



TOWN OF SOUTHBRIDGE

**JOINT GENERAL GOVERNMENT SUBCOMMITTEE /
TOWN COUNCIL MEETING
WEDNESDAY, SEPTEMBER 22, 2021 – 6:00 PM
VETERANS ROOM**

MEETING MINUTES

1. Chairwoman Ryan called the meeting to order at 6:07 PM and began roll call:

Subcommittee Members Present: (4)	Members of the Public Present:
Chairwoman Jacquelyn Ryan, Town Councilor	Chairman John Daniel, Town Councilor
Michael Marketti, Town Councilor	Vice Chair David Adams, Town Councilor
Gus Steeves, Town Councilor	Scott Lazo, Town Councilor
Martena Shea, Citizen Member	Joseph Cotrona, Town Councilor
Subcommittee Members Excused: (1)	Joseph Daou, Town Councilor
Denise Clemence, Citizen Member	Michael McCall, Town Manager
	Wil Cournoyer, Town Assessor
	Richard Clemence, Airport Commission
	Heather Blakely, DPW Director
	Matthew Desjardin, Assistant DPW Director
	Maureen Doyle, Conservation Commission

2. Consider and accept General Government Subcommittee Minutes of August 9th, 2021.

There was no discussion on the minutes.

MOTION: To accept the minutes of the General Government Subcommittee of August 9th,

2021 as presented.

MOTION MADE BY: Councilor Michael Marketti

SECONDED BY: Citizen Member Shea

MOTION PASSES (3-0-1) with Councilor Steeves Abstaining

3. Consider and accept General Government Subcommittee Minutes of September 8, 2021.

There was no discussion on the meeting minutes.

MOTION: To accept the minutes of the General Government Subcommittee of September 8th, 2021 as presented.

MOTION MADE BY: Citizen Member Shea

SECONDED BY: Councilor Michael Marketti

MOTION PASSES (3-0-1) with Councilor Steeves Abstaining

4. Review/discuss the Southbridge Airport Commission request to move forward and apply for the \$32,000.00 funding from the Federal Aviation Administration (FAA). Entertain a motion to vote to recommend that Council approve applying for the funding and authorize the Town Manager to sign all related documents.

MOTION: Recommend that the Town Council approve the Southbridge Airport Commission request to move forward and apply for the \$32,000.00 funding from the Federal Aviation Administration (FAA).

Chairman of the Airport Commission Richard Clemence explained the FAA received ARPA funds and that the Southbridge Airport was entitled to a 32k grant from the FAA which can be used for any costs at the airport which he intends will be used for Payroll (which is allowed with ARPA funds).

MOTION MADE BY: Councilor Michael Marketti

SECONDED BY: Councilor Gus Steeves

MOTION PASSES (3-0-1) with Councilor Steeves Abstaining

5. Review/discuss the Town waiving its Right of First Refusal, according to MGL, Chapter 61 and 61A Assessor Parcels 040-002-00001 (C61) and 041-003-00001268 (C1A) and 041-004-99991 (C61) 268 and 348 Dresser Hill Road (the "property"). Entertain a motion to vote to recommend that Council waive its Right of First Refusal to the property.

Wil Cournoyer explained that this is a parcel of land on Dresser Hill Road and that we had already waived the Town's right of first refusal in 2019 but that we must revisit this issue

because the owner of the project on the property notified the town that the paperwork had been filled out incorrectly and needed to amend that documentation to reflect the actual chapter that the parcel was classified as at the time of the transfer. He let the subcommittee know that the property owner did pay the rollback tax owed for the parcels being transferred out of chapters 61 and 61a.

Councilor Cotrona stated that he thinks the Town Council should wait to move on this because the town should try to use this opportunity as a way to bring them to the table to address the major runoff incident that has been occurring because of the project on those parcels of land. He also stated that it has been negatively affecting homeowners on Dresser Hill Rd. and they would like to see action taken on that front.

