

August 17, 2015

**BOARD OF SELECTMEN
MINUTES
AUGUST 17, 2015**

Present: Mary Blanchard, Chairman
Priscilla Gimas
Michael Suprenant
Leon Gaumond, Jr., Town Administrator

Mary Dowling and Craig Moran were absent.

The Chairman called the meeting to order at 6:30 p.m. following the Pledge of Allegiance.

M. Blanchard, on behalf of the Board of Selectmen and the Town, expressed sympathy and condolences to the family and friends of Alfred (Red) Denault, former Police Chief, who passed away.

Public Hearing: Jim Mazik, Pioneer Valley Planning – Closeout of Commercial Development Project

L. Gaumond read the legal ad into the record. M. Blanchard announced that the meeting was being recorded by a reporter from the Worcester Telegram and Gazette.

L. Gaumond provided the Board with background information. Several years ago, the Town of Sturbridge obtained a Community Development Block Grant to assist the Sturbridge Retirement Cooperative to construct a wastewater treatment facility. The Sturbridge Retirement Cooperative Corporation (SRCC) is a resident owned mobile home community which is age restricted, and residents must be 55 or older to live in the SRCC. The SRCC purchased 20 acres of additional land in 2003 in the hopes of constructing an additional 50 sites. It was hoped that the sale of the new sites would help to pay off the existing mortgage and cover the costs of the expansion. During this expansion proposal process that the Massachusetts Dept. of Environmental Protection (MA DEP) discovered an error in the original permitting for the SRCC under Title V and a friendly non-penalty administrative consent order was initiated by MA DEP and agreed to by the SRCC trustees. In 2006 the Planning Board reviewed and approved the application and plans submitted by P.B. Hatch on behalf of the Sturbridge Retirement Cooperative Corporation for Site Plan approval to allow the construction of a Wastewater Treatment Facility to serve the existing mobile home park and proposed expansion at 1 Kelly Road. The Town worked with Pioneer Valley Planning

Commission to apply for the funds and part of the requirement of the grant is to have a hearing on the construction project.

Jim Mazik appeared before the Board. He said that in 2012 there was a public hearing, and it is required that two public hearings be held on this project. He said that the project is about 60% complete, with about 85% of CGB monies spent. The request for funding was \$640,000; the balance of \$750,000 was coming from SRCC, capital reserves and bank loans, for a total of \$1.4 million. The project has been extended through September 30, 2015, until the end of the grant period. He said that there have been no problems, and construction is to be completed by October 2015. The SRCC will take on another phase. He noted that the engineering firm had been paid from SRCC funds.

J. Mazik said that the Memorandum of Understanding was an agreement that the Town would grant to SRCC \$620,000 of construction money for the wastewater treatment facility. The SRCC was the contracting and awarding authority. Bay State Regional Contractors of Yarmouth, MA had been awarded the bid, and their quality of work and feedback has been very good.

J. Mazik said that he would need a copy of the minutes of the public hearing.

M. Suprenant asked how long it would be when the startup of the wastewater treatment plant takes place before all of the homes are connected. He wanted to know when it would be fully operational with DEP approval, so that people who are expecting to connect will have some idea as to when that will take place. J. Mazik said that this is for the facility itself and main connecting lines and laterals. He said that the October deadline includes additional testing, and an operating firm has been hired to run the facility during the transitional period in October. He said that tie-ins will be funded by SRCC monies.

MOTION: To close the public hearing, by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

Special Permit and Site Plan Approval Request for T.M.C. New England (CVS Pharmacy) at 362 Main Street

L. Gaumond informed the Board that CVS Pharmacy is preparing to demolish the existing building at 362 Main Street and construct a new retail store on the property. The applicant applied to the Design Review Committee and Planning Board and will

also file with the Historic Commission for this project. The retail use is allowed by right within the Commercial District, and therefore requires Site Plan approval. However, the property is also located within the Goundwater Protection District and the Zoning Bylaw requires that any proposal that will render impervious 15% of the lot or 2,500 square feet, whichever is greater, be granted a Special Permit. Jean Bubon, Town Planner and Greg Morse, DPW Director issued a memorandum dated August 11, 2015 regarding this request.

L. Gaumond said that the Board of Selectmen, acting as Water Commissioners, must weigh in on this proposal within 45 days of receipt. He noted that if the Board concurs with the memo from Jean Bubon and Greg Morse, the Board will need to convey that in writing to the Planning Board. Conversely, if the Board does not agree, its written concerns should be transmitted to the Planning Board and the applicant for consideration.

Jean Bubon, Town Planner and Greg Morse, DPW Director, appeared before the Board.

