

**TOWN COUNCIL MEETING  
TOWN OF SOUTHBRIDGE  
MONDAY, FEBRUARY 26, 2018**

A meeting of the Southbridge Town Council was held on Monday, February 26, 2018 in the Town Council Chambers. Chairman Clemence called the meeting to order at 7:08 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: Clemence, DiPietro, Manna, Morales, Nash, and Steeves. Councilors absent/excused: Auclair, Carrasco.**

**Agenda Item #3. Consider and Accept the Town Council Minutes of February 12, 2018.** A motion was made by Councilor Manna, seconded by Councilor Nash, to vote this item. Councilor Nash said on page 4 the correct name of Ms. Paradis is “Tia” and not “Tina.” **Vote by show of hands with correction, all in favor.**

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

- a. General Government.** Subcommittee Chairman Councilor Steeves said there was a meeting on 2/21/18, with items from that meeting on the agenda. He said at that meeting there was also discussion of a pay compensation from the Town for any employee who is deployed full-time by the military. He said there will be a meeting soon to discuss this.
- b. Department of Public Works.** Subcommittee Chairman Councilor DiPietro described the recent DPW Subcommittee meeting, with two items on tonight’s agenda. He said there was also an update from DPW Director Blakely about an upgrade to the bio towers at the Waste Water Treatment Facility. Councilor DiPietro said Director Blakely also gave an update on the Hamilton Street and Hook Street projects, saying we will need about \$100,000 for the engineering to the point where it is at a 75% completion level to get on a list for approval in 2023, with the total cost of the project around \$500k. Councilor DiPietro said Director Blakely gave an update on the erosion on the Rail Trail; she said it is walkable but trees are falling and some areas are eroding. Councilor DiPietro said citizen Mike Murray wants to give a presentation about using fill to contain erosion control. Councilor DiPietro said the next subcommittee meeting will be in the first or second week of March, including discussion about the DPWs purchase of a new forklift.
- c. Education and Human Services.** Subcommittee Chair Councilor Nash said there was a meeting on 2/13/18, with two items on the agenda tonight. He said there is a meeting scheduled for 3/1/18 at 6:30 p.m. in the George Parent Conference Room.
- d. Planning and Development.** Subcommittee Chair Councilor Auclair was not present at the meeting.
- e. Protection of Persons and Property.** Subcommittee Chair Councilor Manna had no minutes to read and no meeting currently scheduled. Councilor Manna asked the Town Manager about the status of a police dispatcher, and Mr. San Angelo said it is ready to go and he expects the Police Chief to contact Councilor Manna as soon as tomorrow to set up a subcommittee meeting.

**Agenda Item #5. Chairman's Announcements**

Chairman Clemence said the Council recently reviewed Executive Session minutes from the past eight years. She said a vote was taken to release from confidentiality the minutes from the following Executive Session meeting dates: 6/4/12, 6/18/12, 8/13/12, 10/15/12, 11/4/13, 2/24/14, 3/10/14, 6/23/14, 6/15/15, 2/22/16, 3/21/16, 5/23/16, 5/26/16, 6/6/16, 12/5/16, 3/30/17, 5/22/17, 6/19/17, and 7/10/17. Chairman Clemence said the Council will be working on a system to attain a quicker release of executive session minutes going forward.

Chairman Clemence said a meeting of the Southbridge Business Partnership will take place on 2/28/18 at 5:30 p.m. in the hotel conference room at the A/O Complex. She invited anyone interested to attend. She said there are currently around 50 to 60 members.

Chairman Clemence said there are many openings on Town committees and boards, including the Commission on Disability. She said the Town is also trying to reactivate the Agricultural Committee; she said one person is interested but it is hard to have a committee of one, and this board is a 5-member board. Chairman Clemence urged anyone interested to contact the Town Manager's office.

Chairman Clemence said the Town Council has five subcommittees, which she named. She said these are supposed to be equally shared by Councilors, and also have Citizen Members. Chairman Clemence said subcommittee meetings are a good place for people to go to learn about the depth of many of the topics that come to the main floor. She said there are more questions answered in subcommittee. Chairman Clemence read the names of each member of the five subcommittees, and said any of them can be contacted if someone has any issues they want to express. She noted Cl. Carrasco is now on P & D and Cl. Morales is on EHS.

**Agenda Item #6. Town Manager's Announcements**

Mr. San Angelo said the main effort now is with the FY19 budget, so the week before his vacation last week he was meeting with each Department Head regarding this. He said they are all done in terms of individual budgets except for further review of the Health Department budget. He said the Town will soon be talking with the School Department about their budget, and he expects they will have lots of issues.