Wil Cournoyer explained that he didn't think Councilor Cotrona's idea was a bad one because he thinks the investors in the project must be trying to push this correction through to, "dot every i and cross every t" but he went on to explain because this is a technical issue and because the town had already waived its right of first refusal; there wasn't much wiggle room.

Councilor Steeves was not impressed by the management of the project and he stated that this issue is just another one in a long string of general incompetency we have seen with this project. He also wondered if the town could add some stipulations to the motion to fix some of the issues up there.

Town Manager McCall replied that he didn't think that was legal and that the town could either waive its right of first refusal or try to buy the land.

Councilor Lazo stated that he understands the councilors' points however he believes unless the town is interested in buying the land, we should just reconfirm the previous council's vote because those are really our only two options and he doesn't think it's legal either to add stipulations over a clerical matter.

MOTION: Ask that the Town Council waive the Town's Right of First Refusal, according to MGL, Chapter 61 and 61A Assessor Parcels 040-002-00001 (C61) and 041-003-00001268 (C1A) and 041-004-99991 (C61) 268 and 348 Dresser Hill Road (the "property"). The Subcommittee makes no official commendation to full council on the matter.

MOTION MADE BY: Councilor Marketti

SECONDED BY: Councilor Steeves

MOTION PASSES 4-0, Unanimous of All Present

6. Review/discuss the Snow Removal By-law, Section 7-406 to change the by-law to read that snow removal time from the sidewalks be reduced from 24 to 12 hours. Entertain a motion to vote to recommend to Council for a first reading.

Ms. Piche came to the subcommittee and explained that the requirement to have the snow shoveled off the sidewalk within 12 hours of the cessation of the snow storm was unrealistic. She went on to explain that one instance in 2020, a storm ended right before the end of the day and that when she got up the next morning to deal with the snow, she had already been ticketed for a violation. She felt 24 hours was far more reasonable. She also asked the subcommittee at some point to consider revisiting the snow removal bylaw fines as well because she feels that

they are too high in comparison to the towns around us.

Department of Public Works Director Heather Blakely explained she did support this change as well because this bylaw also applies to town properties and this would give her crew more time to get the sidewalks shoveled instead of having to come in at night to deal with the sidewalks before the 12 hour deadline.

Many councilors highlighted the fact that there wasn't much documentation in the form of minutes around when the snow removal bylaw was changed to require sidewalks to be shoveled within 12 hours of the cessation of the storm. Councilor John Daniel explained he would look into the history of it for the full council.

Councilor Marketti asked if we could amend the motion to reflect changing the fees as well. To which Chairwoman Ryan stated she felt that a motion would be out of order because the agenda posted only mentioned amending the hours around snow removal on sidewalks not about amending the entirety of the bylaw.

MOTION: Recommend that the Town Council amend the Snow Removal By-law, Section 7-406 to change the by-law to read that snow removal time from the sidewalks be reduced from 12 to 24 hours.

MOTION MADE BY: Councilor Steeves

SECONDED BY: Councilor Marketti

MOTION PASSES 4-0, Unanimous of All Present

7. Review and discuss the proposed Stormwater By-law and Stormwater Rules & Regulations. Entertain a motion to vote to recommend that Council begin the process of passing the Stormwater By-law, which requires the By-law to be read at three separate meetings prior to being voted on by Council, and further recommend that Council approve the adoption of the Stormwater Rules & Regulations following the passage of the By-law.

Department of Public Works Director Heather Blakely explained this bylaw was born because of a 2003 EPA regulation meant to protect waterways in the entire United States from stormwater runoff that then led to a stormwater bylaw being a requirement under the new 2016 MS4 permit. This new permit requirement also stated what had to be included in a stormwater bylaw. She also explained that we are part of the Central MA Stormwater Coalition and that provided our community with the opportunity to have that coalition pay a consultant to draft the Stormwater Bylaw and set of regulations that met EPA regulations that then Assistant Director Matthew Desjardin further built out with input from the director and other water department personnel. Ms. Blakely also informed the subcommittee that the EPA already knows we are in violation of the order and is putting pressure on her to get this bylaw presented and passed as soon as possible.

