

May 2, 2016

**BOARD OF SELECTMEN
MINUTES
MAY 2, 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 6:00 p.m. following the Pledge of Allegiance.

Public Service Announcements

M. Blanchard announced that the meeting was being recorded by a newspaper reporter.

M. Dowling reminded residents that they have until midnight on May 2nd to pay their taxes. She noted that paying online is user-friendly.

M. Blanchard said that the Sturbridge Tourist Association has announced the re-launch of their Sturbridge website.

M. Blanchard announced that the Pre-Town Meeting will be held on May 11th at 7:00 p.m. at Veterans Hall.

M. Blanchard said that the Southbridge Bicentennial Parade will be held on Saturday, May 14th starting at 10:00 a.m. L. Gaumond added that the Selectmen have been invited to march in the parade. M. Blanchard suggested sending them a congratulatory letter.

M. Blanchard announced the CMRPC 2016 Spring Legislative Affairs Breakfast to be held on Friday, May 20, 2016 at 8:00 a.m. at Union Hall in Worcester.

M. Blanchard announced that the Selectmen have been invited to attend the Tantasqua Annual Memorial Day Breakfast and Ceremony on May 27th.

Department Head Report

Melissa Beauchemin, Council on Aging Director, reviewed her report with the Board. She said that they offer a mix of education, fun and different types of programs to appeal to everybody, as well as ongoing programs.

M. Beauchemin proposed a change in hours in spring and summer to begin in May, to close the Senior Center at 3:00 p.m. instead of 4:00 p.m. so that they may have more staff available during fewer hours. She said that she will work full time, 35 hours/week, as will the Outreach Coordinator and Administrative Assistant. They will be serving lunch a little earlier, and changed the time for cribbage.

M. Suprenant noted that the change of hours is an administrative decision, not a policy decision. He has received several phone calls regarding the change of hours, and none of them were positive.

M. Beauchemin said that there are fewer people at the Senior Center in the afternoon than in the morning hours. M. Dowling said that she liked the idea of staff overlapping. M. Beauchemin said that it will be for everyone's benefit.

L. Gaumond said that this is an experiment to see how it works. He felt it would be worthwhile to see what happens, then the matter could be revisited. M. Beauchemin said that nobody had come to her to say they didn't like the change in hours. She requested feedback from the public.

P. Gimás asked whether the date for the Go The Distance event had been a state chosen date. M. Beauchemin said that it was not, although the state had given them a parameter in which to do it. They will be using the access road behind Old Sturbridge Village, and the Police Department will barricade it. There will be an ambulance on hand. There will be gifts for those participants who complete ¼ mile. P. Gimás noted that it will be held on the same day as the Annual Town Meeting. M. Blanchard said that the Town Meeting starts at 7:00 p.m.

Blue Wave and Ameresco on Solar Project

L. Gaumond said that Blue Wave and their new investor for the solar project, Ameresco, will provide the Board with an introduction of the company and will answer questions. The Board will be asked to consider amendments to the Solar Power Agreement and to agree with an Estoppel Certificate. He noted that the Pilot Agreement is still outstanding. The Town does not have an executed Pilot Agreement as yet, which is an item of particular interest to the Board of Assessors. He noted that the state is another party to this project, and through a conversation with Stan Slepoy of MassDOT have informed L. Gaumond that they are roughly 90% completed with their side of the negotiations.

L. Gaumond informed the Board that Beth Greenblatt had some car problems and apologized for being unable to attend.

Attorney Rick Holland appeared before the Board, along with Ann Murphy, Principal Assessor and the Board of Assessors; Eric Graber-Lopez, President and Mark Sylvia, Managing Director of Blue Wave; and Michael Bakas, Senior Vice-President and Paul Makris, Director of Ameresco.

L. Gaumont said that the Town, Blue Wave and Ameresco are all in agreement on one thing: there is not a lot of time to get this project up and running.

Paul Makris made a Power Point presentation to the Board. Ameresco is a leading independent energy services provider incorporated in 2000, with 1,000 employees, a \$750 million bonding capacity with a per project maximum of \$150 million. Their 2015 annual revenue was \$631 million. They have 70 offices providing local expertise in North America and Europe.

