

TOWN OF MILLVILLE
MULTI-DEPARTMENT MEETING
BOARD OF SELECTMEN
MINUTES OF MEETING

AUGUST 10, 2015 – 7:00 P.M.

Board of Selectmen Members Present: Chairman Roland Barrett, Vice Chairman Joseph Rapoza and Secretary Jennifer Dean Wing

Board of Selectmen Members Absent: Robert Baker and John Laura

Board of Health Members Present: Dustin Ciccarelli, Cathy Robinson, Bobby Marks and Office Secretary Sherry Grant

Planning Board Members Present: Richard Hurteau, Claudette Barrett, Steven Furno and Office Secretary Natalia Alward

Conservation Commission Members Present: Eric Olson

Building Department Employees Present: Local Building Inspector Lincoln Barber and Office Secretary Kristina Herrick

Other Town Officials Present: Ronald Landry, Chief of Police/Fire, Executive Secretary Helen Coffin; Town Moderator Les Davis

Other Officials Present: Keith Christiansen, Legislative Director from Senator Fattman's Office; Amanda Copeland, Legislative Aide from Representative Kevin Kuros' Office; Representative Kevin Kuros {arrives late}; Attorney Peter Mello, Town Counsel from Petrini & Associates

Moderator Les Davis opens the meeting at 7:00 p.m. at the Millville Senior Center with introductions by all Town officials and employees present.

Town Counsel Peter Mello asks, for the record, whether this meeting is being recorded by anyone. A resident replies affirmatively; and in response to a question asked by Board of Health member Cathy Robinson regarding the Town obtaining a copy of the recording, the resident replies that she is willing to provide such a copy to the Town.

Mr. Mello acknowledges that a meeting such as this is somewhat unusual and that generally legal advice and counsel's representation on legal matters are handled confidentially so as to avoid any adverse effects to the Town and to protect any potential interests in matters that may involve future

legal proceedings. He emphasizes that questions of a legal nature and any legal advice should be done properly in a legal manner that protects the interests of the Town.

Moderator Les Davis states that he will not permit outbursts and that individuals should speak to the facts. He advises all present that there may be matters that the Town needs to look into further and/or that require review by the various Boards present, each of which has its own procedure.

On a motion by Wing and second by Rapoza, the Board of Selectmen officials opens its duly posted meeting.

171 CENTRAL STREET

Selectman Jennifer Dean Wing fully discloses that she is an abutter to 171 Central Street but has no financial interests in connection with the circumstances and feels she can address this matter and any related proceedings impartially and fairly.

Moderator Les Davis asks each department involved in this matter to provide a status update.

Board of Selectmen. Chairman Barrett explains that the Board has received complaints from residents as a result of an Earth Removal Permit exemption which was previously granted. The residents expressed concern in connection with the applicant's indication that the earth removal was due to an agricultural or farm-related nature and that the applicant had encroached on the wetlands. Due to the type of complaint, the matter was forwarded to other Town departments. DEP was also informed due to environmental concerns also raised by the residents. He understands that a Cease & Desist was issued by the Town. He feels the Town needs answers on what the plan for the property is, when the project is due for completion, and how the property will be left.

Conservation Commission. Eric Olson advises that the Commission issued a Cease & Desist Order and the next public hearing on the matter is scheduled for Wednesday, August 19th at 6:30 p.m. at the Town Hall. He acknowledges, however, that this hearing date may be postponed to give the applicant some time to provide the additional information requested (such as updated plans). The Commission has consulted with Town Counsel. Eric advises that some of the issues which the Commission addressed were working within the 100 foot buffer zone without a permit, disturbing the 50 foot buffer; discharging sediment into wetlands, improper installation of sediment buffers, and potential hazardous waste. He indicates that certain oil spots on the property were due to the regular vegetable oil used for running the machinery and are not reportable as a hazardous spill.

Building Department. Office Secretary Kristina Herrick acknowledges that she is familiar with correspondence and other information to and from other departments in connection with this matter; however, she does not have a status update prepared. Building Commissioner Larry Lench was scheduled to attend this evening but is not present.

