

December 14, 2015

**BOARD OF SELECTMEN  
MINUTES  
DECEMBER 14, 2015**

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

The Chairman called the meeting to order at 6:00 p.m. following the Pledge of Allegiance.

**MOTION: To convene in executive session under MGL Chapter 30A, §21(a), #3:  
To discuss strategy with respect to collective bargaining; to  
reconvene in open session, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

**Roll call vote: C. Moran in favor; M. Suprenant in favor; P. Gimas in favor;  
M. Blanchard in favor; M. Dowling was absent.**

The Board reconvened in open session at 6:32 p.m.

**Public Service Announcements**

M. Blanchard, speaking on behalf of the Board, wished everyone a Merry and joyful Christmas and Happy and peaceful New Year.

**Department Head Reports**

Shane Moody, Veolia Water North America, reviewed his report with the Board. He informed the Board that there were no violations or deficiencies and no issues found.

S. Moody said that all of the fire hydrants have been winterized, public and private.

Greg Morse, DPW Director, reviewed his report with the Board. He said that they have worked on paving and striping roads in October and November. Sand and salt have been stockpiled for the winter season.

G. Morse said that there had been an explosion in one of the tanks, and DEP will be taking a special interest in these structures.

G. Morse said that the skate park ramps have been removed, and the Town of Southbridge took some of the units.

C. Moran asked about the status of the trailer lots. G. Morse said that the Town does not get leachate or septage every day, but is seeing a steady inflow into the plant. They will get a composite sample on inflow.

- **Appointment of Brian Larson as DPW Mechanic**

L. Gaumond said that Brian Larson was being brought forward as a candidate for the position of DPW Mechanic. G. Morse introduced Brian Larson to the Board, and noted that he has a good background and has a hydraulic license. L. Gaumond requested that the Board concur with the appointment, to be effective January 4, 2016, at a starting rate of \$21.48 per hour.

**MOTION: So moved, by P. Gimás.**

**2<sup>nd</sup>: M. Suprenant**

**Vote: Three in favor; C. Moran abstained; M. Dowling was absent.**

- **Consider Approval of Pavement Management w/CMRPC**

L. Gaumond requested the Board's acceptance of an agreement with CMRPC to use Chapter 90 funds to develop a pavement management plan, as it would be a useful tool for the Town moving forward. He provided the Board with a sample copy of a pavement management plan for their review. M. Suprenant said that some streets may not have been included on the state inventory; after the Town had accepted the streets, if they were not sent to the state district office of MassDOT.

**MOTION: To accept the agreement with CMRPC to use Chapter 90 funds to develop a pavement management plan, by P. Gimás.**

**2<sup>nd</sup>: C. Moran**

**Vote: Four in favor; M. Dowling was absent.**

**Goal #2: Review Areas of the Town for Water & Sewer Expansion**

L. Gaumond submitted a memo to the Board for review. Shane Moody, Veolia Water North America, and Greg Morse, DPW Director, appeared before the Board.

L. Gaumond said that in 2012 the Town of Sturbridge had contracted with Tighe & Bond to prepare a Final Environmental Impact Report for the Town's Comprehensive Wastewater Management Plan. It resulted in a Recommended Plan to alleviate failing septic systems, mitigate nutrient impacts, support targeted growth and economic development and address condition and capacity issues. One of the components of the Recommended Plan is to seek limited expansion of the centralized system to serve several moderate and high need areas and areas targeted for economic growth.

M. Dowling arrived at 7:00 p.m.

The report issued by Tighe & Bond highlighted the wastewater plan's goal of preserving the rural character of the Town, while providing adequate infrastructure to support desired residential growth and economic development. The plan was undertaken for a number of reasons, including:

- To evaluate the feasibility of on-site sewage disposal options for future growth areas and existing un-sewered areas with failing systems.
- To evaluate the need to expand the sewer service area.

Tighe & Bond reviewed the service areas of the Town and made some recommendations for possible expansion. It rated properties as High, Moderate or Low based upon criteria primarily driven by public health and economic factors. There was a driving need to push expansion in Study Area 19, an area of the Town in the area surrounding River Road due to possible economic development opportunities, as well as the proximity to the existing sewershed. The highest rated areas in the FEIR were Study Area 3, Study Area 14, Study Area 23 and Study Area 35.

The FEIR also prepared a condition analysis to determine if there were any major improvements needing to be addressed. Tighe and Bond found the collection system in the eastern portion of Town to be in "good condition" and no identifiable deficiencies were noted. However, they do point out that there has been infiltration in the Western part of the system which the Town has been addressing through a TV inspection program for the past couple of years. The study also examined the capacity system to determine if there was sufficient space to accept additional flows. They have identified three areas which could require capacity improvements: the Hobbs Brook Pump Station, the Route 20 Pump Station and the Hall Road Pump Station. Tighe & Bond examined the potential cost of sewer improvements to the pump stations, as well as the piping, approximately \$7.4 million in 2012 values.