M. Suprenant said that at one time there were underground storage tanks on site, and wondered whether there was a 21E study of the site, and any testing to see if there were any contaminants on site. J. Bubon said that she had not received a copy of the 21E study at this time. She said that a report done by a licensed professional needs to be done, and will get reports on testing at the time when the tanks are removed. M. Supenant asked it there would be any restrictions regarding the demolition of the building and foundation and so forth. J. Bubon said that it is going through Site Plan review at this time, then it must go to the Historical Commission. They will meet with the Fire Chief, DPW Director and Police Chief regarding conditions for demolition. M. Suprenant asked whether there would be any controls or provisions to prevent hazardous materials from getting into the water supply. J. Bubon said that she had not specifically asked that question, but could have some conversations with the Health Agent regarding controls that should be in place. M. Suprenant said that these are examples of questions that may be asked, and are legitimate concerns. J. Bubon expressed appreciation for his input.

MOTION: That the Board of Selectmen, acting as Water Commissioners, submit to the Planning Board a Special Permit for T.M.C. New England (CVS Pharmacy) for 362 Main Street, by M. Suprenant.

2nd: P. Gimás

Vote: Three in favor; M. Dowling and C. Moran were absent.

Public Service Announcements

P. Gimas wished C. Moran a speedy recovery.

M. Suprenant said that a local resident, Doug Danger, had beaten Evil Knievel's record for a motorcycle jump after jumping 22 cars.

Appointment of Part-Time Dispatcher Emily Murphy

Police Chief Thomas Ford and Emily Murphy appeared before the Board. Chief Ford said that Emily was one of two finalists brought before the Board for appointment.

M. Suprenant noted how serious and important the dispatcher position is in town, and expressed appreciation for her application for the position.

MOTION: That the Board appoint Emily Murphy as a part-time dispatcher effective August 18, 2015 at a starting rate of pay of \$18.39/hour, by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

Minutes

MOTION: To approve the minutes of July 20, 2015 as amended, by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

Public Hearing: Scott Gerrish – Logging Permit for Podunk Road

L. Gaumond read the legal ad into the record. Scott Gerrish appeared before the Board. He requested a logging permit for 30 acres of land at 181 Podunk Road owned by Robert and Judith Moynagh. The application had been reviewed by the Conservation Commission and they recommended approval of the permit.

S. Gerrish said that there is a lot of white ash scattered throughout the forest.

M. Suprenant asked about the number of landing areas at the site. S. Gerrish said that there was only one landing area.

L. Gaumond said that Greg Morse, DPW Director, had reviewed the proposal and had no concerns. He recommended a \$5,000 bond to be provided by the logger.

MOTION: To close the public hearing, by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

MOTION: That the Board approve the logging permit request for Scott Gerrish on behalf of Robert and Judith Moynagh of 181 Podunk Road, with the standard conditions as follows:

- **Logging operations shall be allowed Monday through Friday (with no harvesting on recognized Massachusetts legal holidays) from 7:00 a.m. to dusk; and on Saturdays from 8:00 a.m. until 12:00 p.m. Noon; no Sunday or holiday hours;**
- **The applicant shall coordinate transportation with the Town's school bus schedule to avoid conflict between logging operations and school bus operations;**
- **Work shall not start until the ground is frozen;**
- **A \$5,000 road maintenance bond shall be submitted to the Town Administrator before starting work.**
- **The DPW Director should be notified before starting work.**

by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

Department Head Reports

Glenn Colburn, Conservation Agent, reviewed his report with the Board. Regarding the Plimpton Community Forest, he stated that Town Meeting had supported this acquisition. This preservation of 295 acres of open space will set aside 15 acres of land for active recreation and 280 acres of conservation land to be managed as a working community forest. M. Suprenant said that Town Meeting had voted on 16 acres for active recreation and 279 acres of conservation land. G. Colburn said that whatever Town Meeting had voted is what it will be. L. Gaumond said that according to the deed prepared by counsel, 15.01 acres will be for active recreation and 281.25 acres will be conservation land.

M. Blanchard asked how many permits had been approved by the Conservation Commission. G. Colburn said that well over 90% were approved.

P. Gimas expressed appreciation for the hard work of G. Colburn, Greg Morse, DPW Director, and Leon Gaumond, Town Administrator in the Plimpton matter.

Greg Morse, DPW Director, reviewed his report with the Board. He said that they have been working on the road program, and sweeping was finished in July. They are 2/3 of the way through the catch basin cleaning.

M. Blanchard asked about the status of the Lions Club building. G. Morse said that there has been a lot of trash dumping on the side of the road.

Discussion regarding Road Plowing

L. Gaumond informed the Board that Randy Bercume of Countryside Builders is seeking the Town's permission to plow his soon to be completed road (Acorn Road). L. Gaumond and Greg Morse, DPW Director, do not recommend this action, as there are liability issues that the Town should not take on, and it would set a dangerous precedent.

