

July 19, 2010

**BOARD OF SELECTMEN
MINUTES
JULY 19, 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.

T. Creamer announced that he and a member of the press were recording the meeting.

Approval of Minutes

MOTION: To accept the minutes of June 21, 2010 as amended, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

MOTION: To approve the minutes of July 6, 2010 as amended, by M. Blanchard

2nd: T. Creamer

Vote: Four in favor; M. Dowling abstained.

MOTION: To approve the executive session minutes of July 6, 2010 as amended, to remain confidential, by M. Blanchard.

2nd: T. Creamer

Vote: Four in favor; M. Dowling abstained.

In response to comments made by S. Garieri on June 21, 2010, T. Creamer read a statement into the public record (see attached document), which included several questions addressed to S. Garieri.

Department Head Monthly Reports

Police Chief Thomas Ford reviewed his report with the Board. He announced that the Sturbridge Police Department got second place in the Mass. Law Enforcement Challenge this year. They obtained a \$3,000 piece of state traffic equipment which silently collects data, and can stay up for five to seven days on the pole.

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Chief Ford said that he had taken part in the Molly Bish Ride for motorcycles. T. Creamer noted that the starting point was at Hobbs Brook. Chief Ford said that there was a little less traffic congestion, and there was no negative feedback regarding the event.

M. Blanchard asked about the status of the CERT program. Chief Ford said that he is hoping to have another CERT class soon, but funding is getting low. He said that he would look into it.

David Lindberg, Building Inspector, reviewed his report with the Board. He said that he has reorganized the Building Department, and the Plumbing and Electrical Inspectors are now working fully through the Building Department, which allows him greater oversight and control of their activities and permitting and inspections. All fees collected will come through his office.

D. Lindberg said that he plans to hold a sign bylaw informational meeting on July 20th for local merchants. They will review the bylaw and discuss how it affects businesses. S. Garieri asked whether there was an alternate room to use if Room #55 could not hold the amount of people who attend the meeting. S. Garieri also stated that some merchants he had spoken to were afraid to go and that some were afraid they were going to be singled out and kind of eyeballed. S. Garieri said he told them that that was not what this meeting was about. D. Lindberg said that Room #55 was the only space available. S. Garieri noted that the meeting is scheduled for 9:00 a.m., a time when most businesses are opening for the day. D. Lindberg said that there was no perfect time during the day to hold the meeting. S. Garieri suggested holding another meeting at a different time to accommodate those people whose schedules conflicted with this meeting.

M. Blanchard showed D. Lindberg the previous Building Inspector's reports and suggested that he use that format.

S. Garieri noted that there has been a lot of confusion regarding the zoning bylaw and that the Town says one thing but does another. D. Lindberg said that it is his goal to work with people and get information to them. M. Dowling asked S. Garieri if he was willing to be more specific. S. Garieri said that there are some conflicting items, such as Section 22.23 (d): "Signs erected by the Municipal, County, State or Federal Government, as may be deemed necessary for their respective functions, are exempt from the provisions of this bylaw, but are expected to conform to the spirit and intent of it." Then the bylaw states under Section 22.25 that some signs are prohibited. Under Section 22.03 Definitions of Signs, "banner and pennant" are included. He noted that the Town has over 54 banners on poles, which violate Sections 22.06, 22.18, 22.25 and 22.28. He said that this is the worst economic time since the depression, and the Town and Old Sturbridge Village are the biggest violators of the sign bylaws. The water ban signs were put out not within setbacks, and some block the line of view of traffic.

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S. Garieri stated that the sign on the Common for Concerts on the Common has been there since the summer, and one as well at the entrance to Town Hall listing sign-ups for different things, and they are expected to conform to the spirit of the bylaw. He asked if D. Lindberg was intending to tell merchants not to do what the Town itself has been doing. D. Lindberg said that S. Garieri had made some good points, and he will discuss these matters at the meeting with business owners.

Greg Morse, DPW Director, reviewed his report with the Board. He said that the Wastewater Treatment Plant project is coming along well, with no monetary issues yet.

