

May 17, 2010

**BOARD OF SELECTMEN
MINUTES
MAY 17, 2010**

Present: Ted Goodwin, Chairman
Thomas Creamer
Scott Garieri
Mary Dowling
Shaun Suhoski, Town Administrator

The Chairman called the meeting to order at 6:30 p.m. following the Pledge of Allegiance.

Publick House – Abatement of Water/Sewer Bill

Michael Glick, General Manager of the Publick House, appeared before the Board. S. Suhoski noted that this matter had been before the Board previously, regarding the request for a water and sewer abatement. He gave a brief review of the Board's previous consideration of the matter. He noted that the water meter has been replaced and has been functioning correctly; it is not clear as to why it read \$16,000 higher than usual for one period. He suggested that the Board vote to approve a 50% abatement of the bill to avoid potential litigation and legal costs associated with litigation. He said that the Publick House has initiated measures to winterize their system, and conduct routine checks against water leakage in the future. M. Glick said that they will conduct a daily inspection, make sure there are no broken pipes, and plan to move some their operations into the basement.

MOTION: To approve a water/sewer abatement in the amount of \$8,350.26 based on information provided by the Publick House in letters dated November 12, 2009 and May 8, 2010, and the Town Administrator's memorandum dated May 14, 2010, by S. Garieri.

2nd: T. Creamer

Vote: All in favor.

Department Head Monthly Reports

Police Chief Thomas Ford reviewed his reports for March and April 2010 with the Board. He noted that Dispatcher Barbara Boiteau had been given some prestigious awards for outstanding achievement in 2009. It was the consensus of the Board to direct the Town Administrator to send a congratulatory letter to Barbara Boiteau.

S. Garieri informed Chief Ford that he has received complaints about garbage trucks speeding through Town. Chief Ford said that it has been brought to their

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attention, and Officer Dessert has been trying to spend more time on the enforcement aspect of his function. Chief Ford has been in contact with the Board of Selectmen regarding the need to develop an enforcement tool to address the garbage trucks passing through Town.

S. Garieri said that Kahula Restaurant had posted a sign "No Tractor Trailers" on their property, but there were three trucks in their parking lot on the morning of May 17th. The trucks are destroying parking lots, and the drivers are ignoring the postings. Chief Ford said that he would see to it that police officers pay attention to the issue.

M. Dowling noted that last year the Police Department was seeking a grant to restore the SRO. Chief Ford said that they have applied for additional grants, and are still in last year's cycle.

T. Creamer commended Chief Ford for his support for the Adopt-a-Trail event. The police, fire and EMS were there to make sure that things went smoothly.

S. Garieri asked about the status of the traffic situation on Route 131. Chief Ford said that milling has started between the Public Safety Complex to Town Hall, and that section should be paved by Wednesday, May 26th. He noted that if the paving is not done by next week, it will be done after Memorial Day.

T. Goodwin said that Sgt. Michael Blanchard attended the Lakes Advisory Committee meeting and answered many questions from the members.

Fire Chief Leonard Senecal reviewed his reports with the Board. He brought the new fire truck for the Board's inspection. He said that he has been working on two grants: the DCR grant for equipment, and a grant for 30 sets of fire gear and a washer. He noted that it is very important to keep the fire gear clean. T. Creamer said that there are standards that require that the gear be kept free of carcinogens. He said that there is an increased incidence of respiratory illnesses in children of firefighters.

Greg Morse, DPW Director, reviewed his reports with the Board. He said that the concrete slip has been poured for Well #4, and a skid hole will be left open where the filter unit will come in on a skid.

Regarding the Wastewater Treatment Plant, G. Morse requested that the Board sign the electrical easement.

G. Morse said that he had met with Mass. Highway Dept., Tighe & Bond and Bruschi Brothers regarding pavement repairs on Route 131. He said that a checklist was provided so that Bruschi Brothers could make repairs on 1100 feet, which will be done before Amorello arrives.

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S. Garieri said that he had received a complaint from a resident on Fiske Hill regarding the depth of the manhole covers on that street; some are quite low. G. Morse said that the covers are difficult to adjust.

