

1 **Town Council Special Meeting Minutes – July 27, 2009**

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4 Meeting opened at 7:00 PM by Michael Magiera, Council President.

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6 **Roll Call** – Michael Magiera, present; Paul Burns, present; George Backus, present; Roger Duguay,
7 present; Philip Hebert, present; Ray Remillard, present; Karl Williams, present. John Dinuovo and
8 Barbara Barry were absent. Also present was Matthew Streeter, Town Manager; Chief Robert Frydryk,
9 Palmer Police; Gerald Chudy; James Ammann; John Sasur; Carl Bryant; Russ Brown, Mary Salzmann,
10 Joe Mastalerz, Stephen Sears.

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12 **Pledge of Allegiance** – All

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14 **Consent of the Agenda Order** – Amended as such by President Magiera: Postpone approval of minutes
15 as a courtesy due to absence of the recording secretary, Mr. Dole; add resolution 2010-02 which Council
16 Vice President Burns will present at agenda item ‘a’; postpone agenda item ‘g’ Town Manager goals to
17 first meeting in August. Moved by Mr. Burns & duly seconded by Mr. Duguay. Vote was 7-0 in favor.

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19 **Item a: Resolution 2010-02** – Presented to the floor by Mr. Burns a resolution for consideration
20 authorizing the transfer of \$1,500.00 from the Recreation Part-time salary account to the Recreation
21 expense account and appropriate said sum to the Palmer Merchants Girls Softball organization to help
22 defray travel expenses as they travel to compete in the Amateur Softball Association U14 National
23 Tournament in Dayton, Ohio. Moved by Mr. Burns and duly seconded by Mr. Hebert.

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25 Mr. Streeter briefed the Council on the Palmer Merchants successful season which resulted in a State
26 Championship and a Runner-Up Finish in the New England Regional which qualified our young local
27 ladies to compete in the National U14 tournament to be held the next weekend in Ohio. The
28 organization is currently attempting to raise funds to subsidize the cost of the trip; the main expense
29 being a bus with two drivers estimated at \$7500.

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31 Mr. Duguay inquired if there is a precedent for this type of expenditure. Mr. Magiera responded that
32 there hadn’t been under this form of government, but also added that there had not been a local team
33 which had qualified for a national tournament. Mr. Streeter added that while there may not be a
34 precedent, this would be a good gesture as the team will not only represent the Town of Palmer, but the
35 Commonwealth of Massachusetts and the New England Region; and asked if this is the type of
36 precedent the council would like to set.

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38 Mr. Backus asked where the funds were coming from. Mr. Magiera responded that the funds (\$1500)
39 were coming from the line item for the part-time recreation director where \$18,000 was budgeted. Mr.
40 Magiera mentioned he has been in contact with the Town Manager as to the hiring of said position and
41 that he would be forming a committee to work on that job description. He continued that this position
42 would not be filled for a few more months and the entirety of that budget would not be expended.

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44 Mr. Burns remarked it was an extraordinary accomplishment that any Palmer youth qualify for a
45 national championship and we need to recognize that. He elaborated that the \$1500, while in a tough
46 budget, was not exorbitant and since the funds were likely not to be expended; and that the Council
47 needs to recognize such an accomplishment.

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49 Mr. Hebert added that the girls had already raised much of the necessary funds and that this would close
50 the gap needed to ensure the trip comes to fruition. Spoke in support of resolution. Vote was 7-0 in
51 favor.

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Item b. First Reading, Ordinance 2010-01 Public Consumption of Marijuana or Tetrahydrocannabinol Prohibited: Motion to waive the reading of full text by Mr. Hebert & duly seconded by Mr. Backus; Vote was 7-0 in favor.

Item c. Discussion Item, Ordinance 2010-01 Public Consumption of Marijuana or Tetrahydrocannabinol Prohibited – Mr. Hebert inquired to as if there is a time limit between offenses. Mr. Burns said his interpretation is that there would be no time limit and gave example that is first violation was in February and second was four years later; it would so count on record as any other criminal issue. He continued that his intention is prevent public consumption of marijuana, and that there may be a loophole to be closed with regards to the violator of the infraction not providing legitimate identification.

Chief Frydryk came forward to answer questions of the Council. Mr. Williams questioned Chief Frydryk. The Chief provided answers such as that there had been about twenty non-criminal citations issued; and that the revenue from those paid citations go to the municipality. Chief added that the purposes of the citations are not to generate revenue but to regulate behavior. Mr. Duguay asked how much the fine is. Chief: \$100 for each offense regardless of how many offenses pursuant to the new legislation passed by recent ballot initiative. Mr. Streeter asked Chief Frydryk to elaborate on providing of an offenders true identity portion of the proposed Ordinance. Chief: Either by design or oversight, the legislation left some large loopholes which make certain aspects of the law unenforceable. His main concern is that a person who is found in violation of the law is not compelled to give their true name and address. With this language in the proposed Ordinance, the offender would be required to provide such information and would aid in enforcement. Chief Frydryk recommends that this language may be useful to add to all Town Ordinances. The Second Reading, Public Hearing and Vote are scheduled for the August Town Council Meeting.