**Agenda Item #7. Swearing In/Presentations: None.****Agenda Item #8. Citizens' Forum**

John Pulawski of Jennison Street said he is concerned about the airport property discussed at Planning and Development Subcommittee, with two triangular parcels at the site, and one of them owned at least partially by Casella. He asked if the Federal Government telling the Town we have to make changes to the airport because of the landfill. He asked if Casella is buying this land. Chairman Clemence answered Mr. Pulawski's concerns regarding this property. Mr. Pulawski asked if the site needs to be site assigned because it contains a flare and other landfill property and is an essential part of the landfill.

Anne Marie Lewis of Lebanon Hill Road spoke about Legion Field at Oak Ridge Cemetery with the flat stones there, and how 11 years prior she came before the Town Council to make sure this area was given equal footing as far as the rest of the cemetery in regards to lawn maintenance. She said her brother Stephen Wetherby died and has been buried there for 22 years. Mrs. Lewis said there are empty liquor bottles at the cemetery, and she asked people to follow policy and rules. Chairman Clemence said she will ask the Chairman of the DPW Subcommittee have a meeting to discuss policy at Legion Field.

Maureen Doyle of Lebanon Hill Road spoke about a brochure available regarding vernal pools, streams, and wetlands and how they protect everyone, and are a habitat for plants and animals and we need to protect them. She invited everyone to attend a Conservation Commission meeting to learn more.

**Agenda Item #9. Vote to accept the volunteer services of Mark Soper of Southbridge to help open up the Plimpton Street Extension, McKinstry Trail.** A motion was made by Councilor Steeves, seconded by Councilor Nash, to vote this item. Councilor Steeves said this is an item from Subcommittee, and addresses an issue from the tornado of 2011, where there is an approximately 150 yard section of McKinstry Trail that is unpassable. Councilor Steeves said Mr. Soper is offering to use his own equipment to go through and clear it out, and open up the trail. Councilor Steeves said Mr. Soper is willing to sign a covenant to waive liability for the Town.

Councilor Manna said this is a good idea, and she admires Mr. Soper for volunteering. She asked the Town Manager whose property this is, and said she is concerned about liability. Mr. San Angelo said the Town Assessor spoke with the Town Attorney about this, and a release document was drafted by Attorney Caprera. Councilor Steeves said this portion of the trail runs along a stretch of easement that is technically the Town's land, and it crosses property that is primarily State owned property but the right of way is actually the Town's. Councilor Manna asked if Mr. Soper has helpers, and Mr. San Angelo said Mr. Soper said it is his company that is volunteering but it is he who will do the work. Mr. San Angelo said he will speak with Attorney Caprera again, and the release may include the Company's name as well.

Councilor Clemence said she wants to amend Agenda Item #9 by adding to the end 'pending signoff of waiver and indemnity agreement for himself and anyone else who works on the project.' Councilor Steeves said he will make this motion as a 'friendly amendment.' Mr. San Angelo said we want to make sure we are completely released from any liability. Councilor DiPietro said he doesn't want to discourage anyone from helping their own community. **Vote to amend as described above, vote by show of hands all in favor.**

**Agenda Item #9 (as amended) Vote to accept the volunteer services of Mark Soper of Southbridge to help open up the Plimpton Street Extension, McKinstry Trail, pending signoff of waiver and indemnity agreement for himself and anyone else who works on the project. Vote by show of hands all in favor.**

**Agenda Item #10. Vote to accept a donation of up to \$13,150.00 from VFW Post 6055 for the purpose of remodeling/updating the Laurent E. McDonald Veterans Room.** A motion

was made by Councilor Nash, seconded by Councilor Manna, to vote this item. Councilor Nash said this is an item discussed at the 2/13 EHS Subcommittee meeting. He described how the local VFW Chapter 6055 has closed their operation, so they sent a letter through the Town Manager's Office offering to donate this amount, to renovate and reinvigorate the Veteran's Room at Town Hall. He said they want to paint the walls, get new furniture, flags, etc., as well as display cases from various sources. Councilor Nash said they hope to have the work done by fall. Mr. San Angelo thanked Mr. Adams of the VFW, and said there has been ongoing discussion for many months. Mr. San Angelo thanked the VFW for their donation and said he is excited to see the final process. **Vote by show of hands all in favor.**

**Agenda Item #11. Vote to approve the Declaration of Restrictive Covenants document, for the good and valuable consideration of improving and enhancing the safety and operations of the Southbridge municipal Airport.** A motion was made by Councilor Steeves, seconded by Councilor Manna, to vote this item. Councilor Steeves said this also was discussed in General Government Subcommittee, and he read the relevant minutes. Councilor Steeves said this is the triangular property that has the offices and the flare on it. He said it was transferred to Council control last year. He said Casella intended to offer it in the expansion plan, but that is not happening now. Councilor Steeves said the FAA requires restrictive covenants on it because it is part of the airport. He said the Airport Commission voted unanimously last week to support this.

