

**BOARD OF SELECTMEN
MINUTES OF SEPTEMBER 15, 2015**

PRESENT: Mr. Robert E. Lavash, Sr., Chairman and Mr. James A. Gagner, Clerk

ABSENT: Mr. Dario Nardi, Vice-Chairman

ATTENDEES: See Attached List

Chairman Lavash called the meeting to order at 7:00 PM and led the Pledge of Allegiance at this time. Mr. Lavash announced that this evening's meeting was being both video and audio taped. Colleen Montague was also taping this evening's meeting.

MINUTES

Motion to accept and approve the Open Session Minutes of August 19th, Executive Session Minutes of August 25th, Open Session Minutes of August 25th, Open Session Minutes of August 27th and Executive and Open Session Minutes of September 1, 2015 as written made by Mr. Gagner; second: Mr. Lavash – unanimous.

OLD BUSINESS-None

CORRESPONDENCE

- Disclosure Statement from Nathan Stewart in order to be compensated by the Board o Health in accordance with G.L. c268A, §20(b) – *Motion to allow the Chairman to sign as requested made by Mr. Gagner; second: Mr. Lavash – unanimous.*
- Fire Chief's Monthly Report for August 2015- *Noted*
- Monthly report from James McKeon for CERT/Emergency Management- *Noted*

KATC CORP. - dba Dunkin Donuts

Katc Corp. dba Dunkin Donuts has applied for a Common Victualler's License which will be located at the new Alltown Service Station located at 1300 Main Street. All the proper paperwork and associated fee has been provided. With no further discussion, the following motion was made: Motion to grant a Common Victualler's License to KATC Corp. dba Dunkin Donuts for operation located at 1300 Main Street as requested made by Mr. Gagner; second: Mr. Lavash – unanimous.

STIDSEN MASONRY, INC – TOWN HALL ARCHWAY REPAIRS

Motion to approve and sign the contract for Stidsen Masonry, Inc. for the repairs to the Town Hall Archway in the amount of \$17,400.00 made by Mr. Gagner; second: Mr. Lavash – unanimous.

FY15 CDBG COMMUNITY DEVELOPMENT FUND – CDFI

Motion to approve and sign the contract between the DHCD and the Town of Warren for the FY15 CDBG Community Development Fund I (CDFI) in the amount of \$955,136.00 made by Mr. Gagner; second: Mr. Lavash – unanimous.

JAMES MCKEON – CERT/EMERGENCY MANAGEMENT DISCUSSION

Mr. McKeon addressed the Board this evening regarding the current status of both CERT and Emergency Management. Since the resignation of Mr. O'Brien, he has been acting alone as the Co-Director of both. As many know, CERT is activated by the Police, Fire or Highway during certain situations. In the spring, prior to his resignation both Mr. O'Brien and Mr. McKeon approached the Board requesting that the Board of Selectmen consider allocating funds for a stipend for the position. Mr. McKeon also sought permission to be reimbursed for mileage for the various classes he attends. Mr. Gagner advised him that CERT works on a volunteer basis and therefore not an allowable expense.

Mr. Gagner stated that although he certainly recognizes the team's efforts, he is concerned over liability. Mr. Gagner expressed additional caution when either he (Mr. McKeon) or a volunteer member should initiate their service and the level of liability at that point. This issue was investigated in detail by both Mr. O'Brien and Mrs. Prokop. Mrs. Acerra will check with Mrs. Prokop upon her return and provide a copy of the decision. Mr. Lavash also advised that if his intent is to create a position then this matter will need to be addressed at an Annual Town Meeting. Mr. McKeon did provide a copy of a job description for the Board's consideration. Mr. McKeon thanked the Board for their time this evening.

7:15PM – DEBILITATING MEDICAL CONDITION TREATMENT CENTER, INC.

Mr. Brian Lees, CEO and Mr. Heriberto Flores, Chairman addressed the Board this evening regarding the possibility of locating a medical marijuana cultivation facility in the Hardwick Knitted Fabrics building located at 81 South Street in West Warren.