M. Blanchard noted that the Town does not usually plow roads that are not Town accepted. G. Morse said that the danger is that if the Town agrees to plow the road and damages it, or damages a structure on the road, then at the time of acceptance it would be contested as to who needs to fix it.

MOTION: To deny the request for plowing on the private road of Acorn Road, by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

Discussion regarding Culvert under Hall Road

Attorney Robert Capobianco, representing property owners Fulvio Gentile and Gina Madore of 209 Charlton Road, appeared before the Board.

L. Gaumond informed the Board that they are claiming that the Town is dumping water on their property without a proper easement to do so and wish the Town to settle the matter amicably. Greg Morse, DPW Director, reviewed this matter and believes this discharge has existed for at least 20 years, giving the Town a prescriptive easement to do so.

Attorney Capobianco referred to his letter to the Board dated July 20, 2015, in which he stated that there is a culvert running under Hall Road which discharges water onto his clients' land. He said that the culvert was constructed by the Town of Sturbridge withing

his clients' permission, and by illegally discharging water, the Town has created a man-made wetland on their property. To substantiate this, his clients submitted the following evidence:

1. Statement from the Conservation Commission dated July 1, 1997 confirming that there were no wetlands on his clients' property. The building on the first page of the submission was, at that time, contemplated development which never occurred.
2. Plan of land locating the wetlands on his clients' property dated November 2, 2009. The plan also delineates the mouth of the culvert on his clients' land off of Hall Road.
3. Affidavit of David Ford, who interviewed Greg Morse, DPW Director, stating that the Town did install the pipe.
4. A report from a title examiner indicating that no easement was ever given to the Town.

Attorney Capobianco said that his clients would prefer to come to an agreement with the Town and settle this matter amicably.

Attorney Capobianco said that there had been a developer who came in early 2000, and there were wetlands at that point. He had a plan that delineated the wetlands on the site. Attorney Capobianco said that he had gone back 50 years to see if an easement had been given, and there was no easement.

M. Blanchard noted that on Attachment A from the Conservation Commission, the second paragraph indicates that there are no wetlands on the lot, then they mention that the drainage structure should be protected by erosion control barriers (hay bales) to prevent erosion of the drainage outlets located off the site.

G. Morse presented Attorney Capobianco with a map dated 1985 showing the presence of this drainage outlet, indicating that the Town of Sturbridge had a prescriptive easement for this drainage structure.

Attorney Capobianco asked whether the Town would entertain the suggestion of piping this over to the drainage ditch. G. Morse indicated that the Town would not do that. Attorney Capobianco said that his clients may want to take on the cost of doing that. L.

Gaumond suggested that Attorney Capobianco confer with his clients, then L. Gaumond could meet with him to discuss options moving forward.

Discussion regarding Perchlorate Levels in Wells #1, #3, #5

L. Gaumond said that there is a water reading which has attracted the attention of MassDEP. He noted that there have been elevated perchlorate levels in three of the Town wells. DEP is requesting the Town to submit a corrective action plan by the end of the month. He said that Shane Moody of Veolia Water North America and Greg Morse, DPW Director, are working on this matter and will continue to update the Selectmen and the Town.

G. Morse said that Well #1 seems low; Well #3 is in the middle; Well #5 is the highest; and there was no effect on Well #4. He pointed out that no drinking water standards have been violated. The testing is limited to the confines around the wells, and there are different methods of treatment. He said that DEP is concerned about it, and he will keep an eye on the situation. He met with Tighe & Bond to go over what the Town's initial needs would be to respond within a month. It will be necessary to have a short term plan or an extension for 10-15 days.

Town Administrator's Update

Request for a Sewer Abatement for 24 Cedar Street

L. Gaumond received a letter dated August 14, 2015 from Lora Russell and Douglas Kendrick requesting a sewer abatement for the property they sold at 24 Cedar Street. They have had to pay the minimum water/sewer bill of \$167.50 for only one month of usage, as a new quarter began on July 1, 2015, and the sale of the house occurred on August 10, 2015. L. Gaumond, Greg Morse and Barbara Barry, Finance Director, reviewed this matter and determined that they did not have the authority to grant an abatement under these parameters. He noted that Ryan Murphy had a similar issue which had been denied.

G. Morse said that over the past 20 years the Town has always issued a minimum bill during the quarter. Originally the Town had to read meters to develop a bill (which was labor intensive), then remote readers on the edge of the house were used, radio reads, and now badges. He said that it is related to manpower, and it is the policy to do it this way.

Lora Russell and Douglas Kendrick appeared before the Board. L. Russell explained that they had recently sold their home at 24 Cedar Street, and were charged the

minimum water/sewer bill of \$167.50 (the full three month amount) for only one month of usage. The new quarter began on July 1, 2016; the sale of the home occurred on August 10, 2015. They felt that a charge of \$55.83 would be fair.

