

**TOWN COUNCIL MEETING
TOWN OF SOUTHBRIDGE
MONDAY, FEBRUARY 12, 2018**

A meeting of the Southbridge Town Council was held on Monday, February 12, 2018 in the Town Council Chambers. Chairman Clemence called the meeting to order at 7:04 p.m.

Agenda Item #1. Pledge of Allegiance. Chairman Clemence led the recital of the Pledge of Allegiance.

Agenda Item #2. Roll Call. Councilors present: Auclair, Carrasco, Clemence, DiPietro, Manna, Morales, Nash, and Steeves.

Agenda Item 3. Consider and accept the Town Council Meeting Minutes of January 29, 2018. A motion was made by Councilor Nash, seconded by Councilor Manna, to vote this item. **Vote by show of hands all in favor, Councilor Auclair abstaining.**

Agenda Item #4. Subcommittee Summaries (relevant minutes to be read at each agenda item).

- a. **General Government.** Subcommittee Chair Councilor Steeves said there was a meeting on 2/9/18 resulting in Items #9 and #10 on tonight's agenda. He said a presentation was done at that meeting by the Town Assessor regarding the 183 Town-owned parcels, and discussion about whether any of them had value. Councilor Steeves said there is another meeting coming soon.
- b. **Department of Public Works.** Subcommittee Chair Councilor DiPietro said there is a meeting on 2/13/17 at 7 p.m., in the Veteran's Room of Town Hall.
- c. **Education and Human Services.** Subcommittee Chair Councilor Nash said there is a meeting on 2/13/17 at 6 p.m. in the Veteran's Room of Town Hall.
- d. **Planning and Development.** Subcommittee member Councilor Clemence read the minutes from the 2/5/17, and said many of the items are on tonight's agenda. Subcommittee Chair Councilor Auclair thanked the many who stepped up to fill in during her absence.
- e. **Protection of Persons and Property.** Subcommittee Chair Councilor Manna had no minutes to report and no meeting currently scheduled.

Agenda Item #5. Chairman's Announcements

Chairman Clemence said the School Committee meeting tomorrow night will include introduction of the new Receiver, at 7 p.m. in Council Chambers.

Chairman Clemence said she received word from Bay Path that their budget meeting for FY19 is on 3/5/18, at 6:30 p.m., at the school.

Chairman Clemence addressed previous comments made by a citizen about alternate side parking. Chairman Clemence said spoke with the Police Chief and the main reason most communities have alternate side parking is because it allows for snow plowing on both sides of the street.

Chairman Clemence said she met with the Receiver last week and she and others had a good conversation about the Town's concerns. Chairman Clemence said her first impression is a positive one.

Agenda Item #6. Town Manager Announcements

Mr. San Angelo said the Substance Abuse Advisory Committee has produced a newsletter, which he shared and which is also on the Town's Facebook page, the Town website, at the Library, and at Town Hall. Mr. San Angelo said this newsletter is more Southbridge specific and also includes connections in town for anyone who has an addiction. Mr. San Angelo said his research told him it was difficult to find Southbridge sources, so this newsletter has Southbridge sources and agencies.

Mr. San Angelo said the Town Council recently voted to join a lawsuit against opioid manufacturers, and we are now part of the process. Mr. San Angelo said a recent newsletter has described that a leading opioid drug maker has announced it won't advertise to doctors the way they used to, for fear of litigation. Mr. San Angelo said it is nice to see the pharmaceutical companies get a little nervous.

Mr. San Angelo said he also met with the new Receiver, Dr. Villar. Mr. San Angelo said he was pleased with the comments he made, and found Dr. Villar responsive. Mr. San Angelo said the schools are making great progress, and he sees the system slowly moving forward. He said this will take some time. Mr. San Angelo said the new Receiver has experience with towns like Southbridge.

Agenda Item #7. Swearing in/Presentations. None.

Agenda Item #8. Citizens' Forum. None.

