

February 1, 2016

**BOARD OF SELECTMEN  
MINUTES  
FEBRUARY 1, 2016**

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 6:30 p.m. following the Pledge of Allegiance.

**Public Service Announcements**

M. Blanchard expressed condolences to the family and friends of Kevin Walsh, the first Town Administrator of the Town of Sturbridge, who passed away.

M. Blanchard announced that the meeting was being recorded by a reporter from the Worcester Telegram and Gazette.

M. Suprenant reminded everyone that the Historical Commission will meet on February 11<sup>th</sup> at 6:00 p.m. at Town Hall to consider whether the exhibition hall at 362 Main Street is a significant historical building. The Commission is asking townspeople to bring in any evidence regarding the building's historical significance.

M. Blanchard announced that the Town of Sturbridge is now accepting applications for tax assistance for residents ages 65 and older or having a state recognized disability, with an annual income of \$20,000 or less if single, or \$30,000 or less if married. Applications are available at Town Hall, the Senior Center or on the Town's website. The deadline for applications is February 15, 2016.

M. Blanchard announced that the Town Hall staff had received a Certificate of Appreciation from the Marine Corps. for their participation in the Toys for Tots Program.

**Minutes**

**MOTION:** To approve the minutes of January 4, 2016 as amended, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran

**Vote: All in favor.**

**Appointment of Part-Time Firefighter/Paramedic Patrick Normandin**

Fire Chief David Zinther introduced Patrick Normandin to the Board. He explained that Patrick Normandin is currently serving in other communities as a paramedic and firefighter, and is certified as both. L. Gaumond had met him, and recommended that he be appointed to the position of part-time firefighter/paramedic.

**MOTION: To concur with the appointment of Patrick Normandin as a part-time firefighter/paramedic effective February 2, 2016 at a starting rate of \$19.54/hour, b P. Gimas.**

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

**Vote: All in favor**

Patrick Normandin thanked the Board, the Town Administrator and Chief Zinther for giving him the opportunity to serve the Town.

**Jen Fish and Kate Marquis, DCR: Logging Discussion**

Jen Fish and Kate Marquis of the Department of Conservation and Recreation appeared before the Board to discuss the process which they undertake when they receive a harvesting request.

Kate Marquis said that when she receives a logging permit application, she checks on endangered species to determine if the logging operation would have an impact on fish and wildlife at the site. She examines the mapping program to see if anything stands out, such as wetlands issues or any other immediate concerns. She makes sure that they would be crossing any streams at the most appropriate place to cause the least amount of impact on the land. She said that the Conservation Commission has 10 days to review the plan and let her know if they have any concerns. If the Conservation Commission has an Order of Conditions on the land, they would communicate that to her. Glenn Colburn, Conservation Agent, would contact her if he has any concerns regarding the cutting operation. If there are no concerns or issues, she goes ahead and approves the cutting plan; then the plan preparer, Conservation Commission, Natural Heritage and DEP also look at it, and if they have any concerns, they let her know. She goes out to the site to make sure that the logger is complying with the permit and only cutting the trees as described on the plan. If they deviate from the plan, she will issue a stop work order.

M. Dowling asked how often K. Marquis visits a site. K. Marquis said that she visits it as often as she can, and it depends upon the property. She visits at least once a week.

M. Dowling asked K. Marquis to outline the role of the Board of Selectmen in the logging permitting process, regarding the Board's jurisdiction. Jen Fish said that one of the things the Board might want to consider is that someone might be doing cutting that would not require a cutting plan. She noticed that in the Town bylaw regarding forest harvesting, under 3.32 Procedure (7) specifies that a reforestation plan should be submitted for clear cutting projects, which is redundant to the state's procedures.

C. Moran said that people come to logging hearings and express concern about runoff onto their lots after harvesting. He asked what would be the best course of action to take in that situation to satisfy the resident. J. Fish said that it would be best to contact Kate Marquis, as there should not be runoff issues. When K. Marquis inspects a lot, she is looking at it from those perspectives. Water diversion measures should be taken.