P. Makris said that Ameresco has a strong relationship with MassDOT. They provide assistance with construction financing, in-house design engineering, equipment procurement, construction management, operations and maintenance. They subcontract environmental permitting, civil engineering and electrical installation.

P. Gimas asked when they anticipate the project to begin. M. Bakas said that it should start in early June and anticipates that construction should be completed in December. He noted that a few documents need to be in place: the Pilot Agreement and PPA, which should be completed in a week or two. P. Gimas asked what their penalty would be if the project is not done on time. M. Bakas said that there are things in development that are out of their control; they will get the things within their control done on time. He noted that they are not being paid until things are up and running. P. Gimas said that there is still no guarantee to the Town. M. Bakas said that typically there are critical milestones in place. There is a process to work with the Town to get approval to move forward. He assured the Board that they will deliver 100%. He noted that they have put away \$20,000 for the Town of Sturbridge, in the event they have to extend the project.

C. Moran asked Blue Wave if all of the permits were in place before. E. Graber-Lopez said that they had obtained an extension from the Planning Board. He said that the permits are good to use. C. Moran said that Ameresco is a good provider of power, and is well funded to do the job.

M. Dowling noted that there is no Power Purchase Agreement currently in effect. C. Moran said that the Board is looking at what the Town has lost, and what could be projected. M. Suprenant said that the Power Purchase Agreement states: "If the provider fails to meet the deadline, the customer may terminate the agreement without penalty or liability."

M. Bakas said that they are the ones who will put up the capital. If they don't perform and are terminated, they stand to lose \$5-10 million, and the project would be underwater at that point. M. Dowling said that the question was whether they would pay a penalty if the deadline were not met. She said that the deal is drastically different

now, with many changes. She stated that she did not have good faith in Blue Wave, given the history of a four-year delay. She noted that the Town could have been pursuing other opportunities, and there was a lack of communication with Blue Wave. The Town did not know about the problem with Sun Edison. She said that Sun Edison was going to get a residential rate, and she felt that it would be very unfair to treat a business like a resident. E. Graber-Lopez said that Blue Wave had found out through the construction company that Sun Edison had walked away from the project. He had received a call from the Interim Town Administrator asking what was going on. They proceeded to extend the Planning Board permit, then set up a plan to re-purchase the project. Blue Wave's #1 priority was to get the project built. The Purchase and Sale Agreement was executed at the end of March; Sun Edison declared bankruptcy a month later. Blue Wave is awaiting a consent agreement from MassDOT to effectuate the close. He noted that the process takes time, and they can only manage what they can control, and they are trying to make the project work as it should for the benefit of the Town. Their intention is to live up to the PPA agreement with the Town. He said that the permits are still good, the building permit has been pulled, and the lease is in the final stages with MassDOT. He said that the PPA needs some amendments to be financed under Ameresco.

M. Dowling pointed out that the Town is getting the same deal, only four years later. She said that the PPA is still one-sided, and did not see why the Town should make amendments to meet the needs of the new financial investor. P. Gimas felt that \$20,000 was not enough, considering what the Town has been through.

Attorney Rick Holland said that Governor Baker signed a law recently that will have the effect of making the net metering program less generous for solar projects. It seemed reasonable to him to say that if the Town were to look at some other project, the Town would be looking at a higher power purchase price. He suggested that the Board consider making the effort to make this project work. He said that the amendment is doing a few things, such as extending some of the dates. He noted that the agreement changes the meter that measures the net metering credits, and he did not see why that change should be made.

P. Makris explained that these provisions are needed because they affect their financing. He stressed the importance of trying to make those changes. He said that the utility rate meter is something they could work out in terms of limitation of liability.

M. Suprenant said that paragraph 11 indicates that if the equipment fails, the Town would not have to suffer a financial loss. P. Makris said that the longer it takes them to build the project, the longer the pilot needs to be negotiated.

M. Blanchard said that the Selectmen have spent a lot of time on this matter, and are frustrated with it. She did not think that the Town should withdraw from the project with Blue Wave and Ameresco, because to start over with a different company, the money for the Town would be less.