The property has been zoned to allow MMTCC. Mr. Lees provided a detailed outline with very specific guidelines and regulations with the Department of Public Health. When originally passed by the voters of Massachusetts, a total of 35 licenses were allotted. The new Baker/Polito Administration has alluded to expanding the number. Mr. Lees gave an overview of Debilitating Medical Condition Treatment Centers, Inc. (DMC).

- A cultivation operation would employ approximately 15 people and every effort would be made to provide positions to the Town of Warren residents if they met the necessary qualifications.
- The operation would contain approximately 4-5 "grow rooms" with a kitchen for processing. Each room would need upgrades in the area of \$100K to 125K in order to make it a "clean room".
- DMC has secured the services of the former Longmeadow Chief of Police to be head of security.
- A Community Benefit Gift Agreement would be provided. A draft of the document was provided this evening.
- A letter of non-opposition will be required from the Board of Selectmen, to which both members were in favor of providing.
- No environmental impacts will be felt from this type of facility.
- Too soon to tell if any impact on property values.

A meeting will be posted with the Board of Selectmen and DMC for Tuesday, September 22, 2015 at 6PM in Executive Session. The date/time will be confirmed with all parties for their availability.

FIRE CHIEF LAVOIE-FLEET FUELING DISCUSSION

Chief Lavoie was unable to attend this evening; however Highway Surveyor Thomas Boudreau spoke on his behalf. Mr. Boudreau advised the Board that in light of the X-tra Mart/Sunoco gas station closing for demolition/renovations, the Fire Department will be in need of fueling the emergency vehicles. Mr. Boudreau has a 2,500 gallon diesel tank at the highway barn. The Fire Department will fill their vehicles and monitor the usage. One bill will be generated at the end and the highway line item account will be reimbursed. Both Chief Lavoie and Mr. Boudreau have spoken to the Town Accountant and she is aware of the issue and approved the exchange.

THOMAS BOUDREAU – HIGHWAY SURVEYOR

Mr. Boudreau addressed the Board this evening regarding the current status of his fleet of vehicles.

2003 F550 (truck #8) which has approximately 116,000 miles has a broken frame to which a commercial vehicle cannot be repaired, therefore will not be able to get a valid inspection sticker. Mr. Boudreau feels that this is a critical truck to replace. He stated he contacted the Board of Selectmen, Finance Committee and Capital Planning on August 10, 2015 as well as two (2) voice messages for the Chairman of the Finance Committee with no response from any. A subsequent email was sent on September 2, 2015 with no response and a final email again on September 9, 2015 with only Mr. Nardi responding. Mr. Boudreau acknowledged that Mr. Gagner spoke personally to him regarding the matter. He stated he will be submitting an Article for replacement of the truck for the STM. (Approximate costs for new gas engine w/plow and sander is around \$51,000.00 while diesel would be around \$60,000.00)

Sweeper- Discussed the sweeper previously with Capital Planning and they were aware of the problem. It appears that either there is a blown head gasket or the motor is gone. Mr. Boudreau stated he is not comfortable from a safety standpoint to allow anyone to operate it. He estimated that a new engine would cost around \$12,000.00 not including labor. A new sweeper would run in the range of \$175,000.00 to \$200,000.00. Mr. Boudreau will provide an estimate for the labor/installation.

Vacuum Truck- the truck is a 1990 truck and although it does run, will not pass inspection due to emissions, which in turn will trigger a failed inspection sticker.

In summation, Mr. Boudreau would like to raise his machine maintenance account which is currently budgeted for around \$30,000.00. Since 2010, he has spent approximately \$177,000.00 to date on maintenance. He went on to say that a DOT Inspection was to be done on September 9, 2015 by the Massachusetts State Police, however was cancelled by others. Mr. Boudreau is waiting to hear back as to when an inspection can be done. Mr. Gagner suggested that Mr. Boudreau take the lead on rescheduling the inspection. A memo to him confirming the Board's request will be provided for his records.

