

June 21, 2010

**BOARD OF SELECTMEN
MINUTES
JUNE 21, 2010**

Present: Ted Goodwin, Chairman
Thomas Creamer
Mary Blanchard
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.

The Whistling Swan – Transfer of Liquor License and Change of Manager

S. Suhoski read the legal ad into the record. Michael Lyons, President and CEO of Table 3 Restaurant Group and Daniel Gonya, General Manager, appeared before the Board. D. Gonya said that Table 3 Restaurant Group is considering the purchase of three restaurants in Sturbridge, including the Whistling Swan. They plan to assume the operation of the Whistling Swan as it currently is; perhaps in 6-8 months they will make an investment in improvements to its appearance and menu.

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

MOTION: To approve the transfer of a liquor license to Table 3 Restaurant Group, d/b/a the Whistling Swan/Ugly Duckling Restaurant and Change of Manager to Daniel Gonya, by T. Creamer.
2nd: M. Blanchard
Vote: All in favor.

Village Pizza – New All Alcohol Liquor License

S. Suhoski read the legal ad into the record. The ABCC had required that Village Pizza reapply for the upgrade of their liquor license from Wine and Malt to All Alcohol by applying as a new liquor license. (The Board had reviewed and voted on this as a change of license type at a previous meeting.)

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

MOTION: To grant an All Alcohol liquor license to Village Pizza for 487 Main Street, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Jack's Gas – Class 2 License

S. Suhoski read the legal ad into the record. Jamal Sinno and Antoine Karam appeared before the Board. They requested a Class 2 Used Car Dealer License to add to their gas station at 40 Main Street, Sturbridge. S. Suhoski stated that the sale of used cars could be considered an ancillary use at that location, but the Planning Board should make the decision as to whether it is an ancillary use. T. Creamer agreed, stating that any determination in terms of zoning related issues associated with this proponent rested squarely with the Planning Board and that the Board of Selectmen was obligated to allow the Planning Board to address this issue under their statutory authority. It was the consensus of the Board that the Planning Board review the matter before the Selectmen vote on the license.

MOTION: To continue the public hearing until July 19, 2010 at 7:15 p.m., by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Fire Chief Leonard Senecal – Fund Transfer Request

Chief Senecal appeared before the Board. S. Suhoski explained that it was an appropriation transfer request, not a reserve fund transfer. Chief Senecal said that the Fire Department overtime account was depleted by \$829.78, so he requested a lateral transfer to cover the overage from the regular payroll account into the overtime account. He noted that he is expecting money from the State via the Board of Health for reimbursement of the overtime incurred for paramedic personnel attending the H1N1 flu clinics, in the amount of \$629.11. S. Suhoski said that the balance really is \$1149, and noted that there is 2 ½ weeks left in the current fiscal year. He said that the request for \$2500 is just for latitude.

MOTION: To approve the transfer of \$2500 from Fire Dept. Payroll Account #12101-51130 into Fire Dept. Overtime Account #12101-51300, by T. Creamer.

2nd: M. Blanchard

Vote: All in favor.

Police Chief Thomas Ford – Dog Complaint Hearing

Police Chief Ford appeared before the Board. He informed the Board that the Sturbridge Police Dept. and the Sturbridge Animal Control Officer, Ronald

Komar, have responded to numerous complaints and calls for service at 6 Village Green Drive. The nature of the complaints related to a nuisance and dangerous/vicious dog. Sgt. Kevin Mercier conducted an inquiry into the matter and reported that since August 2009 a Pit Bull owned by Bruce Pote and Yaskara Campos has attacked and bitten a resident of the Sturbridge Hills Condominium Association, has been loose on at least five occasions and has created fear among the residents by way of the dog's vicious disposition. The Animal Control Officer has previously ordered the dog restrained, but the owners have failed to comply. The Animal Control Officer has ordered the dog to be licensed, but the owners have not licensed the dog in 2009 or 2010. Chief Ford ordered the dog restrained pursuant to Chapter 140, §157 of MGL, and the dog has been impounded in another town's shelter.