G. Morse said that Well #4 is going along well. Pipe work on Shattuck Road was started last week, and all underground electrical has been installed. The lines are being transferred from the old poles to new ones.

G. Morse informed the Board that they had to repair a 13 foot long connection in a pipe on Route 131. He noted that it will be under the sidewalk.

M. Blanchard asked how the state felt about the job done by Bruschi Brothers. G. Morse said that he had not heard much from them. He noted that 1100 feet of paving had been identified as “bad,” which has since been overlaid and improved.

M. Blanchard said that it has been brought to her attention that Veolia has been getting free advertising space by putting their signs on the pump stations. G. Morse said that Veolia is the operator of the pump stations, and if anyone needs to contact them, it is necessary to know their name and how to reach them.

S. Garieri asked about the additional sidewalks and how DPW would address them during wintertime. G. Morse said that the second part would be easier to work on, as the sidewalks will be wider. He said that at least four people would be needed to work on them during the winter, as two more miles of sidewalks will be created. He noted that the Board of Selectmen had voted on having the DPW plow the commercial strip of sidewalk. T. Creamer said that the Board had voted that way because it was necessary to ensure that the business abutters – most of whom rent their storefront spaces as opposed to owning them – can still conduct business, while also providing safe and secure passage for residents and visitors. T. Goodwin added that it is important to get snow removal done quickly and efficiently for the safety of the commercial district. He suggested that the Board discuss it later in August.

Shane Moody, Veolia Water North America, reviewed his report with the Board. He said that the Consumer Confidence Reports were mailed out to all of the customers. He said that all of the meters have been read, and the bills will go out shortly. He said that hydrant flushing has been finished.

S. Moody said that the fire hydrants at Tantasqua don't work any more. He noted that the school had changed the way that the fire system is being run, which is not the way the system was designed or set up to be run. He said that as the water provider, he does not have any authority in the situation, and suggested that the Board address it with the School Committee. T. Creamer requested a report on the situation from the Fire Chief acknowledging their awareness of any issues and existing pre-fire plans to deal with such issues. He stated that there are multiple methods for dealing with water shortages if they exist, such as relay systems and tankers. He noted that he was confident that a tactical and strategic plan existed and would simply like to review it. G. Morse said that they knew there was a flow restriction. He said that it could be possible to utilize water from the swimming pool, if a firefighter opens the valve, but that in order to open the valve, firefighters would have to enter a burning building to gain access to the valve.

Continuation of the Hearing for a Class 2 License for Jack's Gas

S. Suhoski said that he had spoken with Jamal Sinno of Jack's Gas. He said that it should go through site plan review, and suggested that it be continued to August 2nd.

MOTION: To continue the public hearing for a Class 2 license for Jack's Gas to August 2, 2010 at 6:35 p.m., by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Applebee's Change of Manager on Liquor License

S. Suhoski said that Applebee's has withdrawn their application and will submit another application for change of manager at a future date.

Utility License Agreement – Burgess Elementary School

MOTION: That the Board approve the License Agreement with Verizon New England, Inc. and Massachusetts Electric Company dated July 19, 2010 for purposes of completing and maintaining all utility work associated with the Burgess Elementary School construction project, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Route 131 Sidewalks – Additional Scope Request

S. Suhoski said that based upon the Board's July 12th vote, he advised Mass DOT to proceed with installation of real brick sidewalks along both sides of Main

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Street from approximately Station 126+00 (Town Hall driveway) to Station 118+00 (end of Town Common). The price quoted by MassDOT was \$180,950 with the brick to be laid upon a 4" mortar base. The Publick House has indicated that they would be prepared to fund the extension of brick from the end of the Common to approximately Station 116+00 or in front of the Chamberlain House (about 90 feet).

S. Suhoski said that he had received a request for a meeting with MassDOT regarding potential cost overruns. S. Garieri asked about getting Town Meeting approval on it. S. Suhoski said that it may be necessary to find an alternate source of funding. S. Garieri said that he knew someone who has MS, and it would be difficult for him to walk on a brick surface. He questioned whether the brick would meet the ADA compliance factor. He said that given the scope of the situation and the expense of it, he cannot support the brick sidewalk. S. Garieri further stated that he had conducted an informal survey about the brick sidewalks wherein he asked people if they had ever traveled somewhere just because of brick sidewalks, and he stated that they laughed at him.