Agenda Item #9. Vote to accept a property located on 133 West Street, parcel number 049-136-00001, and hereby authorize the Town Manager to execute an acceptance of said property on behalf of the Council. A motion was made by Council Steeves, seconded by Councilor Nash, to vote this item. Councilor Steeves said this was an item from the last GG Subcommittee meeting. He said the Town Treasurer described that the current owner of this property bought it at auction, sight unseen. He lives out of state and now is getting tickets for not shoveling it. Councilor Steeves said the Town Treasurer said they owe \$35k in a demolition lien and the owner is willing to sign the property over in lieu of foreclosure. Councilor Steeves said this course is the recommendation of the Town Treasurer. Councilor Nash said this is the property on the corner of West Street and School Street. **Vote by show of hands all in favor.**

Agenda Item #10. Vote to accept the PARC Grant and Parkland Acquisitions and Renovations for Communities Program Project Agreement in the amount of \$234,972.00. A motion was made by Councilor Nash, seconded by Councilor Carrasco, to vote this item. Councilor Steeves said this item also originated in General Government Subcommittee, including talk about the 21e testing for the site, and it was voted to send to full Council.

Councilor DiPietro said his opinion remains unchanged. He said Council has received responses from both sides regarding the proposed park, and he still believes it presently is fiscally irresponsible to put this money in this direction right now. He said we can't repair the road to get to the park.

Councilor Auclair said as Councilors we need to be focused on more than short term goals, more focused on medium and long term goals and not a quarter mile of road this money would get us.

She said for too long the Town has been shortsighted and has kicked the can down the road for long term goals. Councilor Auclair said the infrastructure is a big problem and \$100k is a drop in the bucket compared to the amount needed. Councilor Auclair said this vote is to accept the grant, not to formalize the purchase and sale agreement for the lot. She said those issues can still be negotiated outside of tonight's meeting. She said she hopes the Council is looking toward the future and long-term success rather than patchwork fixes that we are accustomed to doing.

Councilor Nash said he agrees with Councilor Auclair. He said there have been two separate subcommittees on the acceptance of this grant, and much has been said about all of it. He said at the end of the day he still supports it.

Councilor Steeves said he is still concerned about many of the things as before, specifically issues with contamination and testing. Councilor Steeves said it seems premature to accept funds before we know if it makes sense to do the project. Councilor Steeves made a **motion** to postpone the vote until the Town receives a 21e report.

Mr. San Angelo said the Town was supposed to accept the grant by 1/31/18, and the grant writer has actually given the Town a little extra time. Mr. San Angelo said he tried calling her today but she is on vacation until 2/24. Mr. San Angelo said he doesn't believe we should risk the grant, and what we are doing tonight is accepting the grant. He said the State knows we won't do this deal without accepting the land. Mr. San Angelo said once we have the 21e we will have a separate vote. Mr. San Angelo said the owner has said he is willing to pay for the 21e. Mr. San Angelo said tonight's vote says to the State that if the 21e comes back clean we will accept the grant.

Councilor Nash said the vote was 3 to 1 in favor in subcommittee, and it needs to be done now.

Councilor Morales said whatever the outcome he hopes the Council can move on. He said we have to agree to disagree, and we don't get elected to always be on the same side. Councilor Morales said he wants to continue to work together, and to move at a faster pace and get our business done.

Chairman Clemence said the issue for her is not the 21e, but it is all about the money, and right now the community has a lot on its plate and this project is not in the best interests of the community at this time. Chairman Clemence said this vote is important, and the Charter is specific that Councilors must vote on all grants.

Councilor Manna said she wasn't at the General Government Subcommittee meeting but if she had been she would not have supported it there.

Chairman Clemence said we have a Fire Station study being done, and a dog shelter being considered. She said these would be better paid for than grass by the side of a river and to tear down someone else's decrepit fence.

