

April 19, 2016

**BOARD OF SELECTMEN
MINUTES
APRIL 19, 2016**

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

Priscilla Gimas was absent.

The Chairman called the meeting to order at 6:42 p.m. following the Pledge of Allegiance.

Public Service Announcements

M. Blanchard announced the CMRPC Regional Forum for Economic Development Commission to be held on Wednesday, May 18th at 6:30 p.m.

M. Blanchard announced the 1st Annual State Walking Challenge to be held on June 6th at the Education Building at Old Sturbridge Village, which will start any time after 4:30 p.m. It will be posted on the Town's website, and will be sponsored by the Council on Aging.

Recreation Committee: Town Barn Field Project

Lynne Girouard, Recreation Director, and Craig Miller of Waterfield Designs appeared before the Board to present the plans for the Town Barn Field Project.

L. Girouard requested the Board's support to place the Town Barn Field Project on the Town Meeting warrant. She submitted to the Board the field design project, cost estimate and a spreadsheet explaining the different fields being utilized this spring by the sports teams, including their existing conditions. Also provided was a tax rate impact schedule. She stressed the need for these fields.

C. Miller said that he has been working with L. Girouard and the Recreation Committee to come up with a plan to provide the maximum amount of fields with a proposed field complex. There will be parking for 99 spaces and a small outbuilding for concessions

and portable toilet rest rooms. They will be natural turf based fields. Rock excavation will need to be done.

M. Blanchard asked whether they had brought this before the Finance Committee. L. Gaumond said that he had met with them to review the cost estimates. M. Blanchard said that the Board of Selectmen will meet on Thursday, April 21st to review the warrant articles.

Police Department Regulations

L. Gaumond submitted to the Board proposed Standard Operating Procedures for the Police Department. The first was for the Administration of Nasal Nalaxone, and the other was for the Booking Procedure/Holding Facility.

M. Dowling arrived at 6:58 p.m.

MOTION: To accept the Sturbridge Standard Operating Procedures for Administration of Nasal Nalaxone and the Booking Procedure/Holding Facility, by C. Moran.

2nd: M. Suprenant

Vote: Three in favor; M. Dowling abstained; P. Gimmas was absent.

Public Hearing: Tony Grossi – Logging Permit for Fiske Hill Road

M. Dowling read the legal ad into the record.

Tony Grossi appeared before the Board. He submitted the green cards. He explained that this will be a selective harvesting of 99 acres of land on two contiguous parcels, 30 Main Street and 20 Fiske Hill Road. He noted that the access to the site will be on Route 131. MassDOT has granted permission to access the existing curb cut. The Conservation Commission has walked the property and viewed the stream crossing. Greg Morse, DPW Director, had no issues with the site. The plans have been approved by the state.

M. Suprenant said that the Conservation Commission memo mentions that there is a 13.8 acre parcel that is surrounded on three sides by this parcel. He asked if there were any plans for the Town-owned parcel. M. Blanchard noted that it is land-locked, and to her knowledge there are no plans for it.

M. Blanchard asked Greg Morse, DPW Director, to state for the record whether he had any concerns regarding this application. G. Morse said that he did not. He noted that the site is located on a state highway, so there is no issue for the Town to request a bond.

Robin Seagrave, 16 Old Fiske Hill Road, asked about the intent and purpose of the filing. T. Grossi replied that it is a selective timber harvest. R. Seagrave said that in July 2007 there had been a four-lot subdivision proposed. T. Grossi said that he had no knowledge of that. M. Blanchard said that this is a request for a logging permit; someone might propose a development project in the future.

Paul Murphy, 12 Fiske Hill Road, asked about the selection of trees to be harvested. T. Grossi said that they will be cutting oak and hard woods and some smaller and larger trees out. They will be taking 14" diameter trees and also firewood trees. P. Murphy noted that he has a stone wall. T. Grossi said that they will not get too close to anyone's yard. The boundaries will be well defined.

Robin Seagrave had noticed orange markers at the site. There are wetlands on her property; she asked how close they would come to the wetlands. T. Grossi said that they would not come close to the wetlands at all.

MOTION: To close the public hearing, by C. Moran.

2nd: M. Suprenant

Vote: Four in favor; P. Gimás was absent.

MOTION: That the Board approve the logging permit request for Anthony Grossi on behalf of the Fiske Hill East Realty Trust, 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 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 licensed timber harvester is identified prior to commencement; and the DPW Director should be notified before starting work, by M. Dowling.