M. Blanchard said that this has always been the policy, and she was not in favor of saying “yes” to one, and not another. She said that she will be consistent.

P. Gimas asked whether it would be possible to give them time within the next six months. M. Blanchard said that any appeal must be done within 30 days. She said that the Board could take it under advisement for six months, then revisit the matter. M. Suprenant agreed that it should be revisited.

D. Kendrick said that there has only been a minimum amount of usage for a short amount of time.

MOTION: To deny the request of Lora Russell and Douglas Kendrick based upon past practice and under current policy; and to take it under advisement for creation of a new policy within six months, by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

Vote to sign Acceptance of Deed for the Plimpton Property

M. Suprenant felt that there had been an error, and the Board should follow what Town Meeting had voted: 16 acres for active recreation and 279 acres for conservation land.

L. Gaumond said that according to the article voted on by the Town, they did use the word “approximate” and the Acceptance of Deed states “approximate, more or less.” He added that most important is the map and lot number listed within the article. Town Counsel had crafted the draft of the article and the deed. P. Gimas noted that when the Town has done other items like this, they have always been an approximation.

MOTION: To sign the Acceptance of Deed for the Plimpton Property, by P. Gimas.

2nd: M. Blanchard

Vote: Two in favor; M. Suprenant abstained; M. Dowling and C. Moran were absent.

Vote to sign NextSun Agreement

L. Gaumond said that they have been some changes to the agreement, and one section has not been finalized. Town Counsel has suggested that it might be beneficial to make

the following vote: That the Board of Selectmen vote to approve the power purchase agreement with Renewable Generation LLC of Massachusetts, known as NextSun to the Town of Sturbridge, subject to finalizing termination provisions of the agreement and to authorize the Chairman of the Board of Selectmen to sign on behalf of the Board when all parties are satisfied.

MOTION: To accept L. Gaumond's suggestion as a motion, by P. Gimas.
2nd: M. Suprenant
Vote: Three in favor; M. Dowling and C. Moran were absent.

Goal Planning Document

L. Gaumond had prepared a goal planning document, which is a plan of action to implement the goals set by the Board.

Goal #1: Work with the Selectmen to reorganize the STA to maximize the potential of the tax revenue generated by the hotel/motel tax for the benefit of Sturbridge tourism and the Town as a whole.

Goal #2: Review expansion plans for water and sewer.
M. Suprenant said that this should lead to forming a master plan. M. Blanchard commented that there is a lot of information out there already.

Goal #3: Work on the use of the Riverlands property.
M. Blanchard stressed the importance of this goal.

Goal #4: Develop strategy to deal with 8 Brookfield Road.

Goal #5: Update the ten town comparisons.

Goal #6: Revise the comp-time policy.
L. Gaumond said that he would present this to the Board sometime during the winter. He will have labor counsel review it for input.

Goal #7: Review the oversight of the Trails Committee.
L. Gaumond said that he would provide the Board with an update in mid-October.

Appointment to the Senior Municipal Service Program

MOTION: To approve the appointment of Allen Butts to the Senior Municipal Service Program, to work at the Senior Center, by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

Appointment to the Historical Commission

MOTION: To appoint Richard Volpe and Sandra Fallon to the Historical Commission, by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

L. Gaumond said that he will be requesting additional members for the Historical Commission. He noted that the CVS Pharmacy project needs to be reviewed by the Historical Commission.

M. Blanchard asked about the status of the Charter Review Committee. L. Gaumond said that he will be interviewing another candidate this week.

ABCC Advisory regarding Extension of Premises to Patio and Outdoor Areas

L. Gaumond submitted to the Board a copy of this ABCC Advisory. He had instructed Judy Knowles to send a copy to all liquor licensees during the upcoming license renewal process.

Taxi Driver Applications

There were two taxi driver applications for the Board's approval, for David Arpin and Daniel Sullivan. The Police Chief had reviewed and approved them both.

MOTION: To approve the taxi driver licenses for David Arpin and Daniel Sullivan, by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

Correspondence

P. Gimas read the correspondence list into the record. M. Blanchard had received notification from the Tri-Community YMCA regarding a meeting in Southbridge of Wednesday, September 9th for a roundtable discussion to share ideas. M. Suprenant said that there was a letter from DEP dated August 4th regarding their review of the Authorization to Operate a Large Handling Facility, C&D Waste Processing Facility application submitted by Green Seal Environmental on behalf of Complete Material Management in Southbridge. L. Gaumond said that the Board of Health had also

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received that letter, and he requested that the Board review it. M. Suprenant felt that it might be more appropriate for the Board of Health to comment.

Old Business

There was no old business.

New Business

There was no new business.

MOTION: To adjourn, by P. Gimas.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling and C. Moran were absent.

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date