

December 16, 2019

**Board of Selectmen  
December 16, 2019  
Town Hall**

**Amended**

**Present:**

Mary Blanchard, Chairman  
Mary Dowling, Vice Chairman  
Michael Suprenant, Clerk  
Priscilla Gimas  
Chase Kaitbenski

**Staff:**

Jeff Bridges, Town Administrator  
Samantha Evans, Administrative Assistant

**Executive Session:** To consider the purchase, exchange, lease, or value of real property, if the chair declares that an open session may have a detrimental effect on the negotiating position of the public body.

**Chair Blanchard called the meeting to order at 6:15 pm**

**Motion: To Move into Executive Session and Return to Open Session By: Chair Blanchard**

**2<sup>nd</sup>: Selectman Gimas**

**Roll Call Vote: Chair Blanchard YES, Vice-Chair Dowling YES, Selectman Suprenant YES, Selectman Gimas YES, Selectman Kaitbenski YES**

**Open session in order at 6:25 pm**

**The Selectmen led the Pledge of Allegiance.**

**Chair Blanchard read through the agenda**

**Public Service Announcements**

The Selectmen wished the resident's happy holidays.

**Public Hearing- Liquor License- Old Sturbridge Pizza- 392 Main Street- Sukmit Gurung**

Selectman Suprenant read the legal notice provided in the Southbridge Evening News on November 21, 2019. Chair Blanchard asked if the green return receipts were received from the abutters. It was confirmed we received the green return cards. Selectman Gimas asked about TIP certification and ServSafe. Old Sturbridge Pizza does hold the certificates inquired on.

Chair Blanchard shared that in the application she saw a billiard/pool table. A permit is required for a billiard/pool table. Old Sturbridge Pizza owner and attorney confirmed they would submit a permit.

**Motion: To Grant a new license for Old Sturbridge Pizza at 392 Main Street to S and L, LLC as stated on the application By: Vice-Chair Dowling  
2<sup>nd</sup>: Selectman Kaitbenski  
Vote: All in Favor (5-0)**

**Appointments to Boards & Committees**

**Teresa Gorman, Open Space Committee**

**Motion: To Appoint Teresa Gorman to the Open Space Committee By: Selectman Gimas  
2<sup>nd</sup>: Selectman Kaitbenski  
Vote: All in Favor (5-0)**

**Russell Chamberland, Betterment Committee**

**Motion: To Appoint Russell Chamberland to the Betterment Committee By: Selectman Gimas  
2<sup>nd</sup>: Selectman Kaitbenski  
Vote: All in Favor (5-0)**

**Permits & Applications**

**Live Entertainment Permit, Sawdust Coffee House & Dessert Bar, Peter Champagne**

Selectman Gimas was concerned about the hours of serving alcohol because of the hours requested on the application.

**Tabled to January 6, 2020 Board of Selectmen Meeting**

**Change of Manager, Ocean State Job Lot, 178 Main Street, Licensing Coordinator Jennifer Fredette**

Ocean State Job Lot Manager Michael Rodriguez was requested at the next meeting to discuss the application and answer questions.

**Tabled to January 6, 2020 Board of Selectmen Meeting**

**Department Head Updates**

**Fire Department**

Chief John Grasso went before the Board and asked if there were any questions about the reports he provided. He then shared that the first Citizen Fire Academy was very successful. There was a total of five participants. Out of the five participants, three submitted applications to the Fire Department. The department will be doing the program again next year.

The Sturbridge Fire Department was awarded by the Executive Office of Public Safety and Security and the Department of Fire Services two fire award services grants. One was the Washer-Extractor grant for \$6,416.72 and

the other was the Firefighter Turnout Gear grant for \$850. Two other grants were received recently that were not provided in the written report.

Chief Grasso also requested that residents dispose of ashes appropriately. The Fire Department is already dealing with fires caused from improper disposal of ashes.