C. Moran said that sometimes the location of the landing presents problems and the abutters want it moved. He asked whether the state has anything to do with issuing a permit in a high traffic area. J. Fish said that they are looking at it from an ecological perspective, and that conditions be set so that the logging will have the least impact on wetlands.

C. Moran asked about the Board's responsibility regarding a logging permit. M. Blanchard said that the public seems to think that the Board can control everything, but it can't. The Board can set certain conditions regarding hours of operation, working around the school bus schedule, and setting a bond to cover the roads. She said that the Board could come up with a bylaw or policy. K. Marquis requested that any questions or issues be passed on to her.

M. Dowling said that she would be reluctant to give up the public hearings on logging entirely. She expressed concern about who would be looking at it from a safety perspective, as there needs to be a mechanism in place to deal with that issue. J. Fish said that they would be attentive to it.

M. Blanchard said that the Board has directed residents to contact the logger with their questions. M. Dowling asked how people could be made aware of who to contact. M. Blanchard suggested that the information be contained in the notification to abutters. M. Dowling said that people might still want to discuss it with the Board. M. Blanchard said that the Board needs to have a lot of discussion on this matter.

M. Dowling asked K. Marquis and J. Fish to put their procedure in writing so that the Board could refer to it, and when residents have a question the Board could provide them with the basic outline or overview. K. Marquis said that she would provide the information to the Board. She will give the Board a copy of the Forest Cutting Practices Act, the law concerning logging, and the site evaluation checklist.

P. Gimas said that there had been a recent logging hearing where an abutter had expressed concern about the flow of water onto his property resulting from the logging operation, and the DPW Director had said that the amount of water would not increase, but the water could flow more quickly. The abutter's house is lower than the logging site. P. Gimas asked how to deal with that issue. J. Fish said that the DCR would address the situation, and noted that leaf litter could slow the rate of flow.

M. Suprenant asked whether the DCR has a professional engineer review the drainage situation. J. Fish said that occasionally they do, when there is something that goes beyond the norm. M. Suprenant noted that trees absorb a certain amount of water, so the increase in water flow could be significant. J. Fish said that they review the watershed studies.

M. Suprenant said that there must be access to a public way or state highway, and MassDOT would require a permit for an operation like this. He asked whether DCR ever requires a traffic management plan. J. Fish said they do not, as that would be a separate permitting process. K. Marquis said that it is the plan preparer's responsibility to do due diligence. M. Suprenant said that MassDOT should have a checklist. J. Fish said that it is not part of DCR's jurisdiction or regulatory framework. M. Suprenant said that there is a gap in the regulatory process. He said that the Board needs to look at whether or not there is liability on public ways regarding logging.

M. Blanchard said that the Board needs to work together to straighten out the bylaw. She suggested that the Board schedule a work session to come up with something for the June Town Meeting. L. Gaumond suggested that they prepare a draft and give it to MassDOT for their input before adoption.

K. Marquis noted that her contact information is listed on the permit that is posted at the work site.

### **Old Sturbridge Village: Change of Manager**

Alexis Conti and Lisa Hartigan appeared before the Board. Their application was in order.

**MOTION:** To approve the petition for a change of manager on the Old Sturbridge Village liquor license from William Nemeroff to Lisa Hartigan, by M. Suprenant.

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

**Vote:** All in favor.

### **Proposed Zoning Amendments**

L. Gaumond said that the Planning Board is seeking several changes to the Zoning Bylaws at the June Town Meeting.

According to MGL Chapter 40A Section 5, the process begins with the Selectmen referring the request to the Planning Board for review. The proposed bylaw revisions seek amendments to the Wireless Communications Overlay District and the Commercial Tourist District.

L. Gaumond noted that there will be full public hearings on this.

**MOTION:** To submit the proposed zoning amendments relating to the Commercial Tourist District and the Wireless Communications Overlay District to the Planning Board for their consideration and review, by M. Dowling.