Chief Ford said that on May 1, 2010 the dog attacked Sharon Nowak, at which time she fended the dog off with a caulking gun. Sharon Nowak appeared before the Selectmen and showed them the caulking gun, which had multiple bite marks. On another occasion it was alleged that the dog attempted to get into her house, and repeatedly jumped and butted his head at her door with such force that there were smears of blood on her door.

M. Dowling asked Chief Ford for his recommendation. Chief Ford said that his decision was based on his 17 years of experience as the canine officer for the Town of Sturbridge, and the Chief of Police in charge of animal control. He noted that he is an animal lover, especially of animals that are extremely intelligent. He said that unfortunately, this is a situation where there is an animal that was too much for inexperienced people to handle. He said that the dog exhibits bad behavior that is being reinforced. He recommended that the dog be humanely euthanized.

T. Creamer said that it is unfortunate that the residents of Sturbridge Hills and the Board of Selectmen find themselves in a situation where it is necessary to render a decision on an animal that is doing what an animal does. He said that the animal has not been properly socialized, and his behavior is becoming more difficult because of failure on the part of the owners to properly supervise, socialize and handle the animal. He said that when one of his own dogs had bitten someone who had reached over his fence while on his property, he called Ron Komar, the Animal Control Officer to report the incident on his own, and took the necessary corrective steps to ensure that it didn't happen again. He noted that his actions and reactions stemmed from responsible dog ownership.

Attorney Charles Proctor appeared on behalf of the dog's owners, Bruce Pote and Yaskara Campos, who also appeared before the Board. Y. Campos said that her dog is 18 months old and still a puppy. She said that they had the dog since he was 8 weeks old. She said that the dog had gotten loose one day when it was 6 months old and her neighbor Sharon Nowak was caulking her porch at the time. She said that she did not see exactly what happened, but stated that it

was not classified as a bite. In her opinion, the puppy had jumped on Ms. Nowak to get the caulking gun out of her hand. M. Blanchard noted that the Animal Control Officer had suggested dog training and obedience. Y. Campos said that they did give the dog to a trainer, Jim Isperdoli, for training. Bruce Pote said that the dog was licensed in 2009, had received all of the necessary shots, and is licensed for 2010. He said that part of the problem was that they had not received feedback from the Police Department that was consistent. He claimed that he had not received a notice from the condo association alerting him to the ban put on his dog.

Ted Heywood of the Sturbridge Condominium Association said that last fall they had sent a letter to Bruce Pote regarding his dog. Several residents, including Aldea Uminski, Sharon Nowak and her mother voiced concerns about the menacing nature of the dog. Jim Isperdoli insisted that the dog had not attacked anyone and is not vicious.

Attorney Proctor suggested that the dog be turned over to J. Isperdoli, with the agreement that the dog never return to the condo. Chief Ford said that he had no intention of changing his previous recommendation. The Board agreed with Chief Ford. M. Dowling said that J. Isperdoli's failure to acknowledge the dog's behavioral issues had turned her off to the suggestion offered by Attorney Proctor.

MOTION: To issue an order under Chapter 140, §157 of MGL to have the dog owned by Bruce Pote and Yaskara Campos humanely euthanized within 15 days from the date of the Board's decision, or pending the outcome of the appeal, if initiated, whichever shall occur later; in no event shall euthanasia occur until final resolution of any appeal; in the meantime, the dog is to remain impounded, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

MOTION: That pending final resolution at the end of the appeal period, that the dog remain in the custody of the Sturbridge Police Department and/or their designee for the remainder of that time; not to be released into the owners' custody; under no circumstances is the dog to be returned within the borders of the Town of Sturbridge, by T. Creamer.

2nd: M. Blanchard

Vote: All in favor

T. Goodwin said that although the Board's decision was not the one that the Potes were hoping would be rendered, their decision was made with the safety of the Sturbridge Hills neighborhood in mind.

