

Town of Paxton Board of Selectmen

Regular Meeting Minutes

Wednesday, August 4, 2010

Members Present: Fred Goodrich, Chair,
Bill Trotta, Vice Chair
Peter Bogren, Jr., Clerk

Charles Blanchard, Town Administrator (absent)

Attendees: See attendee list

- The Chairman called the meeting to order at 7:04 pm.

Public Hearing – Anna Maria College Storage of Over 2000 gallons of Propane

- (FG) opened the Public Hearing at 7:05pm.
- Mark Collette, stated that AMC will have a total of 9404 propane and diesel on campus. New 3 1000 gallon propane tanks are to upgrade the domestic hot water, currently using diesel, but are going green. Siemens are installing system and Arrow Gas providing propane.
- Mark Collette stated that they be eventually removing 2 tanks and boiler, and will only use diesel for the generator.
- Propane will be 90% efficient and AMC will recognize the savings.
- **Motion (FG) seconded (PB) to accept the application for the License under MGL 148 Section 13 for 9408 of flammable gases and oil. Unanimous all in favor.**
- (WT) asked that the Fire Inspector provide a report.
- **Motion (FG) seconded (PB) to close the Public Hearing. Unanimous all in favor.**

Correspondence

- Letter of resignation from Richard Bedard from the Cable Committee. (Filed in Cable Committee folder.)
- **Motion ((FG) seconded (PB) to accept with regret. Unanimous all in favor.**
- Letter received from the Town of Lowell regarding an act authorizing the City of Lowell to negotiate and purchase group insurance for employees without being subject to collective bargaining. Tabled at this time.

Masterplan Implementation Committee

- **Motion (FG) seconded (PB) to appoint Jean Paquin and Patrick Gillis as Alternatives**

to the Masterplan Implementation Committee. Unanimous all in favor.

Meeting Minutes

- **Motion (WT) seconded (FG) to accept the Regular Meeting Minutes of July 19, 2010. Unanimous all in favor.**

Robert Clark and Raymond Daly, Former Town Landfill

- Attorney Livdahl representing Messrs Clark & Daly, provided a letter dated August 4, 2010 and map to the Board of Selectmen.
- Attorney Livdahl (AL) outlined her client's intentions when they purchased the 30-acre parcel of land on Davis Hill Road and Pleasant Street in 2004 as being to develop a small sub-division. They were aware that there were some wetlands but nothing in the title indicated that it was the former Town Dump.
- (AL) continued that between 1950 and 1968 it was used by the Town under agreement with the farmer that owned the land as a landfill. Under MGL C111 § 150A a town that sanctioned the use for a landfill as an obligation with DEP to file a closure plan by January 1, 1994 and record the deed. Paxton took neither action. If this had been filed her clients would not have purchased the land.
- (AL) stated that shortly after the land was purchased someone from Town Hall informed DEP and they were shut down until a Closure Permit was obtained, this has been both costly and time consuming Messrs Clark and Daly continued to plan a sub division with the Engineers who would close and fill in the area but the Planning Board would not accept until they had the Closure Permit.
- (AL) Six years later, with additional expenses of \$200,000 for drilling, testing, and engineering, capping. DEP gave a Closure Permit but are requiring a Re Use Permit. Planning Board asked them to withdraw the subdivision plan, as it had been pending too long.
- (AL) Clients have submitted a plan for 2 ANR with frontage on Davis Hill Road. Clients need to develop 4 house lots out of the 30 acres to offset the costs of roads and water mains. Question as to the capped acres: a large house lot or sold to Moore State Park?
- Mass Conservation & Recreation have stated that there are more significant lots that they are interested in; a landfill lot will need to be mowed and have water and gas testing.
- (AL) stated that Messrs Clark and Daly wanted this meeting with the BOS to inform them that the property is unmarketable and that they have consulted with lawyers regarding Paxton not capping the Landfill. Clients may recoup \$100,000 on the sale of 2 houses on the ANR lots.
- Want to notify that there may be a liability to Town as the law is clear that it is the Town's responsibility. The Town should inform the Auditor of this. They are waiting to hear from DEP as to whether the 4 lots can be developed, if they recoup their cost would want to convey the 8-10 acres to the Town as it will not be developed and needs to be mowed and further testing for gases. Compensation for the 8-10 acres not yet known. They have invested \$450,000 to date in this land.

- (AL) They will finalize negotiations with DEP this fall and file a new 4-lot subdivision plan in the spring.
- (FG) asked for confirmation that one lot was sold and built on.
- Clark said that 1 lot on Pleasant Street, was sold and house built at no profit 3 years ago, but not part of the 2 ANR lots or the 4 lots.
- (WT) asked whether they could build something on the land other than dwellings.
- Mr. Clark wasn't sure, and said that they had considered 40B.
- (FG) would have to go to State.
- (FG) stated that the landfill had been capped twice.
- (AL) asked if they have any correspondence from DEP it would very useful, as they had indicated that it had not been capped.
- (FG) responded that he could not go any further at this time.
- Motion (FG) seconded (WT) to take under advisement. Unanimous all in favor.

Paul Riches Recreation Commission and Mike Putnam, DPW Superintendent – New Access Road

- Paul Riches (PR) provided a Google Map of the Access Road Area to illustrate their proposal for signage, parking and fencing.
- (PR) stated that the access road had not planned to complete at this time, but DPW acquired road materials free of cost, so they took the opportunity.
- Looking to install fencing along side of baseball field from the West Street entrance to stop parking in that area, already seeing a problem there, will put boulders down to deter. One-way system from parking lot at soccer fields to White Building. First priority is to get the fence installed, quote received too high.
- If it is not completed by the time school starts (MP) will put up poles with cabling and signage.
- (PR) signage needed for "no parking"; along the side of the basketball courts and access road "5 miles only", after the parking area, "do not enter" after the parking behind the White Building "access to baseball or parking" at White Building parking lot intend having a chain link fence for emergency vehicle access to the fields.
- (MP) this will be the first time emergency vehicles able to access this area, also allows policing from both sides West St and lilligs Pond. If this system does not work can reverse.
- (FG) stated that there had been a problem with speeding.
- (PR) can put in speed bumps. (MP) has spoken with neighbors, and he agreed speed

bumps only solution.

- (FG) commended them for their work.
- (PR) commended (MP) and DPW for all their hard work in completing project.

Town Administrator Update

Low Sulfur & Fuel Oil Bids FY11

- Recommended action to award Low Sulfur bid to R. J. McDonald and #2 Fuel Oil bid to Peterson Oil
- **Motion (FG) seconded (PB) to award Low Sulfur bid to R. J. McDonald and #2 Fuel Oil bid to Peterson Oil. Unanimous all in favor.**

Chambers Advisory Group

- Received a proposal from Chambers Advisory Group to review our communications bills and determine that we are billed correctly and getting the most cost effective plans. There is no charge for this review but if savings are identified, we will share these savings 50-50 with Chambers for a 12-month period.
- **Motion (FG) seconded (PB) to authorize Chambers to do this review. Unanimous all in favor.**

Commonwealth Capital Score

- FY11 application has been released by State. Town's FY10 score is 46 (CB) will review criteria for the FY11 application.

Motion (FG) seconded (PB) to close the meeting at 8:20pm. Unanimous all in favor.

Respectfully submitted,

Carol L. Riches
Administrative Assistant

Documents Filed with Minutes:

- Recreation access road
- Attorney Livdahl letter dated August 4, 2010 and map
- City of Lowell letter dated July 30, 2010