On October 21, 2015 L. Gaumond met with Greg Morse, DPW Director and Shane Moody, Veolia Water North America, to review the FEIR and to consider an appropriate recommendation to the Board of Selectmen. They quickly ruled out expansion to Study Area 19 at this time. Study Area was a need several years ago due to economic development reasons; however, that dynamic has changed. One of the prime parcels in Study Area 19 is soon to be a functioning solar farm with no real need for sewerage, and the other major parcel is the retirement community with its own treatment facility going online shortly. Since there are so few landowners in Study Area 19, they felt this is no longer feasible.

They also recognized that the four areas with the highest demonstrated needs should also be eliminated for consideration for the following reasons:

- Study Area 3 was previously voted down by the residents in this area.
- Study Area 14 was previously rejected by the Board of Selectmen.
- Study Area 23 would be more expensive due to its remote location. As a result it would require a remote water treatment facility.
- Study Area 35 would need to leapfrog another Study Area to expand to this location.

L. Gaumond pointed out that there are no areas of the Town petitioning the Selectmen to bring these services in at this time. Also, given the high rates in Town, the Town should be cautious of fronting the funds necessary to construct the expansion.

L. Gaumond recommended that the following areas may be ideal for expansion moving forward:

- Study Area 7
- Study Area 8
- Study Area 11
- Study Area 12

L. Gaumond noted that all four sections are critically located within the Town and are all listed as Moderate need. Due to their locations, they could be viewed as lynch pins to other areas of the Town and are south of the Mass. Turnpike where most of the Town lives. In particular, Study Area 12 could serve as the lynch pin to getting two other sections online: Study Area 19 and Study Area 35 (which is listed as a high need area). Jean Bubon, Town Planner, has reviewed this course of action and feels that these are feasible areas in which to expand.

L. Gaumont had asked Greg Morse to get a quote from Tighe and Bond to perform the study and provide a formal cost statement/feasibility study to expand in these areas. He requested that the Board vote to authorize the Town Administrator to include a warrant article to fund a feasibility study to allow Sturbridge to expand into these areas.

M. Dowling asked if L. Gaumont was going to put it on the Special Town Meeting or Annual Town Meeting. L. Gaumont said that he will defer to the Board. He noted that there is the availability of free cash for funding if it goes on the Special Town Meeting warrant.

M. Suprenant asked whether there would be an opportunity for public input, once the cost estimates are completed. G. Morse said that there would be a public meeting that would be open to residents.

It was the consensus of the Board to continue the discussion at an upcoming meeting.

### **DPW Employees: Safety Concern Regarding Hunting**

L. Gaumont submitted to the Board a letter from DPW employees expressing concerns about hunting on Town property behind the Department of Public Works building. Greg Morse, DPW Director, said that people have been seen hunting during work hours around the stockpile area in the back of the property. They have been verbally requested to not hunt there during work hours on several occasions to no avail, and the hunting continues. He noted that the DPW work hours are 7:00 a.m. to 3:30 p.m.

L. Gaumont said that he has spoken to the Police Chief about this matter, who suggested a temporary "No Hunting during DPW Operations" order. Once it is posted, it could be enforced by the police.

**MOTION: So moved, per the Town Administrator's recommendation, by P. Gimas.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: All in favor.**

### **Town Common Recommendations**

L. Gaumont had prepared a memo on behalf of the Town Common Study Committee, after numerous meetings and discussions on the matter. He requested that the Board

vote to accept the changes to the policy as recommended by the Recreation Committee.

**MOTION: To approve the new Town Property Policy and Application as recommended by the Town Common Study Committee, by P. Gimas.**

**2<sup>nd</sup>: M. Dowling**

**Vote: All in favor.**

L. Gaumond noted that there were concerns about closing the end of Morse Street along Route 131 without having a public hearing. While he determined that a hearing is not required, he also got the sense that the Board would prefer to ask the residents for their input.

**MOTION: To direct the Town Administrator to hold a public hearing to get public feedback on the Town Common Study Committee's recommendations, which includes, among other things, to close Morse Street from Route 131 to Chamberlain Street, by M. Suprenant.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

L. Gaumond informed the Board that the Committee recommended seeking a warrant article at the Special Town Meeting for monies to develop a strategic planting plan for the Town Common.

**MOTION: To request a warrant article for \$6,000 at the next Town Meeting to assist the Town in developing a strategic replanting schedule, by M. Dowling.**

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

**Vote: All in favor.**

### **Continuance of Logging Application for Farquhar Road**

M. Blanchard recused herself from the Board, as she is an abutter.

Ross Hubacz of Hull Forest Products appeared before the Board. L. Gaumond said that the application has been reviewed by the Conservation Commission, and after the landing was moved they recommended approval of the permit. Greg Morse, DPW Director, also supports the application as written with recommendations that a licensed timber harvester be named, and a road bond be submitted.