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

**Vote:** All in favor.

### **Finalize and close the Special Town Meeting Warrant**

L. Gaumond informed the Board that the Finance Committee met to discuss the warrant articles and to vote their support to the articles. He submitted the final warrant to the Board for review.

**MOTION:** To remove Article #36 from the warrant, and re-number, close and post the warrant for the February 22, 2016 Special Town Meeting, by P. Gimas.

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

**Vote:** All in favor.

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

- **Appointment of Steven Halterman to the Conservation Commission**

**MOTION:** That the Board concur with the appointment of Steven Halterman to the Conservation Commission, by P. Gimas.

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

**Vote:** All in favor.

**MOTION:** To direct the Town Administrator to look into appointing Associate Members to the Conservation Commission, by M. Suprenant.

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

**Vote:** All in favor.

- **Appointment of Hearings Officer for Chapter 148A**

**MOTION:** To appoint the Town Administrator to serve as the Town's Hearings Officer under Chapter 148A, by M. Suprenant.

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

**Vote:** All in favor.

- **Grant Announcement: District Local Technical Assistance**

L. Gaumond announced that the Town has received the District Local Technical Assistance Grant to assist the Planning Department in some zoning bylaw revisions.

- **MMA Spring Legislative Breakfast Meetings**

L. Gaumond submitted to the Board the notice about upcoming MMA Legislative Breakfast Meetings. He registered for the one to be held in Southbridge on March 11<sup>th</sup> and invited the Selectmen to attend.

- **Proposed Date for the Saturday Budget Work Session: March 12<sup>th</sup>**

It was the consensus of the Board to hold the Saturday Budget Work Session on March 12<sup>th</sup> to start at 8:30 a.m.

- **Vote to Acknowledge the Resignation of Alyssa Rusiecki, Board of Health Agent**

**MOTION:** So moved, by P. Gimas.

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

**Vote:** All in favor.

**Continuation of Pole Hearing: Kelly Road**

Kelly Griel appeared before the Board. She said that the engineer had met Greg Morse, DPW Director, at the site. They have relocated the proposed pole to the north side of the road.

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

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

**Vote: All in favor.**

**MOTION: To approve the pole petition on Kelly Road to place the T14 pole on the north side of the road, and the T9 pole two feet from the easterly center line of Haynes Street, by M. Suprenant.**

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

**Vote: All in favor.**

### **Blue Wave Capital**

Eric Graber-Lopez and Mark Silaria of Blue Wave Capital appeared before the Board to provide an update and to seek an extension to complete their solar project along the turnpike on Hare Road.

L. Gaumond had submitted to the Board the latest letter from Blue Wave dated January 25<sup>th</sup> and the contract amendments they seek from the Town. He said that he had not received a response from Town Counsel as to the amendment. He recommended that the Board take the matter under advisement.

Eric Graber-Lopez explained that SunEdison had encountered some difficulties in capital markets. SunEdison had, after issuing a Notice to Proceed for work to start on the project some time ago, decided to stop development of the project. Blue Wave has been in discussions with the SunEdison team to figure out how BlueWave could take the project back and push the project forward. He assured the Board that BlueWave remains fully committed to delivering the long-term savings to the Town of Sturbridge that this project will produce. He said that they have entered into negotiations with another of their investors to take over the long term ownership of the project upon commissioning. They hope to reach a financing agreement for this project and will then be able to disclose their financing partner's identity.

E. Graber-Lopez said that the project has undergone a series of needed changes and modifications driven both by requirements and requests by the authorities having jurisdiction over the entitlement process as well as by the physical realities of the site.

Delays related to negotiations with MassDOT caused the project to shift first from the original Solar Carve Out 1 into the current Solar Carve Out 2.

C. Moran asked why the Town had not been notified of these difficulties. E. Graber-Lopez said that the electrical contractor had reached out to the Planning Board and the Building Inspector looking for a refund. He said that BlueWave was just as surprised as the Town had been. He noted that the permits were issued to a BlueWave entity.

