

September 20, 2010

**BOARD OF SELECTMEN
MINUTES
SEPTEMBER 20, 2010**

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

Ted Goodwin was absent.

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

T. Creamer announced that he and Worcester Telegram & Gazette reporter Craig Semon were taping the meeting.

M. Dowling welcomed Al Thompson, an Eagle Scout who attended the meeting in pursuit of earning his citizenship merit badge.

Comfort Inn and Suites – Alter Premises on Liquor License

S. Suhoski read the legal ad into the record. Anthony Fantaroni, owner of the Comfort Inn and Suites, appeared before the Board. He said that they have added a 10' X 25' outdoor patio off of the breakfast room, which will seat 15 people. There will not be any sale of alcohol on the patio, nor live entertainment there. T. Creamer said that if it impacts the parking area, the Planning Board may have to review for Site Plan Waiver and sign off relative to the patio. He recommended the proponent seek guidance from the Town Planner.

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

MOTION: To approve the request for alteration of premises on the liquor license for the Comfort Inn and Suites as per the plans submitted to the Board, by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

Department Head Monthly Reports

Fire Chief Leonard Senecal reviewed his report with the Board. M. Blanchard asked whether the Fire Department personnel have been trained to drive the new trucks. Chief Senecal said that 18 people have been trained on the tanker, and

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they will train the rest of the personnel. He said that 14 people have been trained on the pumper; seven people still need training. T. Creamer suggested that Chief Senecal set a goal that the remaining people be trained prior to the next Department Heads' monthly meeting with the Board of Selectmen. It was the consensus of the Board.

S. Suhoski noted that one of the full-time firefighters has resigned, so that vacancy will be posted. Chief Senecal said that Thomas Edwards wants to stay on as a call Firefighter/Paramedic, with the permission of the Board of Selectmen. T. Creamer said that the decision should be made by Chief Senecal.

Chief Senecal informed the Board that they conducted fire drills at the schools with good results. M. Blanchard asked where people would exit Burgess. Chief Senecal said they would exit on the back side of the building where the mini park is located. S. Garieri asked whether fire drills are conducted in any other buildings. Chief Senecal said that it is up to the owners of the buildings to request the Fire Department's assistance with fire drills. He said that he would mention it when they do inspections.

David Lindberg, Building Inspector, reviewed his report with the Board. He noted that there has been an increase in building activities with home improvements, energy efficiency upgrades and new houses. He said that people are expressing interest in bringing their businesses to Sturbridge, and he has been working with Jean Bubon, Town Planner, on zoning issues and land use.

D. Lindberg said that he has inspected all of the school buildings prior to their occupancy for the school year.

D. Lindberg said that he has been making progress on reviewing the sign bylaws.

M. Dowling asked whether the Town Hall/Center Office Building project was complete. D. Lindberg said that it was substantially complete. S. Suhoski said that the punch list is almost done. M. Dowling asked why the front doors of Town Hall are closed to foot traffic. S. Suhoski said that the front doors are locked due to accessibility issues since there is no handicapped ramp, as according to the ADA each entrance must be accessible to everyone, including disabled individuals. He noted that the Town could have pursued a variance from the Access Board, which was not done, and it is difficult to get those now. D. Lindberg said that they have tightened the rules, but said that he would look into it. S. Suhoski said that the design that was approved had no door handles, so they were added later. M. Dowling said that it was worth pursuing. T. Creamer quoted the ADA requirement that "At least one accessible route should be provided, and the accessible route should coincide with the route for the general public." He noted that parking and the main entrance are both in the rear of Town Hall. He said that keeping the front door locked is extending the commute for people who don't need to use handicapped access, and is an inconvenience

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to those people who want to go back and forth between the Center Office Building and Town Hall. He said that people will be driving back and forth between those buildings, increasing traffic, parking issues and an increased likelihood of vehicle conflicts. M. Blanchard said that she had always been under the assumption that having two entrances, one being ADA compliant, would satisfy state law. She suggested getting a definitive answer on it. T. Creamer queried the Board and the consensus was that the Town Administrator provide additional feedback at the next scheduled meeting.

M. Dowling asked whether it was the consensus between the 10 participating merchants that the sign bylaw be reviewed again. D. Lindberg said that there was consensus that the bylaw should be reviewed. M. Blanchard suggested forming a committee to review the matter and come up with ideas. M. Dowling suggested that it be a sub-committee of the Planning Board. S. Suhoski said that he would raise it to the Planning Board and get a sense of how to proceed. T. Creamer pointed out that zoning issues are under the jurisdiction of the Planning Board and that it would have to be undertaken at their discretion and available time.

Police Chief Thomas Ford reviewed his report with the Board. He noted that National Night Out at Heritage Green was a well attended event, with games, music, pizza and a bounce house. The Senior Cookout was held at the Public Safety Complex and was a success.

T. Creamer mentioned enforcement concerns that had been raised at the last work session, when the Board of Health met with the Selectmen. S. Garieri noted that a trash truck can be approached by the Health Agent or Board of Health member. Chief Ford said that it should be part of the Police Dept. commercial motor vehicle operation and the issuance of citations and the appeal process for citations. S. Garieri asked whether the state police had the same rules. Chief Ford said that the state police have the same authority as the Sturbridge Police Dept. with regard to enforcing the rules of the Commonwealth.