Mike Marketti of Southbridge asked if the Town is barred by FAA regulations from having a landfill so close to the municipal airport. Chairman Clemence said the Town has complied with FAA restrictions for airspace. Mr. Marketti asked if we are already in violation of restrictions and Chairman Clemence said no. Chairman Clemence said this item will keep a lot of restrictions on the property that are already in place.

**Agenda Item #11 – Vote by show of hands all in favor.**

**Agenda Item #12. Vote to authorize the Town Manager to approve Stantec's letter of proposal dated 2/15/18 for professional service for the renewal of the Reclaim Water Use Permit in the amount of \$6,850.00 to be funded from the WWTP Technical Support Account #600.440.5830.18583.** A motion was made by Councilor Manna, seconded by Councilor Steeves, to vote this item. Councilor DiPietro said this all has to deal with a secondary water treatment that ends up as 'gray water' and is sold to the Millennium Power Plant. Chairman Clemence asked DPW Director Blakely if this was anticipated and in the budget, and Mrs. Blakely said yes. **Vote by show of hands all in favor.**

**Agenda Item #13. Vote to declare the School Department's 1995 Ford350 truck as surplus and be scrapped with said money being turned over to the General Fund after disposal.** A motion was made by Councilor Steeves, seconded by Councilor Manna, to vote this item. Councilor Nash said this is a 23-year-old vehicle has was being used for parts, and is now ready to be scrapped. **Vote by show of hands, all in favor.**

**Agenda Item #14. Vote to declare the following equipment surplus: 5-ton roller (engine date 1966), cement mixer, grass cutting broom, generator, riding mower, propane heater, snow blower, tip-type trailer, and parts from a walk behind mower to be disposed of by the**

**DPW at current scrap metal rate with money being turned over to the General Fund.** A motion was made by Councilor Manna, seconded by Councilor Steeves, to vote this item. Councilor DiPietro said the vote to recommend this item was unanimous in subcommittee. **Vote by show of hands all in favor.**

**Agenda Item #15.** 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>								
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>								

Second Reading (2/26/18)

Chairman Clemence read the second reading. There was no discussion.

Agenda Item #16. Proposed Amendments to the Code of By-Laws Town of Southbridge, Section 3-204 Municipal Building Committee as follows:

3-204.1 Establishment – There shall be a Municipal Building Committee (MBC), specific to each Municipal building project, appointed by the Town Manager, subject to confirmation by the Town Council, to consist of seven members. Six members of an MBC shall be appointed by the Town Manager. In making appointments to an MBC the Town Manager shall seek to include in its membership a professional engineer, an architect, an attorney, and a person representing the building and construction trades. The seventh member of a Municipal Building Committee be appointed by the School Committee if the project is school related. In all other cases a person related to the proposed project shall be appointed. Example: A project related to the Fire Station, a member from the Fire Dept. shall be appointed by the dept. head and confirmed by the Town Council.

(Charter Section 4-3-1 and 4-3-2).

3-204.2 *Authorities and Responsibilities* – Whenever any construction or reconstruction of a building or other facility is authorized, the a Municipal Building Committee shall be responsible for all work in connection therewith including site planning, preliminary architectural plans and drawings, detailed architectural plans and drawings, all bid documents and construction supervision subject to the Designer Selection Procedures adopted by the Town Council in compliance with M.G.L. Chapter 7C, Sections 44-57 (Designer Selection Law).

The Municipal Building Committee shall meet regularly with the Town Manager to discuss its ongoing work program and to provide for an orderly interface with other municipal entities.

**First Reading 2/26/18)**

Councilor Steeves did the first reading.

Town manager San Angelo commented that it was the TM who appoints to Council for confirmation and recommended the following language change regarding the 7<sup>th</sup> member. Insert after "In all other cases a person related to the project shall be recommended by the relative department head to the TM for appointment and confirmed by the Town Council."

Chairman Clemence noted the language recommended could be added before the official vote on this. No amendments were made at that point. She said the need to revamp our municipal building committee projects was discussed, and this language was formed at General Government Subcommittee. Chairman Clemence said she believes this language will be better suited to the community.

**Agenda Item #17. Councilors Forum**

Councilor DiPietro thanked Councilor Steeves for taking the minutes at DPW Subcommittee.