P. Gimas said that in 2011 after discussion with other towns, the Energy Advisory Committee had discussed what an asset BlueWave would be, and had chosen BlueWave over SunEdison. Now four years later the Board is hearing that SunEdison is a player, making her feel that the Town has been duped. She had been a strong advocate of this project, but would not vote to approve it now, as they are not viable financially.

C. Moran said that this situation puts the Town in a very awkward position. E. Graber-Lopez said that they are finishing negotiations to get the project built.

M. Dowling said that the Board had not been told who the investor is. She said that there is no financing agreement, and the PPA needs to be renegotiated. She said that the only thing that BlueWave should be currently requesting is for an extension of the deadline. She noted that the Town had negotiated with BlueWave in good faith, and now the new investor is making its own demands. Whatever was agreed to four years ago, BlueWave should be standing behind with the new investor. She commented that this deal has changed fundamentally. She noted that all of the risk is being put on the Town of Sturbridge. She said that if this Power Purchase Agreement is reopened, there should be a deadline date when the Town could back out. P. Gimas was in favor of a deadline of 120 days.

E. Graber-Lopez said that he had found out about SunEdison's issues from the Town, and they are now doing the work to try to save the project. P. Gimas said that there is the possibility that it may start in April or May. She asked what would happen if it has not started by that time. E. Graber-Lopez said that the contract has expired, which is why they are asking for an extension.

M. Dowling said that Sturbridge has been put into a difficult situation, and the Town may have foregone other opportunities because of this. She recommended that the Board stand behind the original PPA. She suggested reopening the financial terms to the benefit of the Town in the event that BlueWave wished to reopen the terms. E. Graber-Lopez said that if the financial terms were reopened, the pricing would be worse for the



Town. M. Dowling said that the Town has been on the hook with BlueWave, which she considers to be bad faith.

M. Suprenant asked for the name of the manager of the LLC. E. Graber-Lopez said that they are going to bring in a new investor. They have been trying to keep changes to a minimum. He said that they have until the end of September to have the project built; if they are able to do it the project goes on, and if not, it won't.

C. Moran asked how they would structure the agreement to make sure that the Town is secure. E. Graber-Lopez said that as soon as there is a signed document, they will disclose the identity of the party. C. Moran said that he was not comfortable with it.

M. Blanchard said that this has not yet been reviewed by Town Counsel. She noted that there have been problems with the project, and she understood the concerns and frustration of the Board. She said that all the Board could do is move forward together to get something done; if not, BlueWave and the Town could part ways.

E. Graber-Lopez said that the Board would be reassured when they are able to announce the name of the investor. He said that the process of due diligence has been holding things up, and sometimes a lot of things can go wrong. He noted that their goal is to deliver the project for the Town. They have no intention of quitting, and are doing all they can to push the project forward.

M. Suprenant said that he would like the manager of the LLC to meet with the Board.

**MOTION: To table the discussion until BlueWave notifies the Board as to who the investor is, and that they have successfully completed the sale from SunEdison, by P. Gimas.**

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

**Vote: All in favor.**

### **Correspondence**

M. Dowling read the correspondence list into the record.

### **Old Business**

P. Gimas asked about the status of the Town Administrator's evaluation. M. Blanchard said that she was still waiting for two of the Selectmen to provide their input.

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P. Gimas announced that she will not be present at the next meeting on February 16<sup>th</sup>, as she is teaching a course on Tuesday nights.

### **New Business**

P. Gimas said that she had received phone calls from residents expressing concern about the safety of the water infrastructure in Sturbridge. She noted that Sturbridge is made up of old and new neighborhoods. She would like to address the matter at the March 7<sup>th</sup> meeting. M. Suprenant suggested reviewing the Consumer Confidence Report from the Water Department. P. Gimas said that the concern was about the water pipes.

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

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

**Vote: All in favor.**

The meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date