Buck Smith, 9 Blueberry Lane, said that the topography will change with the use of skidders at the site, causing water to move faster. G. Morse said that there would be less of a delay in the flow of water, but it won't change the flow of water. He noted that they can't re-route the water course, and if they need to repair the area they can't intercept that water; if they do, they could be civilly sued.

C. Moran asked about the Conservation Commission's involvement. L. Gaumond said that the Conservation Commission does not have the responsibility for holding a public hearing; their only involvement was to look at the landing. They don't have an approval process for logging applications. He noted that this permit was issued by the Commonwealth of Massachusetts. He said that the Board needs to determine the addition of conditions to the permit, as it has already been approved.

**MOTION: That the Board approve the logging permit request for Hull Forest Products on behalf of Thomas More with the following conditions:**

- **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 commence when the ground is soft.**
- **A \$5,000 road maintenance bond shall be submitted to the Town before starting work.**
- **A licensed timber harvester shall be identified prior to commencement of work.**
- **The DPW Director and Police Chief shall be notified before starting work, and approve the work schedule, by M. Dowling.**

**2<sup>nd</sup>: M. Suprenant**

**Vote: Four in favor; M. Blanchard abstained.**

M. Blanchard rejoined the Board at 8:08 p.m.

**Goal #3: Work on the Use of the Riverlands Property**

L. Gaumond said that based upon his review of the Town's records and his tour of the property, including the contaminated area, he recommended to begin using the Riverlands property with the following conditions:

1. That signage be developed and approved by the Board of Selectmen and Conservation Commission in advance, which clearly marks the delineated contamination and specifically prohibits disturbing the soils in the area, and provides contact information to report any prohibited activities.
2. That signs be placed in strategic locations surrounding the contamination area as recommended by the Conservation Agent.
3. That three times a year (spring, summer and fall) that the Conservation Agent (or his/her designee) inspect the property in question to determine if there are any concerns on the property.
4. That the Conservation Agent (or his/her designee) inspect the property in question after any major weather event (tropical storm, hurricane, tornado) to determine if there are any concerns on the property.
5. In five years from the opening of the property, the Town Administrator, Conservation Agent and DPW Director shall meet to determine if there is any need to replicate the Tighe & Bond study to determine if conditions on the site have changed that might have altered the Risk Characterization, making it a greater risk.

C. Moran asked whether the Tighe & Bond study had given percentages of each contaminant in the soil. L. Gaumond said that the study was highly comprehensive, and did give percentages of contaminants.

M. Dowling commented that she would not hike through a contaminated area, and suggested that the contaminated area be blocked off from public use in order for her to support hiking on the Riverlands. She suggested that signage be developed to indicate where private property begins and ends. She noted that there cannot be a hiking path unless there is an easement. She said that she would like to walk the land with the Town Administrator. L. Gaumond concurred, and said that before the property is opened, the signage will be approved in advance to delineate and articulate the problem areas.

M. Suprenant said that the Town had voted to acquire the property with the intention of using it, and it is up to the Board to pursue a safe way of using the property and keeping the public informed of where the contaminated area is located with signage. He noted that most of the contamination appears to be solvents that may dissipate over time. He said that there are some heavy metals that could be investigated further in the future.

**MOTION: That signage be developed and approved by the Board of Selectmen and Conservation Commission in advance, which clearly marks the**



**delineated contamination and specifically prohibits disturbing the soils in the area, and provides contact information to report any prohibited activities, by M. Suprenant.**

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

**Vote: All in favor.**

L. Gaumond said that he would have a sign model ready for the Board's review by the next meeting.

C. Moran requested a description of the hazardous materials. He suggested asking Town Counsel about how far apart the signs need to be.

**MOTION: That signs be placed in strategic locations surrounding the contamination area as recommended by the Conservation Agent and approved by the Board of Selectmen with respect to where and the number involved, by M. Dowling.**

**2<sup>nd</sup>: M. Suprenant**

**Vote: All in favor.**

**MOTION: That three times a year (spring, summer and fall) that the Conservation Agent (or his/her qualified designee approved by the Board of Selectmen) inspect the property in question to determine if there are any concerns on the property, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

**MOTION: That the Conservation Agent (or his/her qualified designee approved by the Board of Selectmen) inspect the property in question after any major weather event (tropical storm, hurricane, tornado) to determine if there are any concerns on the property, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

**MOTION: In three years, or as needed from the opening of the property, the Town Administrator, Conservation Agent and DPW Director shall meet to determine if there is any need to replicate the Tighe & Bond study to determine if conditions on the site have changed that might have altered the Risk Characterization, making it a greater or lesser risk, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

Ed Goodwin said that it would be logical to test the wells more frequently than five years. L. Gaumond had no objection to that suggestion. He noted that there would be a requirement for budgetary consideration, as the Town will need to enter into an agreement with a licensed professional.