Councilor Manna said a few weeks ago she went into the community and spoke with some citizens, and some concerns came out about the financial state of the Town, regarding the lost revenue from Casella, and the concerns for the schools. Councilor Manna said prior to the nonbinding vote it was stated up here that we took landfill royalty money out of the operating budget, which is true, but was used for other things such as mandated funding for retirement. Mr. San Angelo said the \$920k that was used in the operating budget was used but is no longer being used. Councilor Manna said either way we are losing money and now we have to find money from something else. Mr. San Angelo said for the OPEB contribution we do need to replace it, but for the pension money we could follow the schedule to pay off the unfunded liability schedule, which is a 20-year schedule, whereas before we were paying it off faster. Mr. San Angelo said the \$250k for OPEB we need to find a way to pay this. Councilor Manna said we still are losing money, and people are asking her how to keep Casella here, and they helped in a lot of areas where they didn't have to help. She said some citizens were angry because we are not business friendly, and now taxpayers are paying for it. Councilor Manna asked where will we find the money we are losing. Mr. San Angelo said he is not as worried about the Casella money, and the bigger problem for the FY19 budget is the Charter School issue, which will have a huge impact on our budget. Mr. San Angelo said the final State determination of Chapter 70 funding will be a factor. Mr. San Angelo said the Town has already told the schools they have to reduce their budget. He said 67 students in the current school year have left our school system and gone to the Charter School, and cutting expenses for those 67 kids won't match the amount lost to the Charter School. Mr. San Angelo said there may be some issues with the Chapter 70 funding where the Town gets some more money, but this is an open question as far as dealing with the Charter School. He said this is a problem created by the State by opening one right next to us. He said the funding mechanism for schools is not appropriate for all Towns in Massachusetts, which is also out of our control. Councilor Manna said to the Town Manager 'you said we weren't in a financial crisis but we are,' and said he was misleading to the community. She said she also supports the Charter School and school choice.

Councilor Manna reminded everyone to watch for kids when driving with the better weather coming.

Councilor Nash said a discussion of the Town Manager's plan for closure of the landfill will be held on Thursday night, and the public is invited.

Councilor Nash described an e-mail from the WCAC about the 'Read Across America' event this Friday.

Councilor Nash said he had a good visit to the Optical Heritage Museum, and he learned a lot about local history from Dick Whitney and Jeanine.

Councilor Nash said he has been spending lots of time outside at Westville and other trails, and it is a great time to be outside.

Councilor Nash said he went to the Jacob Edwards Library and spoke with the Head Librarian about photos that may be included in the renovation of the Veteran's Room in Town Hall.

Councilor Nash said photos can be viewed on the library's Flickr account, and more information can be found on the library website.

Councilor Steeves asked about the cherry sheet aid, and Mr. San Angelo said he doesn't know how much yet. Mr. San Angelo said the Chapter 70 money is being revisited by the State and the School Business Manager is following the process closely.

Councilor Steeves said he and the Chairman attended the update on the zoning bylaws, and he gave an update. He said anyone can contact him at [councilorgus@gmail.com](mailto:councilorgus@gmail.com) with questions or comments on this. Chairman Clemence said this is policy and encouraged more involvement by the Councilors, the Council will eventually vote on the final document.

**Agenda Item #18. Discussion of Next Meeting Date** - Councilor Steeves said the next regular Town Council meeting will be on Monday, March 12, 2018, at 7 p.m. in Councilor chambers.

Motion to adjourn was made by Councilor Nash, seconded by Councilor Steeves. **Vote by show of hands all in favor.** The meeting adjourned at 8:49 p.m.

Respectfully submitted,

Max Gullekson  
Recording Clerk

**DOCUMENTS USED:**

- Draft minutes of 2/12/18 TC mtg
- Minutes of 2/21/18 Gen Govt Subc. Mtg
- Ltr from Mark Soper to Town Mgr, dtd 2/14/18, re: Opening the Plimpton St Extension of the McKinstry Trail
- Ltr from VFW Post 6055, dtd 1/2/18, re donation of \$13,150
- Declaration of Restrictive Covenants re: Land at Southbridge Airport
- Ltr from Stantec to DPW Director dtd 2/5/18, re: WWTP Engineering Report Proposal
- Ltr from Southbridge Public Schools dtd 1/18/18, re: Surplus 1995 Ford F350 truck
- Memo from DPW Dir. to Town Mgr, dtd 2/12/18, re: Various surplus DPW equipment
- Photos from Oak Ridge Cemetery, provided at meeting
- Copy of proposed language for zoning bylaw for marijuana establishments
- Proposed bylaw change, Section 3-204.1 and 3-204.2, Municipal Building Committee