T. Creamer asked whether there have been any issues with ATV traffic. G. Morse said that ATVs are operating on the site, but that there have been no problems yet.

M. Dowling said that for the last few years there have been old parts of plows, old playground equipment and other rusted material disposed of on the side of the town barn road. G. Morse said that the debris will be taken to the landfill, and some of it will go to a scrap dealer. S. Suhoski said that he had discussed the matter with G. Morse, and they will try to come up with some solutions to mitigate it.

T. Goodwin said that there are concerns about drainage on Blueberry Lane. G. Morse said that there is not a simple solution to the problem, and it will take some landowner coordination to get it right.

Shane Moody, Veolia Water North America, reviewed his reports with the Board. He said that Well #4 will constitute a substantial savings to the Town. He will provide the Board with more details when the report has been finished. He said that he is pleased with R.H. White's work. They have jetted the water lines down to Brimfield, and only found one break.

Town Administrator's Update

License Agreement for WWTP:

S. Suhoski said that on December 7, 2009 the Board executed an easement document allowing National Grid to install and maintain the electrical distribution infrastructure at the Wastewater Treatment Plant. However, to have the easement recorded, a Town Meeting authorization is required. He did not know why this item was not on the ATM warrant. Notwithstanding, as construction on the WWTP is proceeding, the Town now needs to grant access to National Grid for such purposes. The Board of Selectmen may lawfully enter into a license agreement to provide such access to National Grid. He submitted to the Board the proposed agreement and recommended that they sign it. If still required, the actual easement can be brought forward at a future town meeting.

MOTION: To approve the license agreement from the Town of Sturbridge in favor of Massachusetts Electric Company dated May 17, 2010 as laid out on plan entitled "Sewer Treatment Plant, Sturbridge, Mass., dated 9/15/09" by T. Creamer.

2nd: S. Garieri

Vote: All in favor.

Pole Hearings – Main Street:

S. Suhoski read the legal ad into the record. There were three locations for poles on Main Street, Sturbridge. G. Morse said that the poles need to be relocated to remove them from the sidewalk area due to the construction project.

MOTION: To close the public hearing, by T. Creamer.
2nd: S. Garieri
Vote: All in favor.

MOTION: To approve the pole locations as indicated on the documents submitted to the Board by National Grid, by T. Creamer.
2nd: S. Garieri
Vote: All in favor.

Village Pizza – Change of Liquor License Type

S. Suhoski read the legal ad into the record. Ted Gidopoulos, co-owner and manager of Village Pizza, appeared before the Board. He noted that they currently hold a Wine and Malt license, and would like to upgrade to an All Alcohol license.

M. Dowling felt that it was a reasonable request from Village Pizza, in order to remain competitive with other businesses.

MOTION: To close the public hearing, by S. Garieri.
2nd: T. Creamer
Vote: All in favor.

MOTION: To grant the change of liquor license type to All Alcohol for Village Pizza, 487 Main Street, by T. Creamer.
2nd: S. Garieri
Vote: All in favor.

Yankee Spirits – Transfer of Stock and other Changes to Liquor License

Attorney Brian Fitzgerald, Donald Cimini and Kevin Grillo appeared before the Board. The application was for transfer of stock, change of manager, new officer/director, pledge of license and pledge of stock for Yankee Spirits. The transfer of stock would be from Michael Cimini to Donald Cimini, David Cummings, James Juliano and Thomas Tesauro. Donald Cimini would be the new President, Treasurer, Secretary and Director; David Cummings – Director; James Juliano – Director; Thomas Tesauro – Director. The new manager would

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be Kevin Grillo. The pledge of the license, stock and inventory would be to RBS Citizens Bank, N.A.

MOTION: To close the public hearing, by T. Creamer.

2nd: S. Garieri

Vote: All in favor.

MOTION: To approve the transfer of stock, change of manager, new officer/director, pledge of license and pledge of stock for Yankee Spirits, by T. Creamer.

2nd: S. Garieri

Vote: All in favor.