Board of Health. Dustin Ciccarelli advises that Board of Health members, Board of Health Agent, and DEP officials walked the site. There was no Board of Health violation noted at such time and DEP has not reported any violation.

Fire and Police Departments. Chief Landry advises that with respect to the Fire Department, they conducted an inspection and found no hazardous materials such as oil which would cause a red flag.

With respect to the Police Department, they have been monitoring the site for activity on a daily basis. It appears that the applicant is adhering to the Cease & Desist Order. Previously any work noted was reported to the Board of Selectmen but it has been quiet for some time.

Planning Board. Richard Hurteau indicates that the applicant originally filed with the Planning Board but because it was a farming activity so it was out of their jurisdiction. He was directed to the Earth Removal Board where he understands the applicant received an agricultural exemption. The Planning Board has had no other involvement.

Executive Secretary Helen Coffin notes that the Earth Removal Board's Agent is also the Town's Building Commissioner.

Mr. Davis believes the Town must first determine whether or not the property is being used for agricultural purposes, and whether the applicant violated any Town Bylaws. He believes the Earth Removal Board should go back and review the initial submittals. He also suggests that all Town Boards and Departments put their legal questions in writing and forward them to the Executive Secretary for Town Counsel to address confidentially. He notes that future site visits may reveal conditions other than what was found previously.

A question comes from an unidentified resident in the audience regarding whether the Town has tested the water sources used for fire protection.

Dustin Ciccarelli of the Board of Health notes that there has been no connection made between the two matters (being the 171 Central Street matter and the recent water testing results). He adds that the DEP is in the process of testing water on Providence Street but there has been nothing decisive that would involve 171 Central Street. He also states that DEP is in the preliminary stages of testing.

Resident Beth Crenshaw of 19 Providence Street advises that it is, in fact, her well which has tested positive for the chemicals. She has been in contact with the DEP and understands that there will be additional water testing done tomorrow, including 2 homes on Central Street, homes on Harkness Road to the Town border, and one home on Afonso Way. She isn't certain how many homes will be tested.

Amada Copeland of Representative Kuros' office explains that her office was contacted by residents back in June and has been in contact with the DEP and EPA in connection with this matter. She was advised that there are also four homes in Rhode Island which are affected. She receives daily updates from DEP and feels they have been working diligently on this matter. The 2 chemicals found thus far are TCE (an industrial cleaning solvent) and PCE (a manmade dry cleaning and textile chemical).

Resident Peggy Lena of 22 Providence Street advises that her well is scheduled to be tested tomorrow at 11a.m. but there is a strong indication that it will be contaminated.

Resident Tim O'Brien of 47B Providence Street advises that there is evidence that building debris was brought onto the site and that asphalt, brick and cement are considered hazardous materials. He advises that the applicant himself stated that the materials came from McDonalds in Milford. McDonalds Corporation has advised that the site was a legal hazardous site due to the Shell station next door. The residents have pictures of the debris and believe ten truckloads were buried on the site. He believes that these materials should have been brought to a legal EPA landfill and there has not been any soil testing done where these materials were buried.

Moderator Les Davis reminds all that this matter was handed over to the DEP and the Town only has certain jurisdiction. Mr. Ciccarelli adds that both the Board of Health and DEP officials did a site visit and there was no reason to believe the debris was contaminated. Amanda Copeland adds that she sent DEP the pictures she had received from the residents but they did not appear to contain the amount of debris noted by the resident. She further states that DEP cannot ask a property owner to dig up their property without sufficient evidence.

It is noted that the previous Interim Building Commissioner requested that the applicant remove some of the construction debris. Mr. Davis feels a report from the Building Commissioner is needed as to the status of the removal efforts. Mrs. Wing reminds all that the applicant did state at a videotaped public Board of Selectmen's meeting that he was bringing in cement.

Resident Beth Crenshaw of 19 Providence Street feels this entire matter needs to be rectified. She believes the applicant received the agricultural exemption based on inaccurate information. She feels the site visits aren't going to be productive because the materials are buried.

Resident Mike Traficante of 37 Providence Street understands that the wells are being tested and there is a process to determine if most of the wells on Providence Street are contaminated. However, he questions the process on how the affected wells will eventually be fixed.