Councilor Auclair said this park provides value to the community, and \$100,000 won't do much for the schools. She said we will take this money and build something positive for the Town. She said we should stop talking about putting capital money into needs, and tonight's vote is for the

grant. She said everything will be negotiated with the purchase and sale agreement, and this vote is to accept the grant and does not lock us into this project.

Councilor Carrasco said this is a project for the interest of many. He said we have had many master plans and studies, and in many places the Town is being advised to revitalize the river. He said there are not many places in Town to do this, including the West Street area. Councilor Carrasco said the Town spent \$150,000 to knock down one building.

Councilor Steeves wondered if the Town can instead revitalize the West Street Park area for waterfront access. Councilor Auclair said drainage at the site is a problem for much of the year, and this is not an either-or decision. Councilor Auclair said if we say no to this grant then the chances of getting one in the future are slight.

Councilor Nash said his mind has not changed, and he thanked all the citizens who spent their time with the master plan committees. Councilor Clemence said some of the ones who approached her were on those committees.

Demetri Kasperson of North Street said the master plan made the mandate to the Town very clear, and one long-term study said this part of the river was ideal for a park. Mr. Kasperson said it is disconcerting to hear Councilor Steeves think an idea he thought of this morning has more bearing than one that was the result of two years' worth of research done by experts. He asked the Council to stop second guessing experts.

Mike Marketti of Maria Avenue said at the last meeting he thought this was a done deal. He said the Council has voted on other projects as well as the capital improvement plan. He said the Town has replaced a dump truck, spent \$50k on a firehouse feasibility study although one was already done; and the Town has approved \$300k for Chrome books and technology at the brand new high school.

Tina Paradis of South Street asked the Town Council to accept the grant and move forward, contingent on a clean contamination studies.

Robert Clemence of Country Club Place said this project has a lot of 'ifs' for the Town. He said in the end we are talking about less than one-half acre of usable land we can do something with. Mr. Clemence said most of it is waterfront that is unusable, that is against a roadway and against an old railway, where there are no records of what might have been contaminated along the railway for that era. Mr. Clemence said a 1.2 acre park for \$325k, with less than half of it usable land, is not a good value.

Mr. Kasperson said he has a copy of a phase 2 study done in 2004 of the entire riverbank of Southbridge, and will share with anyone in PDF format.

Economic Development Director Ms. Scrivens said based on her experience as Regional Director of the Mass. Office of Business Development where she reviewed applications for competitive grants, the Town put into motion 1 ½ years ago a commitment on its part that we wanted to do this. Ms. Scrivens said they work hard at the State level in awarding these grants, and if we turn this back for reasons people are bringing up now she is concerned it will be difficult to get another grant, at least from this department. Chairman Clemence said she was one of the

Councilors who voted to put this money aside, and at that vote the Council did not know this was the particular grant they were voting for and that was for some type of matching grant. She added that Mr. Roenfeldt told us that this grant only came out from the state in the late spring and that is when the work was started on it.

A **motion** was made to move the question by Councilor Manna, **seconded** by Councilor DiPietro. **Vote by roll call, Councilors in favor: Auclair, Carrasco, Clemence, DiPietro, Manna, Morales, Nash, and Steeves, by 8 to 0 the vote passes.**

Agenda Item #10 (as above). Vote by roll call, Councilors in favor: Auclair, Carrasco, and Nash. Councilors opposed: Clemence, DiPietro, Manna, Morales, and Steeves. By 3 to 5 the vote fails.

Agenda Item #11. Vote to ratify the agreement with Graves Engineering for independent peer review services under MGL, Chapter 53G in the amount of \$2,400.00, to be funded from account #215.50.4320.8370, Purchase of Services, Outside Consultants, Planning, MGL C44, Section 53G. A motion was made by Councilor Nash, seconded by Councilor Steeves, to vote this item. Chairman Clemence described this item, and said it is paid for by the developer. She said it was discussed in Planning and Development. **Vote by show of hands all in favor.**

Agenda Item #12. Vote to ratify the agreement with Maurice F. Reidy & Company to provide a Fee Simple appraisal of town-owned industrial and on Commercial Drive in the amount of \$1,750.00, to be funded from account #3.589.5899.123.9062, preparation for sale. A motion was made by Councilor Nash, seconded by Councilor Steeves, to vote this item. Chairman Clemence said this was discussed at Planning and Development, and we are looking to get a new appraisal with the last one done in 2012.

