prior to his passing he was assisting his capable second chair Attorney Brian O'Toole and I in crafting language for the IGM/Ledges contract from his hospital bed. While his guidance will be missed Atty. O'Toole had already been doing some of the work in South Hadley and Granby. I am confident we will have legal services which meets the expectation of the SB, incorporates the terms already laid out for Town Counsel and has the necessary protections for the Town.

Attorney O'Toole, is fully immersed in a number of other cases/transactions including but not limited to the 1 Canal Street property transfer, Marion/Ziggy Dog case, the Republic Services contract and the various issue which come up every day in the public space. Having served for some time as the Associate Town Counsel in Granby and the numerous city solicitors/town counsel, who have offered him support out of respect for Ed Ryan, I am confident we will be able to make it to safe harbor from these turbulent seas.

In respect to the Town Moderator, the Clerk will send a letter to the Selectboard to officially notify you of the vacancy. A reading of MGL Chapter 41 section 10, "...the board of selectmen **may** call a special election". I believe this provision exists primarily to fill other elected offices (i.e. auditor, treasurer, clerk etc. in the communities where they are elected) by the election process. Given the cost, the fact if you did have a special election they would only serve until the April 2019 Annual election it seems illogical, since there are remedies prescribed for a Moderator being absent at a "Special Town Meeting" (or ATM).

There has been questions raised about the importance of the Moderator participating prior to a Town Meeting and the reality while the Town Counsel has a role in reviewing the warrant articles, the Moderators responsibility is to conduct the business and oversee Town Meeting. The "warrant" is really in the hands of the Selectboard ...and by their directive the Town Administrator.

The challenge is the responsibilities became conflated as Moderator/Counsel Ryan performed his dual role seamlessly. I would recommend going forward the two responsibilities become bifurcated. The "Town Counsel" would still review warrant articles, attend Town Meeting to offer limited legal advice and assist the By-law Review Committee through Administration with crafting by-laws. There a number of areas where we use "Special Counsel" (i.e. Tax Title, Labor).It is impossible to say nothing will change, because it has....

Dollar General, opened on August 1st and seems to be doing a brisk business since. There were some veiled comments from some "...it is not the type of store South Hadley wants", "...it will just bring people over the bridge", "...all they sell is junk".

To be honest I did not know a lot about Dollar General, like some of the people who are making these comments I had not even been in a Dollar General. There was some confusion with "Dollar Tree", matter of fact I believe our Building Department may have confused the two names early on in the process.

So I started to take a look at the chain, visited some stores and talked to some retail site selectors. Some interesting facts they have 14,000 neighborhood "general stores" in 44 states, they are dedicated to clean stores (which is what I found in my visits) filled with brand names and value prices (check), the staffing was helpful and responsive, I also found out Dollar General invests millions of dollars in local communities to fight illiteracy, as a socially responsible gesture.

The new free standing stores they are constructing are very attractive (Westfield Route 10), but in this case it brought much needed tenancy to a plaza with an abundance of empty space. This group of

investors took a step which certainly suggests the truth of the vacancy issue when they razed 65,000 square feet after trying diligently to find tenants to no avail.

DG is also very demanding about the look and feel of the property they rent. The landlord is held to very high standard in regards to making sure the property is kept in excellent condition as part of the lease, from litter to the painted lines in the parking lot to restrictions on other retail signs. Finding an in-store retailer these days is hard enough, where Amazon, Target, Ebay and host of others allow your goods to be delivered to your door, when people are buying socks, mattresses and razor blades on-line, with Pea Pod and Blue Chef, even WB Mason, no sector is being spared from the on-line onslaught. The number of “bricks and mortar” retailers is shrinking.

As the Cosmetic Value Store did not have location close by in Chicopee and another one in Granby made efforts from the developer to attract them futile (they too are going on-line). While Dollar General carries most of what a Consumer Value Store does, less the prescriptions. It seems this would be a good shopping option for consumers. I wonder if the people who dislike the idea of a DG, but would like a CVS would feel the same if they went by their full and original name Consumer Value Store. Sometimes it is just a mindset often conceived by a lack of familiarity.

The one direct call made to this office was grateful the DG was opening, this retired woman informed me that she was on a fixed income and had shopped DG before, and stated “they have great prices on milk and other foods”. As far as people coming “over the bridge”, I noticed two lanes.

VBS Station s, Town Planner Richard Harris and I recently attended a meeting in N’hampton to learn more about what is being done to work out some of the bugs in the system. After what I would term an inauspicious roll out there does seem to be some promising signs of correction, albeit slow.