S. Garieri further stated that when he hears people worrying about making mortgage payments while the Town is spending this kind of money on sidewalks, he has to speak up.

T. Goodwin agreed that people generally don't travel to a place for one particular thing, but more so for the overall sense of place that is offered. He indicated that many people visit the Publick House not just because of its wide pine floors or fireplaces or wainscoting or the other extras individually, but rather for the overall combined aesthetics. T. Goodwin further stated that the brickwork on the Common was a component of overall area aesthetics. T. Creamer agreed and also said that if brick was not ADA compliant it would be outlawed as sidewalk material.

S. Garieri said that the Sturbridge DPW is underfunded and understaffed; taxes are rising at phenomenal rates and spending should be kept under control.

M. Dowling asked whether there was a limit that the Publick House is willing to reimburse. Michael Glick noted that 90 feet is the scope of work, so the Publick House would be willing to pay up to \$25,000 of installation cost.

In response to S. Garieri's concerns about ADA compliance, M. Dowling asked S. Suhoski if there were any compliance issues associated with brick sidewalks, to which S. Suhoski stated that the sidewalks would be ADA compliant. M. Dowling then stated that any sidewalk that is not properly maintained could be challenged under the ADA whether brick or not, and that it should be clear that a vote in favor of brick sidewalks is not a vote of something that is in violation of any federal law. M. Dowling further stated that concerns about cost or

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maintenance are legitimate concerns, but it should not be implied that a vote in favor of brick sidewalks is a vote against ADA compliance.

M. Blanchard said that aesthetically the brick sidewalk would be wonderful, but the Town will be responsible for anything over 110% contingency. She said that she would not support it.

MOTION: To authorize the Town Administrator to approve the extension of the brick sidewalk from approximately Station 118+00 to Station 116+00 up to a cap of \$25,000; should it go beyond \$25,000 the work will not be done, by T. Creamer.

2nd: M. Dowling

Vote: Three in favor; S. Garieri and M. Blanchard opposed.

Part-Time Firefighter Appointments

MOTION: To approve the Town Administrator's appointments of Nicholas DaDalt of Sturbridge and Danna Garrett of Fiskdale as Part-Time Firefighters subject to completion of satisfactory background checks, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Senior Municipal Service Program

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; (2) Nancy Giroux of 7 Ridge Hill Road to the Board of Health; and (3) Margaret Fox of 99 Cricket Drive to the Assessing and Planning Departments, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

Miscellaneous

Sign Bylaw Enforcement:

S. Suhoski informed the Board that a letter from the Building Inspector concerning non-conforming signs was issued and the Q&A session on the Town's sign requirements is set for July 20th at 9:00 a.m. in Room 55. Dave Lindberg, Jean Bubon and S. Suhoski will be present, and the meeting is open to the public. He noted that this is a precursor to stepped-up enforcement of existing signage bylaws.

Mass. Water Pollution Abatement Trust WWTP Project Loan Closing:

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S. Suhoski received a memo from Barbara Barry, Finance Director regarding loan #CWS-09-09 for the Wastewater Treatment Project, which he read into the record.

Board of Assessors – Tax Classification Hearing:

S. Suhoski informed the Board that the Tax Classification Hearing will be scheduled for September 7, 2010.

Update: FY10 Town Counsel Budget:

S. Suhoski said that with the FY10 fiscal year winding down, he requested and received approval from the Board to seek a reserve fund transfer to fill a projected gap in the Town Counsel line item. After review of the final quarter invoices, he allocated certain legal costs to the Burgess School project (review of contract conditions, etc.) which eliminated the need for the RTF. The Finance Committee was advised.

