Present: Wayne R. Walker, Heather M. Billings, and John F. Fairbanks

### CALL TO ORDER

Mr. Walker called the meeting to order at 6:00 p.m. in the Selectmen's Office at Town Hall. He announced that the meeting was being broadcast live and recorded by Ashburnham Westminster Community Access TV. He also noted that the Gardner News was audio recording.

#### APPROVAL OF WARRANTS

Board members reviewed and approved the following warrants:

January 13, 2014 Accounts Payable #42 \$ 74,546.93 Payroll #43 \$ 203,383.74

# ACCEPT DONATION FROM I-C CREDIT UNION

Historical Commissioner Bill Waight was on hand to introduce Nikki Vassallo from IC Credit Union. Ms. Waight asked the Board of Selectmen to accept the \$1,000 (unsolicited) donation from IC Credit Union to the Historical Commission for the Civil War Monument Restoration Project.

Mr. Fairbanks moved that the Board accept the \$1,000 donation from IC Credit Union. The motion was seconded and passed unanimously.

Mr. Walker thanked IC Credit Union for their nice gesture.

MRPC REQUEST FOR LETTER OF SUPPORT – BROWNFIELDS ENVIRONMENTAL SITE ASSESSMENT GRANT

Glenn Eaton from the Montachusett Regional Planning Commission was on hand to explain the Brownfields Environmental Site Assessment Grant. MRPC has applied for \$400,000 from the U.S. EPA for a Brownfields Environmental Site Assessment Grant for hazardous substances on sites to be determined and approved by a MRPC Steering Committee comprised of representatives from communities and the EPA.

Town Planner Steve Wallace indicated that there are approximately forty sites in Westminster that could qualify.

Mr. Eaton stated that MRPC would be submitting their application by January 22, 2014 and anticipated grant awards would be made this spring.

Mr. Fairbanks moved that the Board sign the letter of support for the MRPC application. The motion was seconded and passed unanimously.

#### FIRE CHIEF SEARCH COMMITTEE UPDATE

Chairman of the Fire Chief Screening Committee Steve Hemman was on hand to update the Board. He indicated that the Committee has received seven applications for the Fire Chief position. Three of the applicants do not meet the minimum requirements. Due to the fact the Committee has only four applicants that do meet the minimum requirements the Committee suggested the following changes be made in the Fire Chief's job description and/or advertisement; minimum of associates degree, (bachelor's degree desired), establish residency within 15 mile radius of fire station within twelve months of appointment, base salary \$85,000 plus additional negotiable incentives for education and experience.

Mr. Fairbanks moved that the Board approve the recommendations of the Fire Chief Screening committee relative to the Fire Chief's job description and advertisement. The motion was seconded and passed unanimously.

# FY2015 COLA

Mr. Walker stated that the Personnel Board voted to recommend that the Selectmen grant a 2% COLA for FY15.

Mr. Fairbanks moved that the Board approve a 2% COLA for FY 2015. The motion was seconded and passed unanimously.

# PLANNING DEPARTMENT GOALS FOR 2014

Town Planner Steve Wallace was on hand to review his list of priorities for 2014:

- 1. Master Plan project ~ MPC is on track to present a full draft of the Master Plan to the public at the May, 2014 Annual Town Meeting.
- 2. Bylaw work ~ Update of the Zoning Bylaw and bringing a medical marijuana dispensary bylaw to the 2014 Annual Town Meeting.
- 3. Economic Development Committee ~ outreach to local business via a promotional brochure, monthly guest speaker at EDC meetings.
- 4. Grants ~ Town Planner has offered his services to help with grants for Public Works Commission and Parks & Recreation Committee.

### UNDERGROUND FUEL STORAGE LICENSE DECISION ~ CUMBERLAND FARMS

Mr. Walker stated that he had taken the opportunity to review and evaluate all of the submittals to the Board with respect to this application. He thanked all of those who submitted oral and/or written input concerning the matter now before the Board.

