

**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
SEPTEMBER 12, 2011**

Present: Thomas Creamer, Chairman  
Mary Dowling  
Mary Blanchard  
Angeline Ellison  
Priscilla Gimas  
Shaun Suhoski, Town Administrator

The Chairman called the executive session to order under MGL c. 30A. Section 21A, Exemption #3: To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; not to reconvene in open session.

**Approval of Minutes**

**MOTION: To approve the executive session minutes of May 9, 2011 as amended, to remain confidential, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Roll call vote: M. Dowling in favor; T. Creamer in favor; A. Ellison in favor; P. Gimas in favor; M. Blanchard in favor.**

**Environmental Protection Agency Expedited Settlement Offer**

S. Suhoski informed the Board that on Friday, September 9, 2011 the Selectmen's office received a correspondence from USEPA with an "expedited settlement" fine of \$3,000 (in lieu of their stated maximum of \$177,500) for the Town's failure to submit required MS4 reports in 2009, 2010 and 2011. These are required annual reports that detail the Town's efforts at compliance with the ever more stringent stormwater regulations.

Based upon discussion with the DPW Director and Town Planner, S. Suhoski was advised that, in 2008 and 2009, staff had requested outside help from the former administrator because the report (including the requirement to GPS and map nearly 400 stormwater outfalls) exceeded the capacity of in-house resources. Turnover in the Conservation Agent position and corrupted data from in-house attempts to compile GPS data hindered efforts.

S. Suhoski said that the reports were never filed and later "fell through the cracks". Earlier this summer, he was advised of this situation by the DPW Director as the EPA was looking for the reports. He authorized DPW to utilize Tighe & Bond to get the outfall coordinates in GPS and mapped. This has been accomplished and the report completed and filed electronically with USEPA. However, the agency is intent on collecting a \$3,000 fine.

In S. Suhoski's opinion, payment of the fine, together with having the Town be in good standing, is a more favorable outcome than fighting EPA and risking substantially higher penalties. He said that simply retaining Town Counsel will cost that amount.

**MOTION:** That the Board of Selectmen authorize S. Suhoski to: (1) contact USEPA in an attempt to further reduce the penalty, and (2) execute the expedited settlement in any event should further negotiation not be successful, by M. Blanchard.

**2<sup>nd</sup>:** P. Gimas

**Roll call vote:** M. Dowling in favor; T. Creamer in favor; A. Ellison in favor; P. Gimas in favor; M. Blanchard in favor.

**MOTION:** To adjourn, by M. Blanchard.

**2<sup>nd</sup>:** P. Gimas

**Roll call vote:** M. Dowling in favor; T. Creamer in favor; A. Ellison in favor; P. Gimas in favor; M. Blanchard in favor.

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Judy Knowles

---

BOS Clerk

Date