

June 20, 2016

**BOARD OF SELECTMEN
MINUTES
JUNE 20, 2016**

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

Michael Suprenant was absent.

The Chairman called the meeting to order at 6:30 p.m. following the Pledge of Allegiance.

Senator Ann Gobi and Representative Todd Smola

Senator Ann Gobi and Representative Todd Smola appeared before the Board. Regarding the state budget, Rep. Smola said that they have missed the revenue benchmarks and are short by about \$320 – 340 million, and are now in the negotiation process to deal with the situation. He said that Chapter 70 and Chapter 90 funds would not be touched. He said that the programs designed to protect the most vulnerable will be preserved, while everything else will be subject to conversation and negotiation. He noted that a fragmented 1/12 budget may be passed moving into the new fiscal year. The revenue generator has gone down over the last few years. In terms of the overall budget, they are talking about having a 1 ½% hold. They are waiting for the June tax revenues to come in. He said that we are not in a recessionary period, and assured the Board that adjustments can be made to deal with the shortfall.

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

M. Dowling said, "That casino are not bringing in the revenue that was anticipated. M. Dowling said, " That the last time Senator Gobi and Representative Smola spoke to the Board they indicated that slot parlor are not bring in the revenue that was anticipated." M. Dowling asked whether that was still the case. Rep. Smola said, "They did well in the first couple of months." Senator Gobi said that the lottery is doing very well and is making steady gains.

Regarding the ballot questions, Senator Gobi said that there will be one on the legalization of marijuana. She said that the Senate sent a group of people to Colorado to see what has been happening there, and it was a mixed message. In Colorado they tax recreational marijuana heavily, at well over 30%.

Senator Gobi said that the ballot question in Massachusetts has a cap of 12% tax. A Commission will be set up to look at the entire industry. One concern is that it will prohibit numerical caps. If there is a marijuana dispensary in Town, the Town cannot say "no" to a retail store at the same location, if marijuana becomes legalized; it would have to be allowed. Legalization would take away local control.

Senator Gobi said that the marijuana edibles market has become big business, including items such as brownies, pot tarts and gummy bears. She noted that there is no limit on the amount of THC contained in these products. She said that there have been incidents with people being taken to hospital emergency rooms having too much THC in their systems. Another issue is if a police officer stops someone for driving erratically, there is nothing available to test people for THC, as there is for alcohol.

Senator Gobi said that people would be able to have up to 12 marijuana plants in their homes. A related issue is that since marijuana plants need a lot of water, black mold can form.

Senator Gobi suggested looking at the legislation and what it will have in store for cities and towns. She suggested getting a group together to look at the issues.

Rep. Smola noted that it will be a simple "yes" or "no" question that will have a major impact on municipalities. He said that the edibles will be marketed for the younger generation. Local hospitals will be dealing with an opiate crisis, and we need to be prepared. The police will have to deal with people driving under the influence of marijuana. He requested as much feedback as possible. Senator Gobi said that if the question passes in November, this situation will be upon us in a flash.

M. Dowling said that she is strongly opposed to the ballot question on recreational use of marijuana. She noted that Senator Gobi had spoken critically of this issue at the Democratic luncheon, and asked her to elaborate. Senator Gobi said that she would vote against the question. She noted that in Colorado it is costing \$7 million just for the enforcement division to deal with marijuana issues. It is having an effect on the schools, with children getting into the edibles and going to school under the influence, and truancy in Colorado has gone sky high.

M. Dowling felt that it was very premature to get things started by rubber stamping the marijuana dispensary by way of a letter of no opposition prior to determining whether the By Law was honored. She said that there should be a deeper review of the matter and it should go through the regulatory process through the Planning Board.

Regarding casinos, M. Dowling said that there are a lot of negatives with the gaming industry, such as gambling addictions and, that a fund was established to address such negative externalities. She asked whether there should be a fund to deal with all of these secondary issues in the marijuana industry as well.

Rep. Smola said that the great advantage they had with the gaming legislation was that they had more control over the matter. They had reviewed the gaming issue and vetted it thoroughly for 20 years. There had been public hearings, then legislation was drafted. By contrast, the marijuana issue will happen very fast. Senator Gobi said that a lot of the ballot questions come from outside groups.