Sandy Gibson-Quigley, Planning Board Chairman

Sandy Gibson-Quigley informed the Board that at the CMRPC meeting on June 10th Jean Bubon, Town Planner, was presented with the Community Leadership Award for Central Massachusetts. She said that Ms. Bubon was recognized for her achievement at the last Planning Board meeting. T. Creamer commended the Planning Board, and noted that Ms. Bubon is extremely professional and competent. He said that she is also surrounded by extremely competent volunteers, and noted that the Planning Board is one of the most professional boards serving the Town.

MOTION: To send Jean Bubon a congratulatory letter from the Board of Selectmen on her Community Leadership Award, by M. Blanchard.
2nd: T. Creamer
Vote: All in favor.

Approval of Minutes

MOTION: To approve the minutes of June 7, 2010 as amended, by M. Blanchard.
2nd: T. Creamer
Vote: All in favor.

Wastewater Treatment Plant Engineering Contract Amendments (Tighe & Bond)

S. Suhoski noted that a substantive change in the design and bidding parameters of the WWTP upgrades (from conventional to Bio-Mag) resulted in a more cost-effective design together with federal stimulus subsidies that ultimately have brought the total project cost down over \$4.5 million from the initial \$20 million TPC approval. In order to achieve these project savings, Tighe & Bond was required to provide substantial additional design services. Accordingly, two contract amendments are proposed: (a) An increase of \$98,100 to the design phase services agreement; and (b) An increase of \$45,000 to the construction phase services, each as outlined in the May 24, 2010 correspondence to the Town Administrator. S. Suhoski noted that this increase is approximately \$50,000 less than initially requested by Tighe & Bond through negotiations with Greg Morse, DPW Director, and Mike Racicot, Interim Town Administrator.

Ian Catlow of Tighe & Bond appeared before the Board. He provided an update on the progress of the WWTP upgrades. He said that a field office and temporary utilities have been established at the site, and the driveway excavation is in progress. He noted that temporary systems have been installed, including influent force mains, distribution structure, piping, sand filter, septage and chemical storage. Selective demolition has been done, and installation of the

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belt filter press, sand filter building, influent flow distribution and an abandoned oil tank has been removed. Regarding the process building, the following has been done: foundation excavation, steel reinforcement, mat foundation concrete and walls. Site utilities and piping has been done, with new telephone and electrical service, potable water and process piping.

M. Blanchard asked about the increase in cost. I. Catlow said that there were a number of meetings with Mass. DEP and the CWMP was developed in a series of meetings. Additional work was necessary which could not be completed before financing could be obtained for the NPDES permit. He noted that the work was design related. He said that Bio-Mag is a new technology, and noted that there is some benefit to being on the cutting edge. The bid from CWT was \$2.6 million; it was reduced to \$1.9 million.

MOTION: To approve (a) Contract Amendment #1 to Tighe & Bond for Design Phase Services as outlined in correspondence dated May 24, 2010 in the amount of \$91,800; and (b) Contract Amendment #1 to Tighe & Bond for Construction Phase Services as outlined in correspondence dated May 24, 2010 in the amount of \$45,000; and to authorize the Town Administrator to execute any required documents, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Police Chief Thomas Ford – Whittemore Road Stop Sign/Safety Report

Chief Ford had submitted a memo dated June 19, 2010 regarding his intention to address the traffic concerns recently brought forward by Paul Gialenella, 81 Fiske Hill Road. He thought that a stop sign at the corner of Whittemore Road and Fiske Hill Road would serve a more legitimate purpose than does the current yield sign. He said that although both signs are regulated through Chapter 89, §9 of MGL, it has been his experience that a stop sign commands more traffic control than a yield sign. He said that it would be especially beneficial if there is an increase in the density of traffic on Fiske Hill Road and a speeding problem at the intersection of Fiske Hill and Whittemore Roads. He said that the Police Department will conduct a traffic study to collect speed and density data beginning within the next ten days. They will collect data for 14 days, the results of which will support a response plan. The response plan will include educational, enforcement and analysis components. At the completion of this plan they will initiate a long term control plan. Chief Ford will report back to the Board no later than August 2, 2010.