Interim Sewer Connection Policy:

Further to recent discussion, and revisions suggested at the May 10 work session, S. Suhoski submitted to the Board the proposed Interim Sewer Connection Policy. This policy will provide uniform guidance to the Board while considering connection requests until such time as the Town is granted additional treatment capacity. As a side note, the parcels comprising the Habitat for Humanity project were on record in 1889 in Plan Book 5, Plan 10, and thus would allow the Board to grant a connection, if it be in the best interest of the community.

T. Creamer indicated that he was comfortable with the policy. He asked whether the Board would be willing to act upon Charles Kady's request for a sewer connection for 83 Fairview Park Road prior to approving the policy. He noted that the request for 83 Fairview Park Road was two years old, and he has been before the Board previously. M. Dowling agreed with T. Creamer's suggestions to vote on the request before the policy, and noted that Mr. Kady's request predates the discussion of the policy. S. Garieri agreed that Mr. Kady's request should be taken up prior to voting on the policy. T. Goodwin said that the Board should consider the capacity and the situation in the Wastewater Treatment Plant.

MOTION: To grant 200 GPD to Charles Kady for 83 Fairview Park Road, by S. Garieri.

2nd: T. Creamer

Vote: Three in favor; T. Goodwin opposed.

MOTION: To adopt the Interim Sewer Connection Policy effective May 17, 2010, as follows:

The purpose of the Interim Sewer Connection Policy is to provide guidance to the Board of Selectmen, acting as Sewer Commissioners, when considering case-by-case requests to connect to the Town's wastewater

collection system. Such connections may be approved upon the following findings:

- 1. That the proposed connection meets a purpose as defined in Section 5.51 of the Sewer Bylaws and Regulations; and**
- 2. That the proposed connection be limited to those lots existing as of record and recorded with the Worcester District Registry of Deeds as of December 31, 2001, and that such connection be within or immediately proximate to the existing sewer service areas defined in Section 5.52 of the Sewer Bylaws and Regulations, and that one or more of the following conditions be met:**
 - (a) That the proposed connection will improve or mitigate an existing environmental concern including, but not limited to, (i) failed septic systems (subject also to majority vote of the Board of Health), or (ii) other environmental concern within 200 feet of a wetland (subject to input from Board of Health and/or Conservation Commission); or**
 - (b) That the proposed connection is associated with a lawful change-of-use of a parcel with an existing connection to the collection system; or**
 - (c) That the proposed connection is for the exclusive benefit of a parcel designated by the Town as a Priority Development Site under MGL c. 43D.**

Nothing contained herein shall serve to limit the discretion of the Board of Selectmen to grant or deny any connection in the best interests of the Town, by T. Creamer.

2nd: S. Garieri

Vote: All in favor.

Senior Municipal Service Program:

Three applicants have come forward for this program to date and have been matched to needs in the community.

MOTION: To approve the following applications to the Senior Municipal Service Program: (1) Dolores C. Pelton and Roy J. Pelton, of 78 Arnold Road, to the Recreation Committee, and (2) Nancy Giroux, of 7 Ridge Hill Rd., to the Board of Health, by T. Creamer.

2nd: S. Garieri

Vote: All in favor.

T. Creamer suggested getting a breakdown of what was spent last year and whether there was a reserve.

Metro PCS – Proposed Cell Tower Lease:

S. Suhoski informed the Board that last year, the former Town Administrator, while seeking additional sources of revenue for the Town, issued a Request for Proposals to locate a cell tower on town-owned land. The process yielded a response from MetroPCS with a proposal to locate a 130-foot tower on the DPW property. The proposed lease agreement was reviewed by Town Counsel and would essentially provide \$30,000 per year in rental payments to the town in exchange for the ground lease. With built-in escalators, and the potential for co-location fees, the Town could expect anywhere from \$600,000 to \$800,000-plus over the maximum 20- year term of the lease. Any lease is contingent upon the proposer receiving any required local permits. Currently, the Zoning Board is reviewing the proposed tower location and considering whether a variance and/or special permits are required. An important component of their decision will likely be the so-called “balloon test” which was set to occur on May 26 from 4-8 p.m. The Zoning Board has continued their hearing to June 9 so they can also have the benefit of the balloon test. On a related note, a resident from the nearby condominium complex came into the office to express concerns over the perceived visual impact of the tower. He will be submitting written comments and has requested time on the Board’s agenda for the June 7th meeting.