C. Moran said that in Colorado there are problems with a lot of truck drivers testing positive for marijuana. They can't find drivers to deliver groceries and other goods. Rep. Smola said that if the marijuana question passes in Massachusetts, everything will be touched by it. Senator Gobi said that there will be only a seven month window to develop complex regulations that will require input from many stakeholders. If the deadline is missed to start issuing licenses, then existing medical marijuana dispensaries would be allowed to enter the recreational market without any state or local approval.

M. Dowling asked whether it would be consistent with state law. She noted that the Board has had two official requests for a letter of non-opposition. She asked what the legal requirements were for the Board and what kind of discretion would the Board have in this case. In particular M. Dowling asked whether a letter of non-opposition is discretionary and Representative Smola indicated he would look into it. Senator Gobi said that if a bylaw does not address it, it is an allowed use.

Rep. Smola said that the Board could make a decision contingent upon the approval of another board. P. Gimas said that the definition of a school seems to be elusive. One company that wants to come into Sturbridge has chosen a site near a college and a rehabilitative school. She asked whether the Board could rescind its letter of non-opposition. Senator Gobi said that they could rescind it. P. Gimas said that after hearing about the retail component, she would not have voted the same way. M. Blanchard said that when the Board had first voted on the letter, it was about the marijuana dispensary being allowed in a certain zone. L. Gaumond said that in the

letter of non-opposition, the details being stated to the Commonwealth were that the site falls within the overlay district; it should not be considered a letter of support.

Rep. Smola said that the Planning Board is the steward of the bylaw, and he did not see why the Board of Selectmen should be involved at all.

C. Moran asked whether Senator Gobi and Rep. Smola had been having any conversations with DEP regarding Casella. Senator Gobi said that DEP is continuing to monitor the situation. Casella continues to maintain that they are not the cause of the contamination. She said that she and Rep. Smola want to advocate on the side of the Town. M. Dowling said that proving causation could take 20 years, and asked why DEP would allow them to enlarge their area of waste in areas where there is contamination. She noted that there are residents living close to that landfill.

MOTION: To reconsider the vote on the letter of non-opposition for a medical marijuana dispensary, by P. Gimas.

2nd: M. Dowling

M. Blanchard said that if it had been listed as an agenda item, there would have been more input. M. Dowling said that it could be taken up under Old Business. P. Gimas retracted the motion, to be brought up later under Old Business.

Public Service Announcements

M. Dowling wished everyone a Happy 4th of July.

Department Head Reports

Lynne Girouard, Recreation Director, reviewed her report with the Board. She announced that the Summer Concert Series will begin on Thursday, June 23rd at 6:00 p.m. on the Town Common. She read the concert schedule for the Board.

L. Girouard said that hydro raking has been completed at the Cedar Lake Recreation Area.

L. Girouard said that the Town Muster will be held on Saturday, June 25th at 3:00 p.m. on the Town Common.

Greg Morse, DPW Director, reviewed his report with the Board. They have done some road paving, and have to finish Cricket Drive and Mashapaug Road.

G. Morse requested that the Board award the bids for concrete sidewalk, equipment rental, piping and road materials and paving and road materials.

MOTION: To approve the bids for concrete sidewalk, equipment rental, piping and road materials and paving and road materials as recommended by Greg Morse, by P. Gimas.

2nd: C. Moran

Vote: Four in favor; M. Suprenant was absent.

Mount Vernon Advisors

Peter Tedesco appeared before the Board regarding the issue that the Board had previously ruled on regarding 205/207 Brookfield Road and sewer privilege fees. He is interested in purchasing the property and objected to paying this fee. There was correspondence between P. Tedesco and G. Morse, which was submitted to the Board.

L. Gaumont said that he and G. Morse had discussed the matter at length, and asked whether there would be any objection to adding 205 Brookfield Road to the sewer reserve list.

MOTION: To include 205 Brookfield Road to the sewer reserve list, by M. Dowling.

2nd: P. Gimas

Vote: Four in favor; M. Suprenant was absent.

L. Gaumont said that any new properties coming on to sewer have an assessed sewer fee, and he did not see why this practice should change for this request. He said that a sewer privilege fee is justified in this case, and did not recommend waiving the fee. G. Morse said that Mr. Tedesco is a Phase 1 customer; any of those properties had the benefit of the two plant upgrades before they were connections. He noted that there are expenses related to running these systems.