2nd: C. Moran

Vote: Four in favor; P. Gimás was absent.

MOTION: To direct the Town Administrator, in consultation with the Conservation Commission and Conservation Agent, to monitor the harvest on this parcel to ensure that the Town's land is adequately protected, by M. Dowling.

2nd: M. Suprenant

Vote: Four in favor; P. Gimas was absent.

C. Moran left the meeting at 7:20 p.m.

Public Hearing: Sturbridge Restaurant Group, d/b/a Sturbridge Porterhouse: New Liquor License and Common Victualler License

Attorney Kathryn Muratore appeared before the Board. M. Dowling read the legal ad into the record.

K. Muratore said that they propose to create a steak house at the former site of Admiral T.J. O'Brien's. They plan to open in May. Sturbridge Restaurant Group also owns Sturbridge Seafood.

L. Gaumond said that the hearing is for a new liquor license and a common victualler license. Their application was complete and in order.

MOTION: To close the public hearing, by M. Dowling.

2nd: M. Suprenant

Vote: Three in favor; C. Moran and P. Gimas were absent.

MOTION: To approve the liquor license for Sturbridge Restaurant Group, d/b/a Sturbridge Porterhouse at 407A Main Street, by M. Dowling.

2nd: M. Blanchard

Vote: Three in favor; C. Moran and P. Gimas were absent.

MOTION: To approve the common victualler license for Sturbridge Restaurant Group, d/b/a Sturbridge Porterhouse at 407A Main Street, with hours Monday through Sunday, 10:00 a.m. – 1:00 a.m., by M. Dowling.

2nd: M. Blanchard

Vote: Three in favor; C. Moran and P. Gimas were absent.

MOTION: To approve the Manager on record for Sturbridge Porterhouse, 407A Main Street as Vasilios Pananas, by M. Dowling.

2nd: M. Suprenant

Vote: Three in favor; C. Moran and P. Gimas were absent.

Mayflower Botanicals, Inc.: Medical Marijuana Dispensary

L. Gaumond informed the Board that the Town received another request from a medical marijuana company seeking support to come into Sturbridge. They have not met with the Police Chief or Planning Department about this proposal yet.

Kevin Pelissier, CEO of Mayflower Botanicals, Inc. introduced Richard Roberts, COO, Chapman Dickerson, Cultivation Consultant and Matthew Jossen, Chief Compliance Officer.

K. Pelissier said that it is the intention of Mayflower Botanicals, Inc., in cooperation with the Town of Sturbridge, to explore the opportunity and feasibility of establishing a world-class cultivation, processing and retail patient services facility at 90 Charlton Road, east of the Hobbs Brook Shopping Center.

M. Dowling suggested that it go through the process with the Planning Board to determine if the bylaw has been followed properly before any letter should be issued by the Board of Selectmen. She stated that issuing a letter of non-opposition prior to this would be premature. M. Blanchard said that this facility would be allowed in the overlay district, which is what the letter would mean. She suggested that this matter be taken under advisement, and continue it to another time when the rest of the Board could be present. K. Pelissier said that they would be happy to attend another meeting. M. Suprenant added that the other members of the Board should have the opportunity to weigh in on this. It was the consensus of the Board to postpone the vote until there is a full Board present.

M. Dowling asked whether, in the event that Massachusetts passes a law to allow recreational use of marijuana, they would turn their facility into a recreational use facility. K. Pelissier said no, they would not.

M. Dowling asked whether the Board has the authority to require a traffic study prior to issuing the letter. L. Gaumond said that the Planning Board would weigh in on that. He added that a letter to the Planning Board would be appropriate. He asked why the Town of Sturbridge is on the radar for a facility like this. K. Pelissier said that he had grown up in Monson, his family lives in this area, and it would be a good opportunity to come back to this area.

L. Gaumont said that at some point the Board will want to consult with the Planning Department and the Police Chief. He suggested that they outreach to them. The Board of Selectmen should have their input before issuing the letter.

Department Head Reports

Shane Moody, Veolia Water North America, reviewed his report with the Board. L. Gaumont informed the Board that S. Moody will prepare a lead report for the upcoming meeting on May 2nd. S. Moody indicated that he may need more time. M. Blanchard suggested that he present it on May 16th.