L. Gaumond reported that he had spoken with Stan Slepoy of MassDOT, who negotiates solar projects. Mr. Slepoy informed him that they have 90% of the negotiations finalized for the project.

L. Gaumond said that Town Meeting had voted to authorize the Board of Selectmen and Board of Assessors to negotiate and enter into an agreement for a payment in lieu of taxes. He noted that there has been no formal agreement on a Pilot Agreement. It has not been agreed to by all parties. M. Dowling said that at Town Meeting they voted to put it in the hands of the Board of Selectmen. She said that there is nothing to stop the Board from reopening the Pilot Agreement anew and determine whether it is for the benefit of the Town. L. Gaumond encouraged the Selectmen to look at this with fresh sets of eyes. He asked what steps would be necessary at this point to get the project to move forward.

P. Makris said that they would like to get these things completed in May: the PPA Agreement, Pilot Agreement and Notice to Proceed.

Ann Murphy, Principal Assessor, said that the Board of Assessors would like to meet with the Board of Selectmen to discuss the Pilot Agreement.

It was the consensus of the Board to discuss this matter further on May 23rd.

Board of Assessors: Request to Amend the Senior Municipal Service Program

M. Blanchard congratulated the newly elected member of the Board of Assessors, Dale Meehan-McNeil.

Ann Murphy, Principal Assessor, informed the Board that the Board of Assessors requested several changes to the Senior Municipal Service Program. The first change: Section 2.—Program Regulations (C) Application Dates. The current deadline for applications is March 31st of the fiscal year preceding the year for which the abatement is sought. She noted that this does not allow enough time to find an assignment in a department, have the Board of Selectmen approve the applicant and the assignment, and for the applicant to complete the total work hours needed for a full abatement. The Board of Selectmen would like to request that the deadline be changed to December 20th of the fiscal year to allow for the time necessary to complete the entire process.

A. Murphy said that the next change would be in Section 2.0 – Program Regulations (E) Limitation on Type of Work That Volunteers May Do – Work that involves confidential information. She said that there are several departments in which the worker may be exposed to confidential information while performing some tasks such as filing. The Board of Assessor requested that the applicant sign a confidentiality agreement with those departments.

The final change would be in Section 2.0 – Program Regulations (G) which states that the Board of Selectmen must approve all applicants and assignments to the program.

The Board of Assessors office is responsible for verifying that the applicants qualify for the program and are also responsible with locating a department that has a position available. She noted that this can be time consuming and having to wait an additional two weeks for the next Board of Selectmen meeting in order to get final approval delays the start date for the applicant. The Board of Assessors requested the creation of a committee consisting of the Town Administrator, Director of Council on Aging and the Principal Assessor to approve the applicants and the assignments, and that the Board of Selectmen receives a monthly report of the approved applicants.

M. Suprenant questioned whether the new committee meetings would be subject to the Open Meeting Law. L. Gaumont said that they would not as it would be a working group of department heads. M. Blanchard said that it would be the same as how requests for abatements are handled.

A. Murphy said that applicants cannot get an application before July 1st, and they are accepted on a first come, first served basis.

MOTION: To approve the requested changes to the Senior Municipal Service Program as recommended by the Board of Assessors in their letter dated May 2, 2016; and to review the matter in a year, by P. Gimas.

2nd: M. Dowling

Vote: All in favor.

Lynne Girouard: Discussion on the Town Barn Field Project

Lynne Girouard appeared before the Board. She reviewed what had taken place during the morning meeting of the Board of Selectmen on April 21st and noticed that there was an issue with the tax rate for households. They had come up with \$47 per \$100,000. M. Blanchard said that the breakdown on the taxes was understandable; the question was on phasing as it was a huge amount of money. L. Girouard said that once they went down to one area, they decided not to go with a phased project. There needs to be access to the back fields. Phasing the project would take longer and cost more.

P. Gimas said that a lot of people agree that something has to be done, but there is a fear factor regarding tax bills. L. Girouard said that the biggest need is for the multi-purpose field, which is the most costly. She said that the cost for removing ledge will be \$1.8 million. P. Gimas said that she would like to see this happen, but she is not hearing positive support from the community. She expressed concern about the price tag. She also asked if this project could be phased over a few years, and was told that it was not feasible.