### **Water & Sewer Department**

Project Manager Shane Moody went before the Board and presented his report. All the hydrants have been winterized and all the flags are up. Only one of the hydrants is out of service on Maple Street. It needs to be dug out and replaced when there is better weather. The department finished with UCMR4 testing. All samples came back clean. There was an increase in the waste water treatment plant flow due to snow. The plant was able to handle 1.1 million gallons of water a day with no issues.

Project Manager Moody proposed that the Town of Sturbridge should at some point consider paying for their own pump station and treat their own waste rather than going through Southbridge. Vice-Chair Dowling said that Sturbridge does have the capacity.

### **Town Administrator**

Town Administrator Jeff Bridges informed the Board that the DiVerdi lots on New Boston Road, four lots are ready for houses. The only excavation that will take place is for the septic system and basement.

On December 13, 2019 the Cedar Lake Association, Conservation Commission, and Town Administrator Bridges met at the Department of Transportation (DOT). The meeting was to discuss improvements to fully fix drainage issues off the Turnpike into Cedar Lake. Plans are incomplete at this time.

Town Admin. Bridges addressed the request by Selectman Suprenant on figuring out what happened to the Cable Committee. The Cable Committee disbanded in 2015. Town Admin. Bridges asked if they Board would like to have the Committee put together again. They all agreed the Committee was a necessity for the town. Town Admin. Bridges said he would put out a notice for the open positions.

Items that he also provided to the Board were a 501 Main Street revised purchase and sale agreement, a letter from Waze on Farquhar road, Zoning Board of Appeals diagrams of the pump station, a letter from Donna Englander, a letter from CPC, an email from 253 Organic regarding marijuana, diagrams related to the Senior Center study, and a memo by Attorney Nicole Costanzo on the host community agreements.

### **Discuss the traffic issue on Farquhar Road**

For public record Chair Blanchard and Selectman Gimás provided that they live on Farquhar Road. The individuals given permission to address the Board on this item were those who previously corresponded with the Board.

Lynne Petersen from Farquhar Road was one of the residents. She shared that in the past she had to deal with giant divots in her lawn. Now she has drivers backing up in her driveway to turn around. She put up a fence to stop them from going on her lawn but it is still a concern. Her husband is also receiving a drug for heart attacks. For these particular drugs she was told to get help as soon as possible. The traffic issue stops them from being able to leave in emergency situations. Mrs. Peterson hopes now that the Board is aware, they will do something about the situation.

Chair Blanchard shared that the Board is aware of the situation and is doing the best they can to address the situation.

Mr. Buck Smith from Blueberry Lane went before the Board. He shared his concern about the amount of traffic. He said that at one point a resident was directing traffic on Farquhar Road. A marijuana retail store may be put in at Paoletti's. Mr. Smith believes if this is the case, the bridge on Farquhar Road was not built for the possible increase in traffic. The bridge has weight limits for trucks. He also brought up emergency vehicles and their inability to come and go on the road.

Chair Blanchard read the letter provided by Donna Englander on the subject of Farquhar Road.

Town Admin. Bridges shared a statement from volunteer managers at Waze who answer questions on map issues. Waze discussed the request made by the town. Waze responded that they respect all rules and laws, if the road is signed they can limit the road. If the town would like the restrictions, the town can contact Waze and influence the outcomes.

DPW Director Butch Jackson said he contacted someone in Mansfield who has a super-user account with Waze. Sturbridge could be designated as a super-user and then designate roads as closed. The super-user could close roads in Waze for specific times. These digital closings will not stop local traffic and those who have used the roads before.

Chair Blanchard said that there may be some things that the town can alleviate, given what the departments in town are working on.

Selectman Gimas addressed the Board as a citizen. She was also concerned that the bridge was designated to be replaced and it does not have the capacity to hold the weight on the bridge. She shared that at one point she was walking down Blueberry Lane. Past Blueberry Lane there was a moment that could have ended with a possible head on collision. Ms. Gimas said that the road is not commercial and it should be closed to eighteen wheelers. Vice-Chair Dowling said that as a town we should make this a priority.