P. Tedesco said that no one on Brookfield Road paid a privilege fee. He said that if a property is on a sewer lot, they do not pay a privilege fee. G. Morse said that lots 205 and 207 are both recorded as lot 205 and they are being used as an integral connection. He noted that the new well is on the so called vacant lot. He had an issue with how those numbers had changed.

C. Moran asked how long Mr. Tedesco had owned the property. P. Tedesco said that he does not own the property; it is under agreement. Mr. Tedesco said that he has read the regulations, and felt that the sewer privilege fee does not apply in this case. He said that there should be a legal opinion.

M. Dowling said that Mr. Tedesco asserts that nobody paid a sewer privilege fee on Brookfield Road, and she asked G. Morse and L. Gaumond whether that was accurate. G. Morse said that they had paid connection fees, and one had paid the privilege fee. M. Blanchard said that this is a matter of interpretation. L. Gaumond said that this has been interpreted consistently for many years. He recommended that the Board deny P. Tedesco's request, and if he wishes to come back with some further information to justify his position, he may do so.

MOTION: To deny the waiver of the privilege fee for Peter Tedesco, by P. Gimas.
2nd: C. Moran

L. Gaumond noted that a motion had been made on April 19th to deny P. Tedesco's request. M. Dowling said that the bylaw needed to be clarified.

MOTION: To reconsider the Board's April 19, 2016 vote, by M. Dowling.

There was no second to the motion.

Jayesh Patel, Om Shri Ambika: Request for Extension of TIF

Jayesh Patel and his son appeared before the Board. L. Gaumond said that since the last time the TIF was extended, they discovered unbuildable earth on the site which needed to be excavated and replaced with better fill. The construction of the new hotel on Route 20/New Boston Road is underway, and there will be a slight delay in the completion of the project, hence the request for the extension.

J. Patel said that they have had to do extensive removal of old soil and replacement of it with new soil. The MassDOT permit did not come in on time; if it had, they would have been open for business by now.

M. Blanchard noted that the delay in construction was through no fault of J. Patel or the Town.

MOTION: That the Town agrees to the Amendment to the Tax Increment Financing agreement with Om Shri Ambika dated June 20, 2016, by P. Gimas.
2nd: M. Dowling
Vote: Three in favor; C. Moran abstained; M. Suprenant was absent.

Approval of Blue Wave Agreements

Eric Graber-Lopez, Attorney Rick Holland of Kopelman and Paige, Mark Sylvia of Blue Wave and Josh Baribeau of Ameresco appeared before the Board.

L. Gaumont noted that there were three outstanding items from the last meeting concerning the Blue Wave project: a revised amendment of the Power Purchase Agreement with new pricing, the estoppel and the Pilot Agreement.

Attorney R. Holland reviewed the amendment to the Power Purchase Agreement. He said that on page 6 of the agreement there is a section dealing with the operation deadline. The Building Inspector and Electrical Inspector must determine that the facility is mechanically complete. The only thing outstanding is the notice from the utility to flip the switch.

MOTION: To accept amendment #2 of the Power Purchase Agreement as written, by C. Moran.

2nd: P. Gimas

Vote: Four in favor; M. Suprenant was absent.

Regarding the Pilot Agreement. R. Holland said that the Town's Principal Assessor could speak to how she came up with the valuation, and what the payments should be. Ameresco based the annual payments on that cost.

E. Graber-Lopez said that the cost numbers on the spreadsheet are the initial cost to build the project, and within a short number of years the costs will be netted out. He said that the approach recommended by the Department of Revenue is a revenue based approach to the fair market value. He noted that the project probably costs less than half of the initial outlay.

R. Holland said that the Assessors will develop a valuation to determine what the taxes for the project may be over the term of the agreement based upon full cash valuation. He suggested that the Board consult the Principal Assessor.

L. Gaumont said that at the last meeting, the Board of Assessors came forward and said that the previously described that the Pilot was not agreed to by the Board of Assessors, and that they would adjust the pie and come up with the minimum fair value. He noted that the number that the Board of Selectmen was reviewing tonight is the number that reflects the minimum value of this property. M. Dowling said that she was pleased with the changes made on the Pilot Agreement; in particular if the tax rate splits again, the solar company will pay a commercial tax rate just like other businesses.

MOTION: To approve the Pilot Agreement with Blue Wave for the Blue Wave Project for personal property, by P. Gimas.