L. Girouard said that in 2003 Jim Malloy had started Dialogue for the Future, and their survey came back with many requests for more recreation fields. She said that the ledge needs to be removed, but the bids may come in lower than anticipated; they won't know the price until the bids are opened. M. Dowling noted that the designs go back to

2009. She was not in favor of phasing the project, but would like to see it go forward as it is.

L. Girouard said that they are also looking to obtain grants for the project. M. Dowling suggested she start by putting out feelers to the community. L. Girouard noted that the designer had done the cost estimate on the project. M. Dowling said that the Recreation Committee wants the designer to be present at Town Meeting to answer questions from the residents. She noted that the article will come up very late in the warrant, and she felt that it should be taken up earlier. P. Gimás said that a lot of young couples will be interested in this article, and they may have to leave Town Meeting early to relieve a babysitter. She also suggested that the article be on the warrant earlier.

L. Gaumond said that the way that the warrant was developed, there is a certain routine that the townspeople have come to expect: financial articles are scheduled early on the warrant, then department requests, then bylaw changes, with petitioned articles last. M. Dowling said that the representative should be there for the presentation to answer questions.

C. Moran asked about the \$5,000 for the turtle protection plan. L. Girouard said that they had to do a turtle assessment on the property to protect their habitat in that area. She thanked the Selectmen for their time and consideration on the article.

Mayflower Botanicals

L. Gaumond said that Mayflower Botanicals is the second medical marijuana company seeking a letter of non-opposition from the Town of Sturbridge. Kevin Pellissier, CEO of Mayflower Botanicals, Richard Roberts, COO and Omer Rosenhand, Chief Financial Officer appeared before the Board.

K. Pellissier had spoken to Chief Ford to review protocols, and to Diane Trapasso in the Planning Department to confirm the location of the property in the overlay zone. L. Gaumond noted that 90 Charlton Road is in the Technology Park. P. Gimás said that Bay Path College is close by. K. Pellissier said that he was unaware that a college would fall into the school category in the state regulations. He said that they could move the facility further away from the college. He assured the Board that they want the project to conform to all regulations. He requested that the Board provide them with a letter of non-opposition to enable them to proceed with the process.

L. Gaumond said that the market will dictate as to whether one or two medical marijuana dispensary facilities would be needed in the town. He noted that three companies have approached the Town of Sturbridge. He had not heard back from the Police Chief regarding the security issue.

C. Moran asked how it would affect their business if marijuana becomes legalized, and whether they would consider making their business a "for profit" business. R. Roberts said that they are focused on the medical market to provide assistance to patients. K.

Pellissier said that if marijuana becomes legalized, the state would have a year or so to come up with regulations and implementations. R. Roberts said that they would take a hard look as to what would make sense, and would only proceed with the blessing of the community in order to maintain a positive relationship with the Town. M. Dowling said that if recreational use becomes legal, they could come to the Board with a different request. M. Blanchard added that if it passes, the Town would have to look at its zoning early on.

M. Dowling said that Senator Gobi has stated that the marijuana situation has wreaked havoc in Colorado, with marijuana coming out in gummi bears and other things. She feels that recreational use of marijuana is not in the best interest of the state.

R. Roberts commented that the process is backwards, but they are trying to do this in the right way to help the Board make a decision. K. Pellissier said that with the adult use initiative that is going to be on the ballot, there is nothing that calls for another licensing process for adult use.

M. Suprenant noted that the Town presently does not have a zone that would permit adult use of marijuana. M. Dowling said that if marijuana becomes legal, it could be in a commercial zone.

L. Gaumond asked whether there was a written narrative regarding their security protocol. K. Pellissier said that they will have the police assist them with that, and will have the police become acquainted with the building and employees. Mike Rihos, Security Director, will be in charge of the security aspect. Mr. Rihos was a police officer in Rhode Island and has provided consulting services to a number of organizations.