James Kordek questioned Mr. Boudreau and his recollection as of September 10, 2015, as to how many vehicles were without valid inspection stickers either due to emissions or safety. Mr. Boudreau responded, "A number of them". Mr. Kordek offered to refresh his memory as according to him (Mr. Kordek) there were five (5). Mr. Gagner requested that Mr. Boudreau move forward with the DOT Inspection in order to have a complete and comprehensive report of all the vehicles. Once completed, all parties may meet to hopefully have a meaningful conversation on the matter. All were in agreement.

CHAPTER 90 FUNDS

The CDBG Block Grant Project for Pleasant/Highland Street is under construction at this time. Mr. Boudreau advised the Board that there is talk there may not be ample funds to do some of the work. One issue is the guardrail system on the left hand side of Pleasant Street and the loop for the water line via Kay Hill. The guardrail system would be approximately 6,000.00 to do however the waterline estimate is unknown at this time. He did speak with MassDOT D2 regarding the matter and Kay Hill is an approved road for Ch. 90 Funds. Mr. Boudreau will provide an estimate on the waterline.

WA MA SOLAR, LLC- 87 Spring Street and 70 Ware Road Solar Projects

Motion to approve and sign the Tax Agreements for WA MA Solar, LLC for 87 Spring Street and 70 Ware Road as presented made by Mr. Gagner; second: Mr. Lavash – unanimous (note: both tax agreements have been set to council and approved as to form and signed off by the Board of Assessors).

APPOINTMENTS

Motion to appoint Edward Kretkiewicz, Richard Eichacker and Leona Wrobel to the Community Development Advisory Committee (CDAC) for a three year term to expire in June 2018 made by Mr. Gagner; second: Mr. Lavash – unanimous.

Motion to appoint Dario Nardi as the Selectmen's Representative to the Community Development Advisory Committee (CDAC) for a term that expires at the conclusion of the Selectboard term made by Mr. Gagner; second: Mr. Lavash – unanimous.

Motion to appoint Magdalen "Maggie" Bish and Tracey Mazur to the Cultural Council for a three year term to expire in June 2018 made by Mr. Gagner; second: Mr. Lavash – unanimous.

TREASURY WARRANTS AND DRAW DOWNS

Motion to approve and sign warrant number 24 and 26 dated August 31, 2015 in the amounts of \$34,917.40 and \$38,215.27 respectively made by Mr. Gagner; second: Mr. Lavash – unanimous.

Motion to approve and sign warrant number 28 and 30 dated September 7, 2015 in the amounts of \$40,129.92 and \$81,142.01 respectively made by Mr. Gagner; second: Mr. Lavash – unanimous.

Motion to approve and sign warrant number 32 and 34 dated September 14, 2015 in the amounts of \$47,272.46 and \$145,156.74 respectively made by Mr. Gagner; second: Mr. Lavash – unanimous.

Motion to approve and sign FY14 Invoice #1 for the Pleasant St. Improvements for Pioppi Construction in the amount of \$53,036.13 made by Mr. Gagner; second: Mr. Lavash – unanimous.

Motion to approve and sign FY14 Invoice #2 for the Pleasant St. Improvements for Pioppi Construction in the amount of \$73,930.90 made by Mr. Gagner; second: Mr. Lavash – unanimous.

NEW BUSINESS

Mr. Gagner stated that aside from Mr. Lees and Mr. Flores from DMC that spoke earlier this evening, he has several other interested parties looking at the facilities for potential MMTC. He will keep everyone up to date as to the status as things progress.

Mr. Soltys posed a question to the Chairman regarding the very full agenda. The meeting on September 8, 2015 was cancelled due to the agenda items requiring the full board's attention, however all items were covered this evening without all being in attendance. Mr. Lavash stated that he could not cancel two weeks in a row.

Weekly meetings will begin starting September 22, 2015 and Mr. Lavash will forgo his Wednesday office hours effective tonight.

Any individual wishing to be heard on any matter should contact the Board of Selectmen's Office at (413) 436-5701 ext 2 to be placed on the agenda.

Motion to Adjourn made by Mr. Gagner; second: Mr. Lavash – unanimous at 8:45PM.

Respectfully submitted,

Rebecca Acerra
Selectmen's Assistant

James A. Gagner, Jr. , Clerk