2nd: M. Blanchard

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

Request for Amended Fuel Storage License for D.J. One Realty, LLC at 173 Main Street

L. Gaumond informed the Board that there was a request for an amended Fuel Storage License for an existing facility at 173 Main Street. They are changing the name on the license.

MOTION: To approve the amended license for fuel storage at 173 Main Street, by P. Gimas.

2nd: C. Moran

Vote: Four in favor; M. Suprenant was absent.

Right of First Refusal for 200 Fiske Hill Road

L. Gaumond informed the Board that the Town has received a request for a waiver of its right of first refusal for the removal of two small pieces of land from the provisions of Chapter 61a at 200 Fiske Hill Road. There is a house lot in the middle of a larger piece of Chapter land. They wish to expand the house lot a bit, which would involve the removal of two triangle shaped pieces of land of no value to the Town of Sturbridge. Both L. Gaumond and the Assessors have reviewed the matter and recommended waiving the Town's right of first refusal.

MOTION: That the Town waive its right of first refusal for the removal of Chapter Land under 61a at 200 Fiske Hill Road, by P. Gimas.

2nd: C. Moran

Vote: Four in favor; M. Suprenant was absent.

Goal Update

Goal #1: Update/revise the Town's website. L. Gaumond announced that he has started the process of revising the Town's website. A website team has been created and he has been seeking finds for the redesign. He will continue to work with the design team and consultant on revisions, and anticipates completion in fall/winter 2016.

Goal #2: Organize and prepare a Policy Book for Selectmen's policies. L. Gaumond will work with staff to organize and prepare a Policy Book for Selectmen's policies. They will be in one place and catalogued.

Goal #3: Develop a new Selectmen Policy to assist new Selectmen. L. Gaumond has developed a new Selectmen orientation policy to assist new Selectmen as they are sworn in so that they will be prepared to begin their work upon election to the Board.

Goal #4 was to develop an Exit Interview Policy to assist in the transition of employees as well as to improve the organization moving forward. This goal has been completed.

Goal #5 was to develop a formal hiring process for the Town, which will be articulated publically, and consistently followed by appropriate departments. This policy is in the process of being prepared.

Goal #6 was to update the Procurement Officer training and certification for the Town Administrator. There are three specific programs which encompass the Certified Public Purchasing Officer Program (Public Contracting Overview, Supplies & Services Contracting, and Design & Construction Contracting). Session #1 has been completed. L. Gaumont is awaiting the release of the next round of training opportunities.

Goal #7: L. Gaumont has been working with the Senior Center Study Committee on their review of the Senior Center Feasibility Study. Their findings will be presented to the Board of Selectmen and the Council on Aging in summer/fall 2016.

Goal #8: Develop a formal Facilities plan to bring organization to the ongoing issue of facility management in the Town. There has long been a concern that the building infrastructure of the Town should have better resources to plan repairs, develop short and long term building plans and to implement such plans. L. Gaumont is in the process of interviewing candidates for Facilities Coordinator, and expects the new employee to be on board around the beginning of the fiscal year.

Goal #9: Develop a policy on vehicle titles and insurance fleet schedule. This will be a vehicle tracking process for all Town owned vehicles to manage the record maintenance of the Town fleet. A draft will be prepared and presented to the Board of Selectmen.

Goal #10: Review Traffic Rules and Regulations and produce an update. L. Gaumont will create a review committee to review the plan, create a draft, and then present it to the Board of Selectmen.

Goal #11: Prepare a Feasibility Study for the DPW Building. An important tool for the long term capital planning process is to have thorough work done for the municipal buildings to establish their use for the Town. An analysis will be done of the Public Works building to develop a plan for improvements to the building and a long range vision for the structure. Funds have been sought for the feasibility study an award has been made to a qualified firm. A presentation of the findings will be made to the Board of Selectmen in fall/winter 2016.

Goal #12: Prepare a Feasibility Study for the Public Safety Complex. The Selectmen would like to have an analysis done of the Public Safety Complex to develop a plan for improvements to the building and a long range vision for the structure. Funds have been sought for the feasibility study, and an award has been made to a qualified firm. The findings will be presented to the Board of Selectmen in fall/winter 2016.

Goal #13: Develop a Strategic Plan to address building issues named in the various Town Building Reports. L. Gaumont will compile the various building studies for review, will prepare an executive report and present the findings to the Board of Selectmen in fall/winter 2016.