MOTION: To change the yield sign currently at the top of Whittemore Road heading south on Fiske Hill Road to a stop sign, effective immediately, to enhance the safety of the area, by M. Dowling.

2nd: T. Creamer
Vote: All in favor.

MOTION: That the Board support the zero tolerance policy (Click It or Ticket) regarding safety belt violations, as enforced by the Sturbridge Police Department and outlined in the June 21, 2010 letter from Police Chief Thomas Ford, by T. Creamer.

2nd: M. Blanchard
Vote: All in favor.

Route 15 Wastewater Study

S. Suhoski said that the Board had expressed a desire to commence and complete the wastewater study in an expeditious manner. He noted that the \$25,000 in funds are available on July 1st, and in order to ensure completion by mid-September, he and Greg Morse, DPW Director, met with Dave Prickett of Tighe & Bond to review the scope of work and timetable for completion. The scope remains as identified in the January 13, 2010 correspondence addressed to Greg Morse, and reflects verbatim the four scenarios that were specifically voted at Annual Town Meeting.

MOTION: To approve the Route 15 Wastewater Study in an amount not to exceed \$25,000 as outlined in Tighe & Bond's January 13, 2010 correspondence to Greg Morse; and to authorize the Town Administrator to execute any required documents, by M. Blanchard.

2nd: T. Creamer
Vote: All in favor.

Automatic Amusement Device License – Admiral T.J. O'Brien's

Timothy O'Brien of Admiral T.J. O'Brien's had submitted an application to amend his amusement device license by removing two video games and adding a jukebox and four amusement devices. The net change is an increase of three devices. The fee per device is \$50.

MOTION: To grant an Automatic Amusement Device License for one jukebox and four video amusement devices to Timothy O'Brien, d/b/a Admiral T.J. O'Brien's, 407 Main Street, as detailed in an application dated June 10, 2010, by M. Blanchard.

2nd: T. Creamer
Vote: All in favor.

Reciprocating Agreement – Back-up Building Inspector Services

David Lindberg, Building Inspector, submitted correspondence to the Board concerning the qualifications of Harold Leaming, Building Commissioner in the town of Monson, to serve as an Acting Building Inspector in Sturbridge under a reciprocating agreement. This type of arrangement is at no cost to either community, but provides an avenue for competent inspectional services during vacation periods or in the event of illness.

MOTION: To ratify the Town Administrator's appointment of Harold P. Leaming as an Acting Building Inspector for the Town of Sturbridge for a one year term expiring in 2011 to perform reciprocating services as outlined in the June 18, 2010 correspondence from the Building Commissioner, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Assistant Wiring Inspector Appointment

MOTION: To ratify the Town Administrator's appointment of Robert H. Garon as Assistant Wiring Inspector for the Town of Sturbridge for a one year term expiring in 2011, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Design Review Committee Appointments

MOTION: To ratify the Town Administrator's appointments of Cindy Forgit and Aniko Fata to the Design Review Committee for three-year terms expiring in 2013, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Energy Advisory Committee Appointments

MOTION: To ratify the Town Administrator's appointments of Kerry Fuqua and Thomas Adams to the Energy Advisory Committee, for indefinite terms, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Bid Award – Cooperative Heating Fuel Bid

MOTION: To accept the award of the cooperative fuel bid to Peterson Oil Service for fiscal year 2011 for the firm price bid of \$2.50 per gallon, by M. Blanchard.

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2nd: T. Creamer
Vote: All in favor.

**Additional Compensation: Finance Director, DPW Director, Town Planner
re: Interim Administration Period**

On June 4th the Board requested that the Town Administrator review the provision of additional compensation for services offered by the Finance Director during the interim administration. Through discussion with the Interim Administrator and key staff, S. Suhoski offered the following recommendations for additional compensation due to the additional workload and, more importantly, the extended period of time for such services during the interim administration.