N. Smithfield Resident Bob Lepage of 270 Mechanic Street commends the Town and DEP on the manner in which they publicly notified residents of this situation. He doesn't believe the matter was handled properly in Rhode Island. His feeling is that the contamination is coming from Massachusetts, based on the aquifer and that the issue is at 250-300 feet. There are no issues with ground water.

Resident Michelle Mazzola of 72 Providence Street states that she isn't pleased with the Town of Millville and she was never notified of this situation. She was informed by a neighbor.

Resident Terry Hatch of 25D Providence Street notes that there are eight (8) families affected by Beth Crenshaw's well as they all are hooked up to it.

Resident Lauren Sacco of 51 Providence Street is very concerned that if contaminated debris was buried, what will the future of their water be? She states that she does not feel it's right that the debris was allowed to be brought onto the property as it is not a legal dumping site.

Moderator Les Davis reminds all that the information was given to the proper authorities and the residents must understand that they may not get the resolution they desire.

Representative Kevin Kuros wishes to add (to address a previous question) that if the site is found to be in violation and the source is identified, the responsible party is liable for mitigation of the site. If the party cannot or will not do same, the state will do it and place a lien on the property. The state does have a stake in this matter. He also adds that his understanding from DEP is that there is a previous Superfund site less than one mile away. He understands this matter is a horrific inconvenience but there are two states involved now and the best thing residents can do is use the bottled water provided by DEP.

Moderator Les Davis reminds all that a status update is needed from the Building Commissioner/Earth Removal Agent so that the Town can determine how the exemption may have been granted without the applicant presenting an agricultural certificate/license. Town Counsel will need to review this matter.

MILLVILLE ESTATES, THAYER STREET

Planning Board. Richard Hurteau explains that 6-7 years ago the Planning Board approved a subdivision plan drawing but it was never recorded with the Registry of Deeds. There was never a bond received and the conditions were never met. The developer came back to the Board many years later seeking to continue with the approved plan. He was advised what needed to be done but has not complied. One of the conditions was to tie-in with the Town's fire hydrant system. Town Planner Joe Laydon recommended that a Stop Work Order be issued as land was being cleared.

Resident Lincoln Barber of 226 Thayer Street disputes that the developer has an approved plan because he attended all the hearings on this matter and doesn't recall the Planning Board approving a plan. Planning Board Office Secretary Natalia Alward indicates that a plan was approved but it was never recorded. Mr. Hurteau adds that because the plan was not recorded the applicant now needs to provide a modified plan that meets the Town's current zoning bylaws/subdivision control regulations.

Eric Olson of the Conservation Commission advises that Town Planner Joe Laydon forwarded a copy of the Stop Work Order so they also did a site visit and issued a Cease & Desist Order which allows the developer to dig test holes but not clear any land. Thus far, the developer has adhered to the Order.

Chief Landry questions the legality of requiring the developer to tie-in to the Town's existing hydrant system. He has been informed that the developer plans to dispute this in court and feels this matter should be reviewed by Town Counsel to ensure the Town will prevail. Mr. Hurteau states that this is allowed under the Town's subdivision control regulations.

Executive Secretary Helen Coffin questions who is responsible for site visits and/or enforcement of the site once the Stop Work Order is issued. Mr. Hurteau advises this would fall under the jurisdiction of the Zoning Enforcement Officer (which is the Building Commissioner). The Office Secretary should note that the Building Commissioner should follow-up on this property.

There are no other questions or comments in connection with this matter.

Mr. Davis suggests we hold another meeting in about two months as follow-up for the first agenda item.

Mrs. Wing feels we should defer to the Board of Health as to when a follow-up meeting should be scheduled as they will be working with the DEP.

Attorney Peter Mello agrees with the proposed future meeting but thinks this is a fluid situation so the Town should proceed carefully to the extent legal analysis and opinions are necessary, or developments militate against having such a meeting.

Moderator Les Davis adjourns the meeting at 8:25 p.m.

Respectfully submitted,
Helen M. Coffin

Roland P. Barrett, Chairman

Joseph Rapoza, Vice Chairman

Jennifer Dean Wing, Secretary