R. Roberts said that safety and security will be their main focus; they will grow and distribute the marijuana, with a framework for home delivery. They will also be baking marijuana brownies and cookies. He noted that everything will be fully enclosed in a neat and clean facility. He said that according to Massachusetts guidelines, any delivery cannot be a batched delivery; each order will be handled one at a time.

M. Suprenant said that he would like to see something in writing from the Police Chief, Planning Board and Zoning Enforcement Officer. It was the consensus of the Board to get more information on the matter, and to continue the discussion to May 23rd.

L. Gaumond suggested that Mayflower Botanicals provide an explanation of their security and public safety protocols.

Town Administrator's Update

- **Budget Differences**

L. Gaumond informed the Board that there are three differences in the Line Item Budget between the Finance Committee and the Board of Selectmen:

Fire Department: Salaries/Wages – The Finance Committee increased this line by \$4,471 to increase the Administrative Assistant to the Fire Chief from 25 to 30 hours per week.

Building Inspector: Salaries/Wages – The Finance Committee increased this line by \$4,808 to increase the Administrative Assistant to the Building Inspector from 25 to 30 hours per week.

Police: Supplies – The Finance Committee increased this line item by \$1,920 to purchase all of the combat gauze that the Chief had requested.

M. Blanchard did not feel that the Finance Committee is empowered to add hours to those positions. She said that it is unfair to other departments who need more money and help.

M. Dowling said that the Fire Chief had requested a 9th firefighter which was beyond what the Town had approved. L. Gaumond said that the Finance Committee was reviewing staffing requests of all departments. M. Blanchard said that the liaisons to the Fire Department and Building Inspector had spoken to the Finance Committee. L. Gaumond added that the liaison to the Fire Department is Joni Light; the liaison to the Building Inspector is Mike Serio. M. Blanchard noted that Barbara Barry, Finance Director, requests input from all departments on what they want.

M. Dowling prefers that department requests should be brought forward at the Saturday budget meeting, which would give the Finance Committee and Board of Selectmen an opportunity to discuss the requests together with the Town Administrator.

It was the consensus of the Board to hold action on the three items.

- **Annual Town Meeting Warrant – Final Review**

Article 26: Town Barn Field Project

MOTION: To reopen the Annual Town Meeting Warrant, by P. Gimas.

2nd: C. Moran

Vote: All in favor.

L. Gaumond said that the word “handbook” had been changed to “report.” He added an extended version for the Board’s consideration.

MOTION: To place and support Article 26, by M. Dowling.

2nd: M. Blanchard

Vote: Two in favor; P. Gimas, M. Suprenant and C. Moran opposed.

The motion failed. It was placed on the warrant.

Article 28: Open Space Trail Guide

L. Gaumont said that the Finance Committee had voted not to bring it forward to the townspeople.

Article 29: Public Safety Building Feasibility Study

L. Gaumont informed the Board that the feasibility study for the Public Safety Building will cost \$45,000. He asked the Board to reconsider their vote on Article 29 to reflect \$45,000 instead of \$40,000.

MOTION: To reconsider Article 29, by P. Gimas.

2nd: C. Moran

Vote: All in favor.

MOTION: To approve \$45,000 for Article 29, by P. Gimas.

2nd: M. Suprenant

Vote: All in favor.

Article 30: Public Works Building Feasibility Study

L. Gaumont explained that it includes hazardous material for the building but not the site. Greg Morse had suggested it include testing for the site as well. He asked the Board to reconsider the number at \$45,000.

MOTION: To reconsider Article 30, by M. Suprenant.

2nd: P. Gimas

Vote: All in favor.

C. Moran did not think that the property could be tested for \$5,000. L. Gaumont said that he will get the answer to that question.

MOTION: To approve \$45,000 for Article 30, by P. Gimas.

2nd: M. Suprenant

Vote: Four in favor; C. Moran opposed.

Article 40: Route 148/Brookfield Road Rehabilitation Project

L. Gaumont said that the Finance Committee had recommended funding it from free cash, so he will re-word Article 40 to reflect that funding will come from free cash.

MOTION: To reconsider Article 40, by M. Suprenant.

2nd: P. Gimas
Vote: All in favor.