Director Jackson shared that if the trucks are empty it is legal for them to travel in that area. Vice-Chair Dowling asked if the town could have someone at high traffic times to try and watch and be aware of the situation. Town Admin. Bridges answered that the town does not have the man power.

Other possible solutions were covered by both those in attendance. Selectman Gimas asked for a time frame that this situation could be dealt with. Chair Blanchard said that due to the holidays, this will be dealt with by the second meeting in February.

#### **Appeal the water bill for 50 Farquhar Road**

Barbara Martel received her water bill July 2, 2019 for \$1,470.41. She was concerned with the high amount and had no indication of where the water went. Ms. Martel looked back at previous bills and they all were in the range of \$190-\$220. The water company went out to her house and read the meter. There was said to be 9,000 gallons a day going through her septic. Ms. Martel had previously asked how she could appeal this. The initial appeal process was rejected. Ms. Martel believes her meter is faulty and she wanted it checked. She said she has been in the same house for over 20 years and never had this issue. She would like to have her bill appealed.

Project Manager Shane Moody went before the board to discuss his stance. He understands Ms. Martel's frustration but he believes the meter is working properly. If the meter is working properly there would be an extra \$100 charge on her bill. Ms. Martel was worried if she left the meter and didn't check it, she may have the same issue again.

Project Manager Moody said the meter cannot move unless water goes through it. The town chose not to have a separate system that showed the readings daily. There is not enough man power to read all of the reports and have the town monitor all abnormal water activity. Project Manager Moody made it clear he is following the bylaws. The

town charges if Ms. Martel wants to change her meter. If the Board would like to provide a meter for free the bylaw needs to be changed.

Chair Blanchard believes this is different than the other water bill appeal requests. No cause was found by the town or the owner for the water amount billed. The Board all agreed it was an anomaly. Only a few members of the Board agreed that the town should pull her meter and test it to see the results.

**Motion: To have the meter tested at the expense of the town until the results of the testing are received By: Selectman Suprenant**

**2<sup>nd</sup>: Selectman Kaitbenski**

**Vote: (4-1) (Selectman Gimás Opposed)**

**Approval of Head Mechanic job description for the Department of Public Works**

**Motion: To approve the job description for Equipment Operator Head Mechanic By: Selectman Suprenant**

**2<sup>nd</sup>: Selectman Kaitbenski**

**Vote: All in Favor (5-0)**

**Accept resignation of Ramonita Brunell as part-time dispatcher with the Sturbridge Police Department**

Chair Blanchard read the resignation letter provided by Ramonita Brunell.

**Motion: To accept the resignation with regret by Ramonita Brunell By: Vice-Chair Dowling**

**2<sup>nd</sup>: Selectman Kaitbenski**

**Vote: All in Favor (5-0)**

**Accept the purchase and sale agreement for 501 Main Street**

Town Admin. Bridges presented a revised version of the agreement to the Board. He pointed out two corrections made by KP Law. Selectman Suprenant asked whether the RFP for the purchase of the land was advertised in the central register and the publishing was confirmed. He thought the Board would vote after the Special Town Meeting to accept the agreement. Chair Blanchard provided that it would after the Board accepted the agreement. Town Admin. Bridges said that by accepting the agreement now, the town would be showing a commitment. The agreement would not be finalized until after approval at the Special Town Meeting.

**Motion: To accept the purchase and sale agreement for 501 Main Street By: Selectman Kaitbenski**

**2<sup>nd</sup>: Vice-Chair Dowling**

**Vote: (3-2) (Selectman Gimás & Selectman Suprenant Opposed)**

**Discuss host community agreements for the retail sale of marijuana**

Town Admin. Bridges introduced Town Counsel Nicole Costanzo from KP Law to the Board. Attorney Costanzo was present to address any issues and to help the Board understand the language of the agreements. She prepared a memo that started the discussion.

