



PRUDENTIAL COMMITTEE & Water Commissioners FIRE DISTRICT #2

20 Woodbridge Street, South Hadley, MA 01075
Tel: (413) 534-5748 - Fax: (413) 517-6054

Minutes of September 8, 2022

Convened: 5:38 p.m.

Adjourned 6:58 p.m.

Present

Prudential Committee Chair: Kenneth LeBlanc

Members: Robert Bak

Water Commissioner Chair: Frank DeToma

Danny Luis

Clerk/Treasurer: Barbara Miller

Fire Chief: Todd Calkins

Others Present: Attorney Brian O'Toole

Linda Young

Meeting called to order by Chairman LeBlanc. It was announced that the meeting is being recorded.

Payroll and Vendor Warrants were reviewed by R. Bak and J. Moriarty. Per Sections 57-58 of the Municipal Modernization Act and PC votes of 12/15/2016 and 3/10/2020 warrants were previously approved by K. LeBlanc, PC Chair.

Minutes

Motion to approve the minutes of August 11, 2022 made by R. Bak seconded by K. LeBlanc. Motion passed with a unanimous vote.

Fire and Ambulance Report

Chief provided activity and MHC reports with a brief explanation. August had 83 calls. In 2021 there were a total of 799 calls. On the current path there will be close to 1,000 calls this year. MHC back in session, all residential hall inspections are complete as well as the first fire drill. Chief said he is working on the pickup truck.

F. DeToma, WC Chair, called the Water Commissioners meeting to order.

K. LeBlanc introduced Attorney Brian O'Toole for the Article 97 discussion. Atty. O'Toole stated that he would not be able to say tonight whether the parcels fall within or without of Article 97. He said he has done research to familiarize himself with both the parcels and the history, stating that he believes it will be the history of the parcels that will be the determining factor. He read Article 97 of the Massachusetts Constitution:

Article XCVII. Article XLIX of the Amendments to the Constitution is hereby annulled and the following is adopted in place thereof: - The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose. The general court shall have

the power to enact legislation necessary or expedient to protect such rights. In the furtherance of the foregoing powers, the general court shall have the power to provide for the taking, upon payment of just compensation therefor, or for the acquisition by purchase or otherwise, of lands and easements or such other interests therein as may be deemed necessary to accomplish these purposes. Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.

Attorney O'Toole said there is not a lot of reported case law on this and it has been noted that the language of Article 97 is relatively imprecise, which has recently led to debates in regards to what is Article 97 protected/burdened property and what is not. Attorney O'Toole provided a detailed description of the recent court cases involving Article 97 and stated that based upon the information he has at this point; he cannot determine whether or not parcels 19 and 20 are in fact protected/burdened by Article 97. The only way you to get a court determination of Article 97 is if someone brings a lawsuit or the District petitions the state legislature.

K. LeBlanc suggested a recap of the next steps:

K. LeBlanc suggested Attorney O'Toole create a proposal of what he thinks minimally should be done. Attorney O'Toole said B. Miller should search the archives for District Meeting (Annual/Special) from 1911 and 1917. Further stating that he will plan to meet with the Water Superintendent to see the property. D. Luis agreed to get in touch with Anne Capra to determine the status with the state. B. Miller stated that Linda Young offered to go to Gaylord Library to see if they have old copies of the Annual Reports.

6:53 pm Water Commissioners adjourned and left the meeting. Attorney O'Toole left the meeting.

PC Chair Discussion Items

B. Miller stated that she had completed the submission process for Free Cash and hoped to have approval next week.

FY2021 Audit status – The ambulance review is complete and the PC reviewed a draft of the document and agreed it was sufficient. B. Miller said she would inform Scanlon Assoc. and the FY2021 audit will finally be complete.

FY2022 Audit – Everything onsite is complete, Scanlon Assoc. has all the reports from the District and Free Cash has been submitted. It is always months before Hampshire County Retirement completes their audit and gives Scanlon the reports needed to finalize our audit.

B. Miller stated that she would be sending out a request for all departments to submit their annual report information.

K. LeBlanc said he would be setting up a meeting with the Chief for the items the Chief wanted to review.

The next Prudential Committee meeting will be Thursday, October 13, 2022 at 5:30 p.m.

Respectfully submitted,

Barbara Miller, Treasurer

Minutes approved _____