Councilor Auclair asked which companies are looking to expand there, and Ms. Scrivens said she really can't say as this is confidential, but there are people talking about potential investments. She said there are a couple of companies that have been looking to expand for a year and a half. Councilor Auclair asked if there are lots that don't require blasting, and if this is even viable land to develop. Ms. Scrivens said it is viable, and she is being told blasting is not an uncommon need in the development of lots. She said one of the most expensive things is wetland remediation on land. Ms. Scrivens said developing land is very expensive in any event; she said there is plenty of frontage on this road, and water and sewer are in place. Councilor Auclair asked if companies are aware of the amount of money they will need to put forward, and Ms. Scrivens said before anyone put forward a proposal they would need to do their homework. Councilor Auclair said the Town has dedicated countless hours to an industrial park that was built without a feasibility study, without a real plan and the only interested company ended up being a fake. Councilor Auclair said she feels unless there is something right down the pipeline then we shouldn't be spending any more Town resources, especially time, on the industrial park. Ms. Scrivens said Mid State Welding purchased a four-acre lot, and there is developable land there. Chairman Clemence said the last one was done in 2012, and we need to know what we have to market. Councilor Manna thanked Ms. Scrivens, and said she was glad to hear there are potential buyers to bring revenue to our Town.

Councilor Steeves asked about the timeline, and asked about how it was split to be appraised. Ms. Scrivens said the timeline is four weeks from signing the contract, and as far as the lot appraisals the project was done in conjunction with the Assessor and the DPW Director, to determine the best configured lots for the market, and to make it flexible so someone could join lots to meet their needs.

Mr. Marketti, a member of the Planning and Development Subcommittee, said he also asked about what type of company wanted to go up there, and no one could answer that. Chairman Clemence said an RFP will go out, and then the Town land gets approved through Town Council for sale. Mr. San Angelo said upon RFP acceptances any kind of business can try to buy land, and we can disqualify any purchaser. Ms. Scrivens said a couple of interested parties are manufacturing companies, which would be ideal because this will create jobs. Councilor Auclair asked if there are any special permit processes required, and Town Planner Mr. Comia said in the zoning bylaw, if there is a use that is allowed in industrial zoned land, then the only requirement will be the regular building permit process.

Mr. San Angelo said we are going to favor manufacturing, and the RFPs are standard documents and there won't be a lot unique to them, other than we want manufacturing with no retail, no other landfill operation. Councilor Steeves asked how much authority can we throw into an RFP over what we want and don't want, and Mr. San Angelo said other than the scope of services, almost nothing.

Agenda Item #12, vote by show of hands all in favor.

Agenda Item #13. Vote to approve the activities proposed as part of the Town's FY2018 application under the CDBG Program based on the Town receiving a total award of \$825,000.00. A motion was made by Councilor Steeves, seconded by Councilor Auclair, to vote this item. Chairman Clemence said the hearing on this occurred, and around \$600k of this money will be for phase II of the Central Street Parking Lot refurbishment, which is a readapt ion of the Central Street Parking Lot. Chairman Clemence said a part-time code enforcement officer will take \$26k, and commercial rehabilitation costs will take about \$44k. She said all administrative costs are built into the amount. Ms. Scrivens said interviews start tomorrow for the position of code enforcement officer, with three interviews scheduled. Councilor Manna asked if there is any way to decrease the amount being spent on the Central Street Parking Lot, and that \$500k is a lot of money for landscaping. Mrs. Cournoyer from the Planning and Development Office said this will include landscaping, hide-scaping, and lighting fixtures. Councilor Manna said she wants to take some of the money and fix some bumps on Main Street instead, and Mrs. Cournoyer said we could address Main Street with the FY19 grant money.