The first clarification Attorney Costanzo provided was the difference between a community impact fee and a community benefit fee. A community impact fee is a statutory fee that allows for up to three percent of the gross sales of the establishment. It is not a revenue generating fee. It is to reimburse the town for any impacts these establishments have on the town itself. For things like road damage, drug awareness programs, and police training.

The town has to document and record the impacts. A community benefit fee is something in addition to the community impact fee. Attorney Costanzo cautioned the town as agreements on marijuana are subject to a high level of scrutiny right now. It has been in the news that some municipalities are taking advantage and abusing the negotiations.

The next clarification made was on the laws governing conversion of medical marijuana and adult recreational marijuana establishments. The law states that zoning ordinances and bylaws cannot prevent conversion. Priority statuses applicants. The Town of Sturbridge has adopted a zoning bylaw limiting the town to two establishments allowed in the area. If Sturbridge has two establishments already in town and one of them wants to convert, the bylaw cannot prevent the conversion.

Selectman Suprenant asked if the conversion has to be from the same entity. Attorney Costanzo answered that an entity that has medical marijuana license can convert to adult use recreational marijuana. The laws are not clear on the definition of conversion.

Vice-Chair Dowling said that she realizes that it is legal for Heal, Inc. to convert to adult use marijuana under the Mass. statute. There are no prohibiting words or guarantees in the host agreement that conversion cannot happen. She would want to see language from Heal, Inc. which would relinquish any statutory right to convert in the future. In the event that Heal Sturbridge is given an adult use license.

Attorney Costanzo shared that Heal, Inc. is a completely different entity than Heal Sturbridge, Inc. Heal, Inc. is not a recreational adult use establishment and they have no conversion protection. Heal, Inc. can convert in the future while Heal Sturbridge, Inc. cannot. Heal, Inc. has a limit on their ability to convert until the year 2021. Heal Sturbridge, Inc. would be amendable to conversion. Vice-Chair Dowling was opposed to providing two licenses to Heal, Inc. and Heal Sturbridge, Inc. Attorney Costanzo assured the Board that Heal is only interested in one adult use license. KP Law can work with both companies to make the appropriate amendments to the agreements.

Selectman Kaitbenski brought up his concerns with the scrutiny on the community benefit fee and the community impact fee. Vice-Chair Dowling requested the range for the community fees. She requested for numbers from KP Law containing a range of the amounts they have had on other recreational marijuana agreements. Town Admin. Bridges said that the amounts provided to Sturbridge were not set by KP Law.

Vice-Chair Dowling stated that all the applicants seemed willing to train more than one officer. Town Admin. Bridges said that the community impact fee is used for training. The town must show reasonable mitigations. The three percent community impact fee trains as many officers as the town would like but only one officer is a requirement in the agreement. Attorney Costanzo said that the Board can change the requirement of one officer to as many they would like.

Selectman Suprenant asked if the Town could use the community impact fee to reimburse the Town for costs on road improvements and repairs. He wanted to know when the Town would receive the three percent to deal with impacts. Town Admin. Bridges shared that the Town will get three percent each year and in year five Sturbridge will renegotiate.

Selectman Suprenant asked if the discounts would be taken off the agreements. Attorney Costanzo replied said discounts can be in the agreement but they still must follow federal and state law regulations. Vice-Chair Dowling was not in favor of having the discounts in the agreements.

There were more questions on what the fees could be used for in the town and Town Admin. Bridges stated that the use of funds will need to be negotiated by the town. The allocation of the amount will be decided later on by the Board.

Vice-Chair Dowling aimed for safety and reducing the impact on the town. She wanted to make sure officers are prepared to deal with future impacts. She also wanted to confirm that there would be money for training all Sturbridge Police Officers.

Town Admin. Bridges shared his concern with the Boards interest in a traffic study by each applicant. If the Board requires traffic studies, the negotiation process will be extended. All three applicants have to wait if one decides to take the time to do a study. Vice-Chair Dowling asked if limiting the number of registers would help control traffic. Attorney Costanzo replied it had not been done before. Selectman Kaitbenski was happy with capping at 600 transactions per day. Vice-Chair Dowling believed that the Board should get a report on a regular basis. So that the Board can make sure the applicants are not violating their agreements. Town Admin. Bridges Jeff inputted that the information could be put in the agreement as provided upon request by the Town Administrator. Vice-Chair Dowling said she would rather the Board get the report and review them.