Finance Director (budget and administration)	\$3,750
DPW Director (operational support)	\$2,250
Town Planner (grant administration)	\$ 500

S. Suhoski said that this compensation is proposed to be funded through the existing FY11 Town Administrator salary appropriation, which due to the turnover and reduced salary versus the prior administrator, is projected to run approximately \$8,000 under budget.

MOTION: To approve the Town Administrator's recommended inter-fund transfers from Line #11231 Town Administrator Personnel Services to the following line items for the purpose of providing additional compensation to the Finance Director, DPW Director and Town Planner for extraordinary services rendered during the interim town administration period:

<u>Amount</u>	<u>From Line Item</u>	<u>To Line Item</u>	<u>Purpose</u>
\$3,750	11231-51120	11451-51120	Finance Director Wages
\$2,250	11231-51120	14101-51120	DPW Director Wages
\$ 500	11231-51120	11751-51120	Town Planner Wages

By M. Blanchard.
2nd: T. Creamer
Vote: All in favor.

Miscellaneous

Since his last report, S. Suhoski had been busy with the following summarized list:

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- a) Participated in the Town Hall/Center Office Building construction meeting.
- b) Met with and received grant documentation from The Last Green Valley organization for additional work on the Trolley Line trail.
- c) Had substantive discussions with the Police Chief and police union regarding various matters.
- d) Continued discussions with the Building Inspector regarding operational reforms.
- e) Met with the Town Planner and DPW Director regarding future infrastructure and capital planning as relates to grant funding.
- f) Met with the Finance Director and Assessor regarding Town Hall/Center Office Building move and furnishings budget.
- g) Met with Tighe & Bond and DPW Director regarding WWTP upgrade project and Route 15 wastewater study.
- h) Met with Don Fairbrother of the Cable Advisory Committee and Assessor to further revise and finalize proposed IFB for new equipment under Charter contract.
- i) Participated in the Burgess School Building Committee meeting.
- j) Met with Conservation Agent and Trails Coordinator regarding development of maintenance and management plans as system further grows and develops.
- k) Met with David Mitchell and Conservation Agent regarding public/private partnership for monitoring great ponds in Sturbridge.
- l) Discussed regional needs and partnership opportunities with Southbridge Town Manager.
- m) Finalized contract language and updated wage matrix for recently settled DPW/SEIU contract.
- n) Met with potential appointees to committees and boards.
- o) Discussed overtime shortfall with Fire Chief and Finance Director, then issued order to immediately cease all discretionary Fire Dept. overtime.

Old Business

M. Blanchard asked about the veterans' welcome event. T. Creamer said that it was a great event, attended by Senator Brewer and Representative Smola.

M. Blanchard asked whether the Town Administrator had heard from Ansar Energy. S. Suhoski said that he had not heard from them.

T. Creamer requested that S. Suhoski send the Board e-copies of the Personnel Policy Manual. S. Suhoski agreed to email it to the Board.

T. Creamer said that Ginger Peabody had raised concerns about illegal signs and flags. He said that some proactive steps should be taken. S. Suhoski said that David Lindberg, Building Inspector, has been researching fee proposals, and

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signage will be the next part of it. He will notify business owners of the bylaw, a and will take action.

New Business

T. Creamer announced that information regarding the upcoming Feast and Fire Event scheduled for July 3rd is posted on the Town's website, cable access channel, REAS Foundation website and Merchants of Sturbridge website.

S. Garieri said that he has blocked all emails from T. Creamer because they contained spyware, according to his IT consultant. He requested that Judy Knowles copy emails from T. Creamer and put them into his mailbox. T. Creamer stated that Mr. Garieri's claim was ridiculous, insulting and completely unsubstantiated. He further indicated that making such absurd claims was irresponsible.

MOTION: To adjourn, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date