Goal #14: Develop a permit/license book which describes steps necessary to acquire each permit and license. L. Gaumont will work with staff to identify all permit and licenses in Town, will prepare a draft book and present it to the Board of Selectmen in summer/fall 2016.

Goal #15: Explore the feasibility for curbside trash pickup vs. landfill operations. Currently the Town operates a landfill/recycling center and would like to explore the feasibility of alternative options which may include curbside trash pickup. L. Gaumont will schedule a joint meeting with the Board of Health, develop a scope of study and research grant opportunities for the project in summer/fall 2016.

Town Administrator's Update

- **Auctioneer License for Robert Glass, Jr.**

MOTION: To approve the Auctioneer License for Robert Glass, Jr., for an auction to be held on the Town Common on August 13, 2016 from 9:00 a.m. to 2:00 p.m., by P. Gimás.

2nd: C. Moran

Vote: Four in favor; M. Suprenant was absent.

- **Approval of Conservation Restrictions**

L. Gaumont said that the Town is required (as part of the Land Grants for the Plimpton Property) to finalize four conservation restrictions. These CRs have been long completed by the Town and are being reviewed by the Commonwealth. The state has been reviewing these items for a long time and is now sending them back to Sturbridge with final comments. Glenn Colburn, Conservation Agent, has been shepherding this through and has heard back that some of them may be ready for signature.

M. Dowling thanked L. Gaumont for his efforts in this matter. L. Gaumont acknowledged the work of Glenn Colburn, Conservation Agent.

MOTION: To authorize the Chairman of the Board of Selectmen to sign the conservation restrictions, by P. Gimás.

2nd: M. Dowling

Vote: Four in favor; M. Suprenant was absent.

- **Appointment of Bailey Applegate to the Historical Commission**

MOTION: To appoint Bailey Applegate to the Historical Commission, by P. Gimás.

2nd: C. Moran

Vote: Four in favor; M. Suprenant was absent.

- **Proposed Changes to the Veteran Municipal Service Program**

L. Gaumont asked the Board to review the memo from the Board of Assessors and vote to amend the process per their recommendations.

MOTION: So moved, by P. Gimas.

2nd: C. Moran

Vote: Four in favor; M. Suprenant was absent.

- **Proposed Temporary Dock for Nicholas Salvadore**

Nicholas Salvadore had submitted an application for a 24 foot temporary dock at 106 Westwood Drive.

MOTION: To approve the application for a dock permit for Nicholas Salvadore at 106 Westwood Drive, by P. Gimas.

2nd: C. Moran

Vote: Four in favor; M. Suprenant was absent.

Correspondence

M. Dowling read the correspondence list into the record.

L. Gaumont had received an email from the Chamber of Commerce announcing that Baba Sushi Restaurant will hold their grand opening on June 30th at 4:00 p.m.

Minutes

MOTION: To approve the minutes of April 13, 2016 as amended, by P. Gimas.

2nd: C. Moran

Vote: Four in favor; M. Suprenant was absent.

Old Business

MOTION: That the Board reconsider its vote on the letter of non-opposition for the proposed marijuana dispensary, by P. Gimas.

2nd: M. Dowling

Vote: Four in favor; M. Suprenant was absent.

P. Gimas said that in light of the information presented by Senator Gobi and Rep. Smola, she recommended that the Board rescind its vote on the letter. She noted that this information was not available to the Board at the time the vote was taken.

M. Blanchard said that the letter of non-opposition just meant that the marijuana dispensary would be an allowed use in the district. She noted that medical marijuana is very beneficial for those who need it.

June 20, 2016

MOTION: To rescind the original vote for a letter of non-opposition for Heal Inc., by P. Gimas.

2nd: C. Moran

Vote: Three in favor; M. Blanchard opposed; M. Suprenant was absent.

New Business

There was no new business.

MOTION: To adjourn, by P. Gimas.

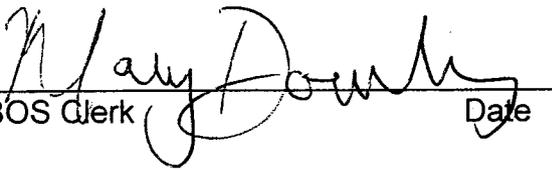
2nd: C. Moran

Vote: Four in favor; M. Suprenant was absent.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Judy Knowles


BOS Clerk _____ Date Nov 2 '16