S. Moody said that his employees have been knocking on doors to replace meters, and 31 meters have been done within two days. M. Dowling asked what they would do if a resident indicates that "this is not a good time." S. Moody said that they would tell the resident to contact them when it is a good time, then leave the premises. He noted that they have sent numerous letters to residents regarding the meters.

S. Moody said that Fire Chief David Zinther had asked that they address the fire hydrant issue. Adapters will be made for each truck, which will take care of the steamer problem.

S. Moody said that there is a broken hydrant near the WalMart plaza. The flushing program started on the west side of Town. As the hydrants are being flushed, they are checking for chemicals. M. Blanchard suggested that the sign on Town Barn Road be changed to indicate when the flushing will end.

G. Morse, DPW Director, reviewed his report with the Board. He said that they have been working on equipment maintenance, and started early on street sweeping. They have also been catching up on drainage work.

M. Suprenant asked what type of signs have been installed. G. Morse said that they have installed some stop signs and road name signs. He noted that every time a sign is stolen, it must be replaced.

- **Sewer Privilege Fees for 205 & 207 Brookfield Road**

G. Morse said that he had referred back to the reserve list, as he uses it as a guide. He said that there is no immediate outfall shortage. He noted that 205 Brookfield Road was never on the reserve list; 207 Brookfield Road (a vacant lot) was. There is an argument about privilege fee vs. betterment. There is no betterment cost, but there is a privilege cost of \$7,500. He said that there is a difference in the definition of each one.

M. Blanchard thought that when the sewer line was installed, all of those lots had been taken into consideration. G. Morse said that there are privilege fees for new

construction. There are costs of \$1,200 for sewer and \$775 for water (connection fees). He said that the septic system is evaluated every three years by the Board of Health; if Title 5 fails, they would need to connect to the sewer system. M. Suprenant noted that a Title 5 inspection would be needed in order to transfer the property. He said that privilege fees have to be equitable.

M. Dowling asked the Town Administrator for his recommendation. L. Gaumont said that they must either pay the privilege fee or the betterment. He had no fault with the DPW Director's answer on this question.

MOTION: To deny relief of the sewer privilege fees for 205 and 207 Brookfield Road, and that the fees would be as outlined by the DPW Director, by M. Suprenant.
2nd: M. Dowling
Vote: Three in favor; C. Moran and P. Gimas were absent.

- **Sturbridge Hills Condominium Trust: Irrigation Sewer Charges**

L. Gaumont referenced the letter from Thomas Aylesworth of Marcus, Errico, Emmer and Brooks, P.C. dated February 24, 2016 regarding irrigation sewer charges for Sturbridge Hills Condominium Trust. They feel that there is an issue of unfairness regarding the sewer charges.

G. Morse said that the financial structure cannot be the same; it would be taking funds away from sewer and creating additional costs for water. He noted that domestic water usage is one thing, and sprinkler system water usage is another.

M. Blanchard said that the Board had received Town Counsel's opinion on this matter, stating that it would be necessary to change the policy for the entire Town, not for just one group.

L. Gaumont had received a lengthy response from Town Counsel, which he forwarded to the Board via email. He suggested that the Selectmen postpone their decision on this matter until they have reviewed Town Counsel's input.

Attorney Thomas Aylesworth, Suzanne Smiley and Ted Hayward appeared before the Board. T. Aylesworth stated that in Massachusetts, a condominium trust is a unique form of ownership, with two different and distinct water customers: one set of water users are the unit owners, who have their own meters; while the condominium trust is a separate legal entity. The trust controls the common area, and is like a corporation, while the unit owners are its shareholders. He said that it is not appropriate to charge the trust for water usage. The trust owns and controls the land that is using water for irrigation, which is not tied into sewer. He said that the unit owners have no legal right to do anything with the water being used for irrigation. The Town is charging the corporation for water and sewer use based on the fact that the unit owners are separate.

M. Blanchard said that the Board has not yet reviewed Town Counsel's opinion, so is not in the position to make a decision tonight. T. Aylesworth said that he would like the opportunity to read Town Counsel's opinion prior to the vote so that he will have the chance to address it. It was the consensus of the Board to continue this matter to May 16th.

- **Concetta Caron: Water Bill**

Concetta Caron and her son, Brian Caron, appeared before the Board. Concetta Caron had sent a letter to the Board regarding her water bill at 23 Brookfield Road. Her tenant had deliberately run an excessive amount of water, resulting in a high bill.