Assistant Director Matthew Desjardin went on to further explain that the town of Southbridge received a compliance order in December of 2019 to pass and implement a Stormwater bylaw and regulations by March of 2020. They recently checked in about the status of this bylaw and set of regulations in February of 2021.

Councilor Cotrona asked if this bylaw was going to result in the hiring of more staff or consultants.

Assistant Director Matthew Desjardin explained that the new regulations in the MS4 permit alone is probably going to require bringing on more staff to be compliant, especially around testing and sampling.

Councilor Steeves asked a number of clerical questions around language, procedure, & general clarification, those questions were then forwarded to the DPW Director for further & more extensive comment.

Councilor Marketti stated he considers this an unfunded mandate because there is no funding from the state or federal government to implement this requirement. He also asked why the Town Council has not had a vote on the Wetland Bylaw, which did go up with a positive recommendation from the subcommittee. He then asked why the town is exempt from the bylaw. DPW Director Blakely explained it was in the EPA regulations that town construction and road construction wouldn't be in violation because the EPA recognizes the town's need to improve infrastructure as needed.

Citizen Maureen Doyle recommended to Ms. Blakely about having a citizen or two of Southbridge on the advisory team.

Citizen Member Shea asked if business parking lot and driveways would be in violation due to runoff, to which Mr. Desjardin explained that in most cases this would not happen but there could be cases of severe stormwater runoff issues from large parking lots but expects that to be rare.

MOTION: Recommend that the Town Council begin the process of passing the Stormwater By-law, which requires the By-law to be read at three separate meetings prior to being voted on by Council.

MOTION MADE BY: Councilor Steeves

SECONDED BY: Councilor Marketti

MOTION PASSES 3-1, with Citizen Member Shea opposing.

FURTHER MOTION: Delay discussion and vote on the adoption of the Stormwater Rules & Regulations.

MOTION MADE BY: Councilor Steeves

SECONDED BY: Citizen Member Shea

MOTION PASSES 3-1, with Councilor Marketti opposing

8. Discuss Mullin's Rule and entertain a motion to vote to recommend that the Town Council adopt the Mullin's Rule.

Chairwoman Ryan began by stating that some work that had to be done before this meeting was to draft the qualifications the subcommittee had come up with. The Town Manager responded

that legal counsel informed him that the adoption of state statute cannot be subject to qualification when adopting; however the town can adopt a bylaw to further clarify the rule after the acceptance of the MGL.

Citizen Maureen Doyle said this rule is sorely needed and is happy about the possible passage of this rule.

MOTION: Recommend that the Town Council adopt Chapter 39 Section 23d known as the Mullin's Rule.

MOTION MADE BY: Councilor Steeves

SECONDED BY: Councilor Marketti

MOTION PASSES 4-0, Unanimous of all Present

9. Discuss Town proposed Town Council Rule 4B: Procedure for confirmation of Town Manager appointments to committees, boards and commissions.

Councilor Ryan read the rule into the record. There was no objection or changes recommended.

"All Committee, Board, & Commission appointments & reappointments by the Town Manager or appropriate appointing authority shall be reviewed & vetted by the subcommittee of the Southbridge Town Council best fit to review the applicant before such appointment is sent to the full Town Council for confirmation."

NO VOTE HAD ON ITEM, will bring back for final vote to full council

10. Adjourn

MOTION: Motion to Adjourn

MOTION MADE BY: Councilor Steeves

SECONDED BY: Councilor Marketti

MOTION PASSES 4-0, Unanimous of all Present

General Government Subcommittee Members: Councilor/Gen Gov Chair, J. Ryan,
Councilors Mike Marketti, G. Steeves - Citizen Members: Denise Clemence, Martena Sheac:
M. McCall, Town Manager

(Agenda approved by Councilor/Gen Gov Chair, Jacquelyn Ryan on 9/15/2021)