Councilor Carrasco said the \$26k for a code enforcement officer is a band-aid, and we will be hiring someone to do a job that should be done by someone else already, and then will end up being part of our budget. He said the \$44k for commercial rehabilitation is giving money for someone to fix up their business, but those are not our buildings and we are giving free money away.

Councilor Auclair asked who the Code Enforcement Officer will be working under, and it was stated he or she will work in the Inspections Department. Ms. Scrivens said using money this way is very common in the State, and is a proactive enforcement process. She said this is a way

to prevent buildings from getting into a state of blight where they need to be torn down. Chairman Clemence said this is also an advocacy method for the wellbeing of tenants.

Councilor Carrasco said he is concerned about creating positions with grant funding that later get funded with the general fund. Ms. Scrivens said the Council can discontinue this program any time, and the person hired will be fully aware this is grant funded. Ms. Scrivens said the position is part time also. Mr. San Angelo said the Inspections Department has had more time in court, and this position will go after slum landlords and can also help put more liens on properties that are noncompliant, as we added the blight bylaw to do just that. Mr. San Angelo said there is a significant backlog in doing code enforcement, and this will help the Inspections Department get up to speed. Mr. San Angelo said there are no plans to bring in a long term employee. Mr. San Angelo said the biggest issue for him is the public safety issue, and the need to protect citizens who live in those buildings. He said going to court for this is expensive, and this will send a strong message to landlords.

Councilor DiPietro asked if the individual will be reporting to the Director of Inspectional Services, and Ms. Scrivens said he will be. Councilor DiPietro asked if it is possible to partner with other communities for this coverage. Ms. Scrivens said this is a part time position, non-benefited. Councilor Steeves asked if there will be fees coming in to pay for this, and Ms. Scrivens said the Director of Inspectional Services is hoping it will lead to this. Ms. Scrivens said we are required to do these inspections every five years, and we have not been doing them. Councilor Manna thanked the Town Manager for bring this up, regarding absentee landlords. She said this has been brought up in the past regarding steps that are falling apart, porch railings coming out of the building, and others, and she has reported them. Councilor Manna said this should be a full time position, but she is glad to see we are setting aside money for this.

Agenda Item #13. Vote by roll call, Councilors in favor: Auclair, Carrasco, Clemence, DiPietro, Manna, Morales, Nash, and Steeves, by 8 to 0 the vote passes.

Agenda Item #14. Proposed Amendments to Southbridge Zoning By-law introducing a new definition in Article III: Definitions, Section 300.471: Commercial Recreational Marijuana Establishment, add Article IV, Section 401.5: Marijuana, add Article IV, Section 401.5(a): Marijuana Establishments, add Article V, Section 402.76: Marijuana Establishment and Article V, Section 502.139.2: Commercial Recreational Marijuana Establishment, and prohibit in each zoning district. New language as follows:

§300.471 – Commercial Recreational Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business for the recreational market.

Amend Section 401 – Regulations Applying to All Districts to add §401.5 - Marijuana and §401.5(a) - Marijuana Establishments - In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1, and as may otherwise be defined by Massachusetts law or regulation to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana retailers, or any other type of licensed marijuana-related businesses, shall be prohibited within the Town of Southbridge. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and

105 CMR 725.000 (as the same may be amended from time to time), or the ability for households to grow for personal use, as defined under Mass. General Law Chapter 94G, Section 2.

Amend Section 502 – Table of Use Regulations to add “Commercial Recreational Marijuana Establishment” and prohibit in each zoning district under Sections 502.76 and 502.139.2, respectively.