#### Mr. Walker moved as follows:

"I move that the applicant, Cumberland Farms, Inc., be issued a license pursuant to Chapter 148, Section 13 of the Massachusetts General Laws for the underground storage of 32,000 gallons of gasoline on the property located at 68 Main Street, with the following restrictions:

- 1. The licensee shall inspect and perform any required maintenance of the storm water management system on a semi-annual basis (preferably during the months of April and October), and following any major rain events. The Department of Public Works Director shall be notified prior to inspections and shall receive copies of inspection reports. During the first year of operation, the DPW Director or designee shall be present at the inspection to witness the sufficiency of the system.
- 2. If the Chief of Police, in his sole discretion, determines at any time that the density of traffic flowing in and out of the Cumberland Farms location presents a public safety hazard (i.e., traffic backing out into road), he shall be authorized to assign a police detail to control traffic at the site; the cost of said detail shall be borne by the licensee.
- 3. If the Chief of Police, in his sole discretion, deems that it is necessary for public safety, due to the density of traffic flowing in and out of the Cumberland Farms location, that a school crossing guard be required in proximity to the intersection of Main Street, Eaton Street and Nichols Street, he shall be authorized to assign a crossing guard as he deems necessary; the cost of such crossing guard to be borne by the licensee.
- 4. Hours of operation shall be from 5:00 a.m. to midnight; gas pumps shall not be operable beyond these hours.
- 5. The facility shall receive no more than three deliveries of fuel by tanker truck per week.
- 6. The licensee shall provide the name and contact information of the Manager of the facility to the Board of Selectmen, 11 South Street, Westminster MA 01473, and to the Police Chief and Fire Chief, 7 South Street, Westminster MA 01473. This information shall be updated annually, or as otherwise needed upon change of Manager.
- 7. Any restrictions or conditions imposed by other boards, commissions, departments or officials of the Town of Westminster are incorporated by reference to this license."

## Mr. Fairbanks seconded the motion.

Mr. Walker further stated, "in addition to these conditions, and under the terms of this motion, no storage will be allowed for diesel fuel. In making this motion I have taken into consideration the numerous objections expressed by many about the availability of diesel fuel in addition to gasoline on the property. Not allowing diesel fuel to be stored and dispensed on the property will address the numerous stated concerns about: the extensive nature of the project relative to the size of the property; traffic safety issues relating to the possibility of trucks of all sizes attempting to enter and exit for fuel, (And I would note that diesel fuel is available elsewhere in town approximately two miles away in a far more accessible and appropriate location on Route 2.), significant noise and possible spillage issues posed by the dispensing of diesel fuel.

Regarding the gasoline storage component of the license application, there will still be only two gas stations in this proximate location; the same as there has been for many, many years. And

there will be traffic flow and other improvements that will not likely result in any further adverse impacts to the area. As many of you are aware, this or similar proposals have been submitted over the course of the past twenty years or more and have been denied. The denials were based primarily on the fact that those proposals would have resulted in the existence of not two but three gas stations in close proximity in the center of town. With the proposed decommissioning of one of the current gas stations and with the access and egress improvements proposed by the applicant, and approved by the Zoning Board of Appeals, the Planning Board and the Fire Chief, this proposal will not increase the number of gas stations in that area and I can see no legally tenable reason to totally deny this license application."

Ms. Billings stated that she could not vote to approve the license for the following reasons;

- 1. The site was too small
- 2. Not comfortable with the conditions of the 9,000 gallons
- 3. Concerns about the Traffic count based on the traffic study
- 4. Delivery access for tractor trailer in rear of building (turning radius) too tight

Mr. Fairbanks expressed agreement with the motion as proposed. The motion passed with two in favor and one opposed (Ms. Billings).

#### 6:45 P.M. ADJOURNMENT

Mr. Walker moved that the Board adjourn. Ms. Billings seconded the motion. The motion passed unanimously.

Respectfully submitted,

John F. Fairbanks, Clerk (Prepared by B. Kazan)