S. Suhoski said that the Board’s role will be whether or not to approve the lease. M. Dowling said that she has received phone calls from residents of Sturbridge Hills, expressing concern about it. T. Creamer noted that the ZBA will act upon it on June 9th, and requested that the discussion be delayed until after the ZBA has met. M. Dowling disagreed, and said that the Association wants to express its concerns. She pointed out that the Board does not have to vote on the lease on June 7th. T. Goodwin suggested asking the Association whether they would prefer to come on June 7th or the 21st. It was the consensus of the Board to take no formal action on the matter before the ZBA does.

Miscellaneous:

S. Suhoski noted that at the May 3 meeting, amendments were made to the proposed letter to state Sen. Brewer with respect to the casino legislation. He brought the revised letter for the Selectmen’s signatures.

In the two weeks, amongst routine duties, S. Suhoski also:

- a) participated in the Town Hall / COB construction meeting and met with the landscape architect and Tree Warden concerning plantings,
- b) participated in the Burgess School Building Committee meeting,

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- c) met with state Rep. Todd Smola to get acquainted and discuss various matters,
- d) met with members of the Cable Advisory Committee to discuss the new Charter contract and the AV equipment for Town Hall / COB,
- e) met with the Building and Planning departments to review processes with respect to new and/or potential business contacts,
- f) met with staff concerning office space and allocations for the return to Town Hall / COB,
- g) had a telephone conference with state Sen. Stephen Brewer regarding various matters,
- h) met with the Library Director, toured the facility and discussed potential areas of shared services,
- i) met with the Council on Aging Director to get acquainted and discuss some policy matters,
- j) met with the Conservation Agent to discuss various matters,
- k) worked with the Finance Director to complete review of a personnel related matter, and
- l) met with the chair of the Board of Health relative to various issues.

Appointments

MOTION: To support the Town Administrator's recommendations as listed on his update of May 17, 2010, by T. Creamer.

2nd: S. Garieri

Vote: All in favor.

Correspondence

Regarding the suggestion of a dog park in Sturbridge, T. Creamer asked whether the Board would have any reservations about asking the individual to supply additional information, and talking to the Recreation Committee about it. S. Suhoski said that he had referred the person to Recreation, and the Town Planner. Lynne Girouard will contact the individual.

Old Business

S. Garieri asked about the status of the podium that the Tantasqua vocational students were asked to construct. S. Suhoski said that he had heard that the students want to build it. He will follow up on it.

T. Goodwin said that he had forwarded to S. Suhoski, Lynne Girouard and Chief Ford complaints about events on the Town Common. They will meet to discuss it on Thursday, May 20th.

New Business

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S. Garieri said that he had received several complaints from contractors/builders that the perc season ends at the end of this month, and the Board of Health Agent is taking weeks off during this time. Mr. Garieri further stated that individuals were unwilling to share their concerns directly with the Board of Health for fear of retaliation; he provided no specifics. S. Suhoski said that he will pass that along to the Board of Health.

T. Creamer said that he recently attended two events in town. One was the Adopt-a-Trail Program, where 300 members of the community came together for a remarkable event. It was the consensus of the Board to recognize Erin Jacque, Leslie Wong and the Hoy family for their fine work on the project. The other event was a group of students from Tantasqua who got together to restore an elderly individual's property (who is living alone).

M. Dowling said that she had attended the National Day of Prayer event, and a lot of different churches were represented. She noted that it was a very beautiful ceremony.

T. Goodwin said that he would try to set up the Board's off-site meeting for Saturday, June 12th. M. Dowling suggested that the Board schedule this meeting on a week night instead. It was the consensus of the Board that Tuesdays and Thursdays were convenient. T. Goodwin said that he would see about several dates and will inform the Board via email.

T. Goodwin said that the American Vets of Massachusetts were looking for a representative from the Board to speak at their upcoming event at the Host Hotel. There will also be a leadership conference for MMA at Old Sturbridge Village. T. Creamer said that he will attend the Veterans' event.

MOTION: To adjourn, by S. Garieri.
2nd: T. Creamer
Vote: All in favor.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date