Item d. Discussion: Casino Infrastructure Impacts & Palmer Water District

Mr. Burns acknowledged at a prior meeting where the discussion took place with regards to the Casino Study Committee, issues/questions were raised with regards to water districts and felt it would be worthy of a discussion before the Council. James Ammann & Gerald Chudy came forward to give brief a presentation. Handout given (attached). Mr. Ammann gave presentation entirely off of handout with regards to moving forward with Casino negotiations and the water districts. Special attention given to a possible connection to the Quabbin Reservoir to provide water to a development site. Mr. Backus asked if litigation would be necessary to tap into the Quabbin. Mr. Ammann stated that there have been preliminary discussions with the MWRA and that they were “receptive to bringing on new customers.” There may be legal issues dealing with four districts on one pipeline, but MWRA did not view this as insurmountable. Mr. Ammann informed that the MWRA’s counsel would actually assist the Town and the water districts the proper paperwork to make this happen. Mr. Backus further asked if there would be a point where the Quabbin would shut off towns. Mr. Ammann stated that the current trend on consumption in Massachusetts is downward; and pointed to Boston’s recent infrastructure improvements aimed at their major leakage losses which have been corrected.

Mr. Duguay asked about information the developer would give to help move project along. Mr. Ammann: The Palmer District has gone as far as they can go whereby we (Palmer) has reached a point where the Town and their legal counsel and consultants need to approach developers about beginning impact and feasibility studies at the developers expense. It is important that all players for development come forward with plans for consideration for “n” stage. Mr. Remillard inquired to deep well systems. Mr. Ammann: To put in one well would cost \$500,000+ just for environmental impact study on that one pipe. The rate of wholesale water vs. the cost of environmental studying, sinking the well, pumping the well, maintaining the well, treating the well, etc...the cost of a connection become more advantageous. That is why scoping document is so important to determine volumes. Mr. Remillard inquired as to capacity of wells in Palmer and keep revenues in town. Mr. Sasur replied that when you are talking

103 quantities such as 750,000 gpd, every additional 100,000 gallons increases demand increases costs to
104 deliver to that demand exponentially. The combined capacity of the existing systems of the districts all
105 together could meet demand, but would be stretched to the maximum; barring any additional demand
106 anywhere in districts. The districts investigate for future water sites all the time and there are just not
107 that many viable sites for additional well, and that for some of the quantities being discussed there
108 would need to be several additional wells. Could possibly apply for withdrawal permit from a river and
109 treat that water, but now that's a new method, and we could investigate, but doubts granting of
110 environmental permits to allow withdrawal from rivers. He adds that is probably not a viable option. Mr.
111 Ammann adds that water districts would need to increase withdrawal permits from state, while would
112 use Quabbin permit if connection made. Mr. Ammann continues that Palmer Water District has
113 undergone extensive exploration of water within the town going back to the nineteen-sixties. To put in a
114 well today of municipal capacity would require 15 pristine acres AND the aquifer for production of 600-
115 700 gallons per minute. Seven years ago, PWD spent a lot of money on hydrogeology studies and came
116 up with nothing; some that may be used for a house well or small commercial, but not for municipal
117 production. Those sites are extremely rare. And if any site is near a railroad, a river, an interstate, or
118 anything else that has a source of pollution against it, whether its real or future, you are going to have a
119 difficult time getting a siting. Mr. Hebert asked if there was a site with 15 acres pristine land, etc...how
120 long it would take for studies and permitting. and cost? Mr. Ammann: Three years & probably \$1.5
121 million.

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123 Mr. Sears addressed the council with regards to issues over escrow funds. Mr. Magiera informed those
124 present that the issue at hand on the agenda is the water districts and not the host agreement
125 negotiations. Mr. Bryant addressed the Council on behalf of Bondsville Water District urging
126 cooperation with the water districts on this matter, and keeping focus on the big picture on the town as a
127 whole. Mr. Brown addressed the Council on behalf of the Thorndike Water District. Thorndike
128 currently purchases its water from both Bondsville and Three Rivers and should a transmission line
129 connection be made to the Quabbin, Thorndike would definitely be interested to tap into it. We know
130 how long it takes to get wells licensed. Mr. Chudy asked the members from the water districts about
131 combined water towers. Responses: would depend on scope and hydraulic modeling. Definitely need
132 planning. Mr. Remillard asked Mr. Sasur about the Dufresne & Henry report. He further inquired if a
133 copy could be found, that it be distributed to the councillors.

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135 **Item e. Resolution 2010-01 September Tag Sale Date**
136 Mr. Streeter explained that this is to set up a town-wide tag sale for September 11, 12 & 13, 2009 to
137 coincide with the Brimfield Flea Market. Three weekends had been approved in the spring, but this date
138 had been held back for confirmation of the flea market dates. Moved by Mr. Burns and duly seconded
139 by Mr. Duguay. Vote was 7-0 in favor.

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141 **Item f. Membership on the Council's Charter Review Committee**
142 President Magiera informed the council that they now had a full complement of members on said
143 committee. The membership is Councillor Duguay (Chairman), Councillor Hebert, Kathleen Mailhot,
144 Keith Parent, Iris Cardin, Rudy Wilk, Mark Avis, John Sasur & Carl Bryant. Without objection the
145 membership was confirmed and Mr. Magiera wished the committee well with their charge.

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147 **Adjournment of Special Meeting** – Moved by Mr. Burns and duly seconded by Mr. Backus to adjourn
148 at 8:20 PM. Vote was 7-0 in favor.

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150 Respectfully submitted,
151 Matthew Streeter, Town Manager