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

- a) Participated in the Town Hall/Center Office Building construction meeting and worked on fiber optic line quotes, alarm monitoring service quotes, restoration of telephone lines to the Town Hall building, review of consolidated photocopier quotes (Town Hall, Public Safety Complex, Center Office Building, Senior Center and Joshua Hyde Library);
- b) Continued discussions with David Lindberg, Building Inspector, regarding revised permitting and inspector compensation schedules, and sign bylaw education and enforcement;
- c) Met with potential occupants of the Basketville Building with the Town Planner;
- d) Worked with Don Fairbrother and William Mitchell to conduct site walk-through of the Town Hall/Center Office Building for the audio-visual equipment RFP due on July 30th; also wrote and distributed extensive addendum to all interested bidders;
- e) Met with Richard LaFranchise of the PLAC regarding revised mission statement and outstanding offers of land;
- f) Met with Erin Jacque regarding pending easement agreement with Old Sturbridge Village relative to trail access;
- g) Met with capital investors and Jean Bubon regarding opportunities within commercial tourist district;
- h) Met with Barbara Barry and Millard Rose of Virtual Town Hall to discuss current and future service options;
- i) Met with Town Hall/Center Office Building Committee;
- j) Participated in conference call with Chief Ford and Town Counsel regarding ongoing litigation;

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- k) Attended legislative luncheon hosted by Chamber of Commerce with Jean Bubon to hear Secretary of Housing and Economic Development discuss state administrative actions;
- l) Discussed casino legislation conference committee and need to retain local involvement in any gaming commission and ensure mitigation funding with Senator Steve Brewer;
- m) Reviewed analysis of telephone, cell, fax service usage and costs with consultant and Barbara Barry (savings plan to follow);
- n) Met with MIIA rep to finalize builder's risk coverage for Burgess Elementary School project and supplemental coverage relative to ongoing WWTP project;
- o) Met with Finance Committee regarding upcoming work session and various year-end matters;
- p) Met with Jim Donahue and Debra Friedman of Old Sturbridge Village to ensure continued communication and to discuss various outstanding matters;
- q) Worked with Greg Morse and Dave Prickett of Tighe and Bond to facilitate trench repairs by Bruschi Brothers along Route 131; and
- r) Responded to various citizen concerns and requests for information.

Correspondence

T. Creamer noted that there had been correspondence regarding properties being offered to the Town. S. Suhoski said that the Public Lands Advisory Committee will meet in the interim, and he will have more information by the August 2nd meeting.

Old Business

T. Creamer asked whether a date had been set to complete the Committee Handbook. S. Suhoski said that there will be a revised draft prior to the next meeting.

T. Creamer noted that Joe Conceison, a resident of Sturbridge, had sung the national anthem at Fenway Park on July 3rd.

M. Blanchard asked about the status of the off site meeting. T. Goodwin said that he would let the Board know when a date and place was determined.

M. Blanchard asked about the status of the Town Administrator's goals. T. Goodwin said that he was waiting for suggested goals from the other members of the Board.

New Business

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M. Blanchard asked about the date for the ribbon cutting/open house for the Town Hall and Center Office Building. S. Suhoski said that he would have more information prior to the August 2nd meeting. He informed the Board that the move of the Town Hall offices back to Town Hall and the Center Office Building will take place on August 4, 5 and 6.

Citizens' Forum

Dave Gold requested that the meeting be kept open and not closed, and wanted to know the topics that would be covered in executive session. S. Suhoski said that the Board planned to discuss pending litigation involving the Board of Health. D. Gold said that the public should have the opportunity to ask questions and it should not be discussed in secret. S. Suhoski said that there is imminent litigation, as the matter was filed on behalf of the Board of Health. He said that the Board's discussion should be protected in terms of how to pursue the litigation and what strategy to take. D. Gold asked whether meeting minutes will be kept. S. Suhoski said that executive session minutes would be available when the Board votes to release them to the public.

MOTION: To convene in executive session under MGL Chapter 30A, §21, Exemption #3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body as declared by the Chair, regarding the matter of the Southbridge Landfill/Appeal of Mass DEP Permit (Board of Health); Mongeon vs. the Police Chief and the matter of the dog owned by Bruce Pote and Yaskara Campos; not to reconvene in open session, by T. Goodwin.

2nd: T. Creamer

Roll call vote: M. Dowling in favor; T. Creamer in favor; T. Goodwin in favor; S. Garieri in favor; M. Blanchard in favor.