M. Blanchard said that the Town is not responsible because it was of no fault of the Town. The person who is responsible is the one who turned the water on, so Concetta Caron's recourse is the court system.

Brian Caron said that Shane Moody and Greg and Deb Morse had been good about reviewing the matter. They will pursue it as a criminal case. M. Blanchard suggested that they file with the small claims court. L. Gaumond said that when the minutes of this meeting are approved, they may include them in their evidence to submit to the court.

MOTION: To deny the request for abatement for Concetta Caron, by M. Suprenant.

2nd: P. Gimás

Vote: All in favor.

Policy on Appointment Procedures

L. Gaumond submitted to the Board a draft policy on the steps necessary for the appointment and tracking of members of boards and committees as well as other appointed posts in Town. He met with the Charter Review Committee, and there was a concern that the appointment process as detailed in the Charter needed some clarity. The solution was not necessarily a change in the Charter as much as it was a development of a policy which identified steps to meet the requirements of the Charter. He met with the Town Clerk and members of the Charter Review Committee, and he took the responsibility for drafting the policy for the Board's review.

M. Dowling suggested adding language to paragraph 4: "In person, if possible," or "all applicants shall be interviewed in the same way." She stressed the need for consistency.

M. Suprenant suggested the wording: "In conformity with all laws." He referenced the conflict with the strong chief law. The Fire Chief would do the appointments for the Fire Department.

M. Dowling said it should be spelled out that people are notified: "All applicants will be notified in a timely manner." L. Gaumond suggested "notifying those not chosen."

MOTION: To approve the policy on Appointment Procedures as prepared by the Town Administrator, by M. Dowling.

2nd: M. Suprenant

Vote: Three in favor; C. Moran and P. Gimmas were absent.

Town Administrator's Update

- **Chapter 90 Apportionment**

L. Gaumond announced that the Town will be receiving \$432,582 in Chapter 90 funds for FY17.

- **Harrington Hospital: 5k Race at Westville Recreation Area**

L. Gaumond announced the Westville Recreation Area 5k Run/Walk on May 1st from 10:00 a.m. to 3:00 p.m. to benefit Harrington Hospital.

- **Lake Region Medical Donation**

L. Gaumond asked the Board to accept the donation of \$100 from Lake Region Medical on behalf of the Senior Center.

MOTION: To accept the \$100 donation from Lake Region Medical on behalf of the Senior Center, by M. Dowling.

2nd: M. Suprenant

Vote: Three in favor; C. Moran and P. Gimmas were absent.

L. Gaumond asked that the Board pose for a photo with the ceremonial check.

- **Resignation of Jennifer Gould**

MOTION: To accept the resignation of Jennifer Gould as a part-time firefighter/paramedic, with regret, by M. Dowling.

2nd: M. Suprenant

Vote: Three in favor; C. Moran and P. Gimmas were absent.

- **Reappointment of Marge Cooney to the Zoning Board of Appeals**

MOTION: To concur with the reappointment of Marge Cooney to the ZBA, by M. Suprenant.

2nd: M. Dowling

Vote: Three in favor; C. Moran and P. Gimmas were absent.

Correspondence

M. Dowling read the correspondence list into the record.

Arbor Day Proclamation

M. Blanchard read the proclamation into the record.

MOTION: To sign the Arbor Day proclamation, by M. Suprenant.
2nd: M. Dowling
Vote: Three in favor; C. Moran and P. Gimmas were absent.

Old Business

• **Riverlands Signs**

L. Gaumond submitted to the Board a memo regarding the Riverlands signs, along with copies of the revised wording for the signs. He noted that the Board had not voted to open the Riverlands. It was the consensus of the Board to take it up on May 2nd.

New Business

M. Dowling said that Senator Gobi and Rep. Smola had met with the Board in December, and Senator Gobi had spoken about pending bills. M. Dowling requested that both officials meet with the Board of Selectmen in the near future. She stated that Senator Gobi had spoken at the Democratic luncheon about a bill allowing the recreational use of marijuana and had given a brief overview, but was opposed to it, as it has wreaked havoc where it has been allowed. M. Dowling would like Senator Gobi to come back and speak about the bill pending legislation.

MOTION: To adjourn, by M. Suprenant.
2nd: M. Dowling
Vote: Three in favor; C. Moran and P. Gimmas were absent.

The meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk