

Proposed Articles for December 7, 2015 Special Town Meeting Requested by Town Manager

Issue No. 1: Fund settlement agreement with U.S. EPA for environmental remediation at former Rod & Gun Club.

Article 1: *To see if the Town will vote to transfer from the stabilization fund the sum of One Hundred Thousand and 00/100 (\$100,000.00) Dollars to fund the initial payment of a \$275,000.00 settlement agreement with the U.S. Environmental Protection Agency relative to the environmental cleanup completed at the former Rod & Gun Club, or take any action related thereto.*

Rationale: The U.S. Environmental Protection Agency (USEPA) initiated an immediate response action at the Town-owned former Rod & Gun Club for the presence of high levels of lead and its potential transmission to humans. The agency removed substantial amounts of contaminated soil from the premises with an estimated cost of \$3.4 million.

The community is legally liable as a “potential responsible party” under federal law. Through cooperation and negotiation with the EPA regional headquarters, the Board of Selectmen have approved a formal settlement agreement for all federal claims, reducing the \$3.4 million obligation to a total of \$275,000 payable within two years (essentially, settling the actual cost for eight cents on the dollar). The agreement calls for an immediate good-faith payment of \$100,000 (proposed from stabilization fund) and payment of the balance within the next two fiscal years.

This settlement agreement with the EPA and the Dept. of Justice includes terms very favorable to the Town while eliminating what had been estimated as a multi-million dollar liability. The settlement terms are unanimously supported by the Board of Selectmen, and by the Town Manager and Town Counsel.

Issue No. 2: Improve coordination of planning and permitting bodies as outlined in Chapter 9 of the Town Charter.

Article 2: *To see if the Town will vote to transfer the powers and duties of the planning board, established by Article 60 of the February 16, 1931 Annual Town Meeting, to the Board of Planning and Community Development as authorized by Chapter 9-1-3 of the Athol Town Charter, effective January 1, 2016, or take any action related thereto.*

Rationale: Chapter 9 of the Town Charter clearly articulates a responsibility for coordination of Town staff, boards and committees concerned with the “physical, economic and environmental development of the town.”

Section 9-6-1 states that it “shall be the general responsibility of the Town Manager, to coordinate the activities of the Planning Board, Conservation Commission, and other Boards, Commissions, and Committees,... concerned with the physical, economic, and environmental development of the Town.”

Section 9-1-3 gives the Board of Planning and Community Development authority to assume such duties, stating, “the Board shall exercise such powers and duties as prescribed by General Law, bylaw and this Charter.”

The current planning board has benefitted from long-term incumbents that have volunteered their time for years to keep the wheels of progress moving. But, a lack of technical and staff support, dwindling membership, and long-time members that have indicated a desire to resign make this an ideal time to transition to the type of coordinated efforts envisioned in the Charter.

We owe the members of the planning board a debt of gratitude for their service, and, the current chairman has even offered to fill the single vacancy on the BCDP during this transition, an offer that the Town Manager has accepted.

Also, the Town is currently seeking applicants for the vacant director of planning and development position. It is the Town Manager’s intent that a person with proven experience and education in the planning field will be able to offer consistent support and technical assistance to the BPCD, thus strengthening the Town’s oversight of new development and ensuring that technical deadlines, legal postings or records of votes are timely recorded and filed. This makes for a better process for residents, members of the board, staff and the private sector.

The BPCD and Planning Board met in joint public session with the Town Manager on November 2 and each board voted to support the article as written.