The meeting was convened in executive session at 8:15 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date

July 19, 2010

Thomas R. Creamer – Selectman
Town of Sturbridge
359 Leadmine Road
Fiskdale, MA 01518

12 July 2010

Members of the Board

On June 21, 2010 during a public meeting of the Sturbridge Board of Selectmen, Scott Garieri made an unsubstantiated and patently false allegation wherein the minutes reflect the following statement: ***“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 the Mr. Garieri’s claim was ridiculous, insulting, and completely unsubstantiated. He further indicated that making such an absurd claim was irresponsible.

With too many other town-related issues necessitating my attention, I reserved additional comment until the appropriate time availed itself to allow this matter to be addressed in a manner most befitting; hence, the submission of this correspondence into the public record this evening. In response to Mr. Garieri’s reckless and irresponsible allegation, I am compelled to ask several questions.

1. Is Mr. Garieri willing to provide the name and credentials of his so-called “I.T. consultant” so that this alleged consultant can be publicly deposed?
 - a. Let the record reflect that Mr. Garieri declined to provide the requested information.
2. Did Mr. Garieri report this so-called breach of his computer’s security system to the Sturbridge Police Department for investigation, and if so, what was their response?
 - a. Let the record reflect that Mr. Garieri responded by stating he might have mentioned it but he can’t recall.
 - b. Additionally, let the record reflect that I spoke with Chief Thomas Ford at 1817 hours on 12 December 2010 and was informed by him that no such complaint had been filed with the Sturbridge Police Department nor had Chief Ford had any discussion with Mr. Garieri relative to this issue.
3. Has Mr. Garieri reported this so-called breach of his computer’s security system to the Attorney General’s Office, in particular their Computer Forensics Division, which investigates such claims and if so, when, and what was their response?
 - a. Let the record reflect that Mr. Garieri responded by stating no.
4. Did Mr. Garieri report this so-called breach of his computer’s security system to the Massachusetts State Police, in particular their Cyber Crimes Division, which investigates such claims, and if so when, and what was their response?
 - a. Let the record reflect that Mr. Garieri responded by stating no.

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In light of Mr. Garieri's responses and the fact that a forensic scan by either the Attorney General's Computer Forensics Division or the State Police Cyber Crimes Division would clearly disprove this reckless and unfounded assertion, one can only logically conclude that Mr. Garieri has knowingly and premeditatedly leveled a false allegation that is in violation of his oath of office and his responsibility under the Sturbridge Town Charter. This is alarming to say the least.

As a member of this body, I have pledged - and shall continue throughout my tenure - to work for the greater good of this community with every member of our town governance in the most positive and fruitful manner possible. That said, one should not mistake my commitment to partnership to suggest a willingness on my behalf to allow dishonesty, misrepresentation, or self-serving behavior to propagate unchecked. To do so would constitute a violation of my oath of office – an oath that I personally take very seriously – and one I shall remain faithful to at all times.

There is no greater character defect (in my mind) that a human-being can undertake than to bear false witness against another human-being; sadly, such is the case here with Mr. Garieri's irresponsible and false claim. To consciously bear false-witness against colleagues and/or residents demonstrates a disturbing and dangerous character flaw that should never be allowed to continue unabated; hence the purpose of my letter.

Though offended by such irresponsible and reprehensible behavior, I will continue to work in the most positive and productive manner possible with all individuals for the common good of this community, regardless of their character failings. Once again however, I respectfully submit that one should not misconstrue my magnanimity to suggest that I will stand idle and allow false allegations or misrepresentations of fact to prevail unchallenged. Nor, will I remain silent when witness to acts of self-serving behavior or violations of our laws and orders by those sworn to represent the citizens of this community.

Let the record also reflect that I am providing the BOS Chairman with a folder containing the follow items for distribution to Mr. Garieri:

- A document containing the contact information for the Attorney General's Computer Forensics Division
- A document containing the contact information for the State Police Cyber Crimes Division
- 7 Articles highlighting measures that can be taken to prevent spyware and malware from infecting one's computer.

Respectfully

Thomas R. Creamer – Selectman, Town of Sturbridge