The Board considered restricting appointments made by applications at certain times of day. Chair Blanchard shared that this may be too restrictive. Attorney Costanzo KP reminded the Board that terms are amendable by both members. At this comment Vice-Chair Dowling said that it is better to start strict then in the future make amendments. She also would like the traffic study to be done with the Board and not just with the other committee. Vice-Chair Dowling said that is the Board does not get the traffic study now, they cannot determine which location is better to have an establishment. Selectman Gimás shared the same opinion.

Chair Blanchard said that it is up to the Planning Board not the Board of Selectmen. She was not in favor of requiring a traffic study. Selectman Suprenant was dubious of a traffic study at this time.

Town Admin. Bridges reminded the Board that if they make the decision to have the traffic study they have to allocate time for the study. They also have to provide time for peer review. Selectman Gimás encourages the applicants that even if it is not approved by the Board they should do a traffic study on their own. Town Planner Jean Bubon shared with the Board that even if the applicants do a traffic study they may not be reliable studies without peer review. Further a traffic study for each location will be required as part of the special use permit. Each traffic study may go through a different process, have different factors, and different forms of peer review.

**Motion: That a traffic study be submitted by each of the applicants in order for the Board of Selectmen to make the appointment of two marijuana retail sites with a more comprehensive decision By: Selectman Gimás**

**2<sup>nd</sup>: Vice-Chair Dowling**

**Vote: (2-3) (Selectman Kaitbenski, Selectman Suprenant, & Chair Blanchard Opposed)**

Attorney Costanzo asked the Board what they would like to request for time to deal with complaints. The Board agreed on a calendar quarter (3 months). Attorney Costanzo KP Law brought up enforcement provisions for different violations. The Board said they were less interested in money and requested the applicants freeze or close services. A grammar alteration was requested for the agreements. Vice-Chair Dowling also requested that the police to be given an amount for sting operations.

### **Review the proposed warrant articles for January 27, 2020 Special Town Meeting**

The Board agreed to schedule a Special Meeting for this discussion on Thursday January 2, 2020 at 5:00 p.m.

**Tabled to January 2, 2020 Board of Selectmen Special Meeting**

### **Waiver of \$275 Zoning Board of Appeals application fee for the Fiske Hill Water Pump Station Project**

December 16, 2019

**Motion: To waive the fee of \$275 for the Zoning Board of Appeals application fee By: Selectman Gimas**  
**2<sup>nd</sup>: Selectman Kaitbenski**  
**Vote: All in Favor (5-0)**

### **New Business**

Chair Blanchard shared that the Board does have to discuss the merit pay for the Town Administrator based on his goals. Town Admin. Bridges will provide an update on his goals in January.

### **Correspondence**

**A. November 6, 2019 Venture Community Services**  
Happy Holiday Card (Vice-Chair Dowling).

**B. December 11, 2019 BCI Capital**  
Request to be added to bid list for deposit services and equipment financing.

**C. December 12, 2019 National Grid**

Town Admin. Bridges shared that National Grid will come out the first meeting of February for discussion.

### **Approval of Minutes**

December 4, 2019

**Motion: To approve the Minutes for December 4, 2019 as amended By: Selectman Gimas**  
**2<sup>nd</sup>: Selectman Suprenant**  
**Vote: All in Favor (5-0)**


### **Adjourn**

**Motion: To adjourn at 10:09 p.m. By: Selectman Gimas**  
**2<sup>nd</sup>: Chair Blanchard**  
**Vote: All in Favor (5-0)**

**Adjourned at 10:09 p.m.**

**Minutes prepared by: Samantha Evans**

Clerk of the Board:



Date signed:

01-22-2020