Table of Use Regulations

502.7 RETAIL BUSINESS		SF	2F	MF	RB	GB	LI	HI	BOD	CC
<u>502.76</u>	<u>Commercial Recreational Marijuana Establishment</u>	<u>No</u>	<u>No</u>							
502.13 MANUFACTURING, PROCESSING & RELATED USES		SF	2F	MF	RB	GB	LI	HI	BOD	CC
<u>502.139.2</u>	<u>Commercial Recreational Marijuana Establishment</u>	<u>No</u>	<u>No</u>							

First Reading (2/12/18)

Agenda Item #15. Councilors Forum

Councilor Auclair thanked everyone who stepped up for her during her recent absence.

Councilor Auclair said she won’t be able to attend Executive Session tonight.

Councilor Auclair said nomination papers are available in Town Hall for anyone wanting to run for Town Council. She said there are four seats, and called for progressive minded individuals. She said we need more people concerned with future economic development of the Town versus personal agendas.

Councilor Nash commended the zoning board consultants, along with Ms. Scrivens and all those who attended the ‘All Boards’ meeting last Thursday. He said one thing that rang true was the need for Town Council to take a leadership role in the zoning bylaw update.

Councilor Nash said he had a nice conversation with Dick Whitney at the Optical Heritage Museum, and said this is a great resource for the Town. He said the hours for the museum are posted at opticalheritagemuseum.com.

Councilor Nash said this is budget season, and it takes a lot of energy to look at all budgets. He said it will be an interesting season with the budget challenges the Town faces.

Councilor Carrasco thanked Dr. Townsel for being the Principal at Southbridge High School, and said Dr. Townsel has accepted a job near his home in Michigan.

Councilor Manna thanked the Southbridge Police Department for the recent drug bust. She said they do a good job protecting the community.

Councilor DiPietro said regarding any candidates for Town Council at the next election, they need also to consider the Town's bleaker financial picture.

Councilor Steeves said Gateway Players is doing the play "Sex Please, We're 60" this weekend.

Councilor Steeves said he was also in the discussion with the new Receiver, and he seems well spoken, and has experience in similar circumstances. Councilor Steeves said he will be skeptical until he sees things taking place, and hopefully the new Receiver will stay around.

Councilor Steeves thanked Joanne Battista, who is retiring from the Collection's Office in Town Hall, and wished her good luck in retirement.

Councilor Steeves said he wants people in the community to regenerate the peace movement, and we need to stand up and say we are tired of stupid wars.

Agenda Item #16. Discussion of next Council meeting date. Councilor Steeves said the next regular meeting is on 2/26/18 at 7 p.m. in Council Chambers.

Agenda Item #17. Vote to enter into Executive Session according to M.G.L. Chapter 30a, Section 22(a)(7), to review and discuss Executive Session minutes from 2010 to October 2017, if such discussion will adversely affect the ability of the government body to conduct such business and, if the Chair so declares, return to open session to vote or to adjourn. (The Chair declared the meeting will adjourn from Executive Session). A motion was made by Councilor Manna, seconded by Councilor Steeves, to vote this item. **Vote by roll call, Councilors in favor: Carrasco, Clemence, DiPietro, Manna, Morales, Nash, and Steeves. Councilors abstaining: Auclair. By 7 to 0 to 1 the vote passes.**

The meeting left Open Session at 9:16 p.m.

The meeting adjourned from Executive Session at 9:57 p.m.

Respectfully submitted,

Max Gullekson
Recording Clerk

DOCUMENTS USED:

- Draft copy of minutes from the 1/29/18 TC mtg
- Memo dtd 1/31/18, from Treasurer to TM, re: 133 West Street
- Commonwealth of Mass Standard Contract Form, re: waterfront park
- Standard Agreement for limited prof. svcs with Graves Engineering, dtd: 1/29/18
- Contract with Maurice Reidy dtd 1/9/18 for a fee simple appraisal of Commercial Dr
- Memo from Econ. Devel. Director to TM dtd 2/7/18, re: FY 2018 CDBG Grant – Proposed activities
- Proposed amendments to zoning bylaw re: Marijuana establishments