They are moving ahead with plans for more mini roll outs in each community, as are we, but all parties have to be sensitive to making certain there are less system complications. It is not our intent to frustrate public.

The good news is there has been over 10,000 miles tracked and a promising growth pattern of users, becoming members, as well as daily riders. The Bridge Street Station is getting some use and the Town Commons is seeing what I would term significant use.

We have reached out to some property owners in the Woodlawn area about filling in a gap and we also are looking at Phase II locations near Big Y (as Chicopee may be joining) and somewhere near East and Granby Road. There is a great deal to be considered, including available safe space, but we are rolling!

Paul Bockelman Amherst Town Manager, recently I had the opportunity to travel to Amherst to meet with my colleague to discuss possible opportunities we may have to collaborate and to see how the change of government will/is affecting Amherst as a town.

There were several articles in local newspapers about the fact the Town of Amherst discussed, debated and eventually voted to change their form of government. They considered going to “mayor” for, but after much deliberation they decided to go with a Town Manager (as the executive) and a 13 member Town Council (legislative). The Council will appoint the Town Manager and negotiate the manager’s contract.

The Council will replace their representative Town Meeting. There was a great deal of discussion over this and there were several forums. One you may remember I was asked to speak to the advantages of a “manager” form as opposed to a mayor form, Mayor Narkewicz spoke to the advantages of the mayor

form. Ultimately after several other conversations and a ballot question on the matter the “Council” form was chosen.

It is my belief how this progresses for Amherst would be worthwhile for South Hadley to observe. Palmer has been seemingly very successful under Charles Blanchard in respect to their becoming a Council town. Just so no one thinks there is something nefarious in my mentioning this concept, I am confident I will be long gone before the SoHa government changesagain.

Secure Energy, we have agreed to a three year lock-in at \$3.49 decatherm, .21 lower than our present agreement. We again utilized Secure Energy to administer our bid process for natural gas futures. Direct Energy will continue to supply our gas with Columbia Gas as the delivery service.

If Columbia’s delivery charge remains steady we should see a slight savings in natural gas power. It is not something sufficient to realize a transformative savings, probably less than \$ 12K, but this allows us to budget and protects us for three years against any increase on the supplied side. The bid sheet was sent to five suppliers by Secure as our power purchase partner.

MEI John Howard, I would like thank John for his assistance in updating our roster of vehicles in the Massachusetts Energy Insight platform. It is greatly appreciated. It is our hope we will be able to utilize this more effectively in the future to address energy usage for Town properties.

It is unfortunate after several attempts Siemen’s has not responded to inquiries about our performance report and request to create a new base line. I have spoken with Beth Greenblatt and we will be looking for her to become involved directly in the baseline process. I thank the SEC for their extreme patience on this matter.

Building Commissioner, I have made a conditional offer of employment to Dave Gardner to become our Building Commissioner in South Hadley. Dave had worked for us as a part time inspector about two years ago, he left on good terms for a better opportunity and is come back with more experience and certification as a Building Commissioner in Massachusetts.

There will be slight interruption in services, but we are working with City of Chicopee Inspectional Services to cover some of the priorities. We should be fully operational by August 27. Thank you and the building community for the collective patience.

Website Refresh, we begun the preliminary process of the “refresh”. The first step was to look at each page a quickly identify some defects in the pages, we found immediately about two dozen issues. This was not a deep dive. We also discussed some fairly apparent issues with content, I will set that aside for now, and we found some labeling, process, mapping that was less than intuitive. Again, this is an on-going process, kiazen in nature. As the website has made improvements, but we do need to increase the culture of continuous improvement.

Another first step is to reach out to boards, commissions and in some situations departments encouraging them to take another look at their pages. This has produced some improvements. We also have a staff person and a summer intern combing the pages to identify pages which have inaccurate information (i.e. broken links, board members who have retired, new members, un-linked duplicates, access to ghost forms).

In respect to being intuitive the ATA Jennifer Wolowicz, IT Coordinator Jamie Doolittle, Exec Admin Assistant Kristin Maher (who is being tasked with the refresh) and I had a healthy debate about what is “intuitive” when it comes to a website. It is an interesting concept. There also is the sensible issues in

regards to pages should we have a Board of Health Page and Public Health page, would the site visitor know the difference? As we ask more questions we get more questions.

There will be an update of pictures, if you have some you would like to submit, we will be changing the color and the logo we introduced last year will be incorporated. We welcome ideas, comments, suggestions or criticism (not with the same zeal) in respect to the refresh. I believe this is all progress, but in the ever changing world of technology we can never tell.

Thank you for your support and attention to the issues facing South Hadley,

Respectfully submitted;

Michael J. Sullivan
Town Administrator, South Hadley