MOTION: To change the wording of Article 40 to transfer funds from free cash, by M. Suprenant.

2nd: P. Gimas
Vote: All in favor.

Article 45: Petitioned Article – Exhibition Hall

L. Gaumond said that the vote of the Finance Committee on Article 45 had been 3-2-1, so he had changed their vote on the warrant to reflect that.

MOTION: To close the Annual Town Meeting Warrant, by M. Suprenant.

2nd: P. Gimas
Vote: All in favor

- **Special Town Meeting Warrant**

MOTION: To reopen the Special Town Meeting Warrant, by M. Suprenant.

2nd: P. Gimas
Vote: All in favor.

Article 50: Caron & Valley Road Betterment Project

L. Gaumond asked the Board to place the article using the language “from free cash.”

MOTION: To reconsider Article 50, by C. Moran.

2nd: P. Gimas
Vote: All in favor.

MOTION: To place and support Article 50 at \$200,000 out of free cash, by C. Moran.

2nd: P. Gimas
Vote: All in favor.

MOTION: To close the Special Town Meeting Warrant, by C. Moran.

2nd: P. Gimas
Vote: All in favor.

MOTION: To post the Annual Town Meeting Warrant and the Special Town Meeting Warrant, by P. Gimas.

2nd: C. Moran

Vote: All in favor.

L. Gaumond requested that the Board grant him leeway to change some of the text boxes on the warrants; the Board granted his request.

- **Vote to set water & sewer rates: Water \$6.93 per 100 cu. ft.; Sewer \$9.82 per 100 cu. ft.**

MOTION: So moved, by P. Gimas.

2nd: M. Suprenant

Vote: All in favor.

- **Vote to accept donation on behalf of the Tree Planting Account**

L. Gaumond asked the Board to accept the \$290 donation to the Tree Planting Account on behalf of Sturbridge Children's Dentistry.

MOTION: So moved, by P. Gimas.

2nd: C. Moran

Vote: All in favor.

- **Update to Personnel Classification Plan**

L. Gaumond asked the Board to approve the recent actions of the Personnel Committee which graded the Facilities Coordinator and Economic Development / Tourism Director positions.

MOTION: To approve the recent actions of the Personnel Committee which graded the Facilities Coordinator and Economic Development / Tourism Director positions, by P. Gimas.

2nd: M. Suprenant

Vote: All in favor.

Correspondence

M. Dowling read the correspondence list into the record.

Old Business

P. Gimas asked whether Shane Moody's report on lead and copper has been scheduled for the next meeting. L. Gaumond said that it will be presented at the next meeting.

M. Suprenant said that he had attended the Master Planning Organization Advisory Committee meeting. They presented a work plan for FY17, and will be working on tourism as part of what they can do with the Town of Sturbridge and CMRPC Tourism Council. Some federal funds will be made available to do some tourism planning through the MPO.

M. Dowling said that she has received emails expressing concern about the turf fields at Tantasqua, as they are reconsidering the use of rubber tires for the field. She had voted in favor of the turf fields with the condition that a safer alternative should be used. L. Gaumond will request an update from them.

M. Dowling had received an email from a resident about affordable housing, expressing different safety concerns such as an increased number of children waiting for the school bus. M. Blanchard said that it had been a special permit through the Zoning Board of Appeals. M. Dowling asked if the Board could weigh in on it. L. Gaumond didn't see why the Board couldn't weigh in. P. Gimas had reached out to the Fire Chief regarding the validity of the concerns, and his response allayed her fears. It will meet the standards for fire safety. M. Blanchard noted that the ZBA had conducted hearings on the project; these questions had been raised and answered. M. Dowling asked about the Police Chief's position regarding the number of students waiting for the school bus on Route 131 where there is no sidewalk. L. Gaumond did not think that question had been asked. M. Dowling noted that there will be 101 units in the housing project. M. Blanchard noted that there are a lot of streets in Town that don't have a sidewalk, and children are waiting there.

M. Suprenant left the meeting at 10:10 p.m.

(The cameras and sound were turned off at this point.)

Respectfully submitted,

Judy Knowles

BOS Clerk

Date