M. Dowling felt that it was too broadly and vaguely worded, and expressed concern that even Tighe and Bond can't make a visual determination about the contamination.

**Vote: Four in favor; M. Dowling opposed.**

**MOTION: That signage be developed to indicate where Town property ends and private property begins on the Riverlands, by M. Dowling.**

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

**Vote: M. Dowling, P. Gimas and M. Suprenant in favor; M. Blanchard and C. Moran opposed.**

Ed Goodwin said that if it is not legally posted "No Trespassing," anyone can walk the property. He noted that it is the private property owner's responsibility.

**MOTION: That the area of contamination be blocked off by fencing, then the remaining Riverlands property to be used for the purpose of hiking, by M. Dowling.**

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

**Vote: Two in favor; M. Blanchard, M. Suprenant and C. Moran opposed.**

Ed Goodwin noted that the Board of Selectmen has the care, custody and control of the property, and suggested that the Board consider taking the Vilandre property by eminent domain. M. Blanchard said that it could be looked into. M. Dowling was not convinced that the property owner was ever approached to purchase the land. She said that the former Town Administrator had tried to obtain an easement.

### **Town Administrator's Update**

- **Vote of Award for Bond Issue**

### VOTE OF THE BOARD OF SELECTMEN

**MOTION:**

I, the Clerk of the Board of Selectmen of the Town of Sturbridge, Massachusetts (the “Town”), certify that at a meeting of the board held December 14, 2015, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

**Voted:** That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town’s \$2,635,000 General Obligation Bonds dated June 15, 2006 maturing on June 15 in the years 2017 through 2026, inclusive, (the “Refunded Bonds”) and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium, if any, and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

**Further Voted:** that the sale of the \$2,945,000 General Obligation Bonds of the Town dated December 22, 2015 (the “Bonds”), to Fidelity Capital Markets, a division of National Financial Services LLC, at the price of \$3,200,531.85 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on July 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2016	\$230,000	5.00%	2024	\$220,000	4.00%
2017	240,000	4.00	2025	220,000	4.00
2018	235,000	4.00	2026	130,000	2.00
2019	230,000	5.00	2027	130,000	2.125
2020	235,000	5.00	2028	130,000	2.225
2021	240,000	5.00	2029	130,000	2.375
2022	225,000	3.00	2030	130,000	2.50
2023	220,000	4.00			

**Further Voted:** that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated December 8, 2015 and a final Official Statement dated December 14, 2015 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

**Further Voted:** that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

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**Further Voted: to authorize the execution and delivery of a Refunding Escrow Agreement to be dated December 22, 2015, between the Town and U.S. Bank National Association, as Refunding Escrow Agent.**

**Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.**

**Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.**

**Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.**

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: December 14, 2015

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Clerk of the Board of Selectmen

by P. Gimas.

2<sup>nd</sup>: M. Blanchard

Vote: All in favor

- Invitation to March in the Parade for the Southbridge Bicentennial on May 14, 2016

P. Gimas and M. Dowling agreed to attend. L. Gaumond said that he would send them a letter notifying them that there will be some representation from Sturbridge.

- **Consider Adoption of Investment Policies**

L. Gaumond asked for concurrence of the Board of the Town Investment Policy and Town OPEB Investment Policy as modeled and approved by investment advisors and incorporates Mass. General Laws.

**MOTION: To approve the Investment Policies as written, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

- **Consider setting date for the Special Town Meeting of February 22, 2016**

L. Gaumond had checked with the Town Clerk and the Moderator regarding this date. It was the consensus of the Board to agree to February 22, 2016 for the Special Town Meeting.

### **Correspondence**

M. Dowling read the correspondence list into the record.

There was a letter from the Hamilton Rod and Gun Club requesting the Board's approval of ice races at their property on 24 Hamilton Road, Sturbridge.

**MOTION: To approve the ice racing at the Hamilton Rod and Gun Club beginning January 10, 2016 for six to eight weeks from 8:00 a.m. to 4:00 p.m., by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

**MOTION: To accept the letter of resignation from Penny McCreary from the Historical Commission, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

### **Old Business**

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M. Dowling said that she had attended a few events with the Town Administrator, including a ribbon cutting for the Autism Room. She thanked Team Hoyt for their philanthropy in donating funds for this room. She attended the business tour at OFS and All Star.

**New Business**

There was no new business.

**Citizens Forum**

None.

**MOTION: To adjourn, by P.Gimas.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

The meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date