S. Suhoski said that he had met with the Southbridge Town Manager to discuss the access road to the landfill. He said that the construction is nearing completion, and in the meantime all trucks will be routed to Route 169.

M. Dowling asked whether the language of the Board of Health regulations had been reviewed by Town Counsel when they were drafted. T. Creamer agreed that Town Counsel's input was important.

M. Dowling asked if other towns have been providing officers for details during the road construction. Chief Ford said that ever since the construction began, they have utilized officers from all of the bordering communities, including Brookfield, Brimfield, Holland, Wales, Oakham, Barre and Petersham, and noted that there are nine details serving per day.

Greg Morse reviewed his report with the Board. T. Creamer commended the DPW staff and Veolia Water North America staff for their work on the recent sewer line break.

S. Garieri commented that he has heard positive remarks about the cement sidewalks. G. Morse said that they have kept the traffic moving, and noted that there is a 2012 deadline.

M. Blanchard asked about the status of the cemetery. G. Morse said that the flat area has been laid out at North Cemetery, and they have installed corner markers. He noted that it should be finished before winter.

S. Garieri asked what was being done with scrap metal on Town Barn Road. G. Morse said that they take it out to the landfill. M. Dowling asked about the status of the discarded playground equipment. S. Suhoski said that it could be reused. T. Creamer suggested that it be moved to a safe location. S. Suhoski offered to develop and advertise a surplus equipment auction for the equipment. T. Creamer queried the Board and the consensus was that the issue be resolved by the next Department Heads' monthly meeting with the Board of Selectmen.

T. Creamer asked about the status of the sunken manhole covers, noting that there were a series of them around town. G. Morse said that the manhole covers should all be low; if one is elevated, that is a bad situation. In the event that a snowplow hits an elevated manhole, it becomes a flying missile. He said that there were about 6 – 8 dangerous manhole covers in town, and they may have to cut the pavement in order to raise them a bit.

Shane Moody reviewed his report with the Board. M. Blanchard asked about the status of repairs to pumps. S. Moody said that they are on target for the same amount each year.

S. Moody announced that the water ban will end on September 30th. They will start to flush the hydrants after that. He said that DEP changed the water ban limits starting next year, and noted that they will be more restrictive.

S. Moody said that they have been clearing sewer lines down Route 20, and have been making good progress with it.

T. Creamer said that the Board of Health does not have emergency contact information for DPW or Veolia Water North America. He noted that there is no phone number on the Veolia signs in town. S. Moody said that the Police Department has their 24 hour phone number. S. Moody indicated that he would ensure that the issue was rectified and that the appropriate contact information was made available as soon as possible.

Regarding the Wastewater Treatment Plant upgrades, S. Suhoski said that the timeline did not match up with funding for the construction season. He noted that fines ranging from \$250/day, \$500/day to \$1,000/day would be imposed if any deadlines are missed. He said that he and Greg Morse had met with Mass. DEP and noted that the timeline matches what had been requested, and matches funding cycles, which makes it easier to avoid any penalties.

MOTION: That the Board authorize the Town Administrator to execute Administrative Consent Order #ACO-CE-10-5D004 with the Mass. Dept. of Environmental Protection relative to improvements to the water treatment facility, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Water Treatment Plant Upgrades

Engineers from Veolia Water North America and Wright-Pierce appeared before the Board to present an update regarding the status of Well #1. They indicated that pilot testing had been performed, and Mass. DEP had issued a Final Consent Order and had approved the Pilot Testing Report. They reviewed the existing Water Treatment Plant, and the proposed modifications to the plant. They assured the Board that Sturbridge drinking water is safe.

MOTION: That the Board award the contract for engineering and design of the water treatment plant upgrades to Veolia Water and Wright-Pierce for a total not to exceed \$119,919; and to authorize the Town Administrator to execute the contract documents, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Town Administrator Goals

T. Creamer suggested that the Board utilize the S.M.A.R.T. approach to goal setting, which would include goals that were Specific, Measurable, Achievable, Realistic and Time Based. He also suggested that the list of goals should not include items that are already bound to the Town Administrator under the Town Charter, as they are already mandated. S. Garieri agreed, and said that the list should not include what is already stated in the Town Charter. M. Blanchard agreed that everything listed in the Charter should be done, and the goals should not be redundant. T. Creamer said that the Board's goal or obligation should be to ensure that the Town Administrator fulfills his responsibility under the Charter, and the Board should create bench marks for him. M. Dowling said that she would like to have more time to review the goals, and suggested that the Board waive the three-month evaluation and the six-month evaluation, as no goals had been given to S. Suhoski when he was hired. M. Blanchard noted that there are

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certain things that are inherently expected of the Town Administrator upon which to base an evaluation in six months.

T. Creamer said that when S. Suhoski was hired, there was discussion about the possibility of a merit incentive in December 2010, so an evaluation should be done prior to that. S. Garieri said that he was in favor of a six-month evaluation for the Town Administrator. T. Creamer suggested obtaining some guidelines from Town Counsel regarding conducting an evaluation, and having them available to the Board by the next scheduled meeting.

S. Suhoski said that he would like to know what the Board's expectations are, and what areas need improvement. He said that he was comfortable doing this in open session, and was amendable to a six-month review. He asked the Board to set some bench marks.

T. Creamer said that he would send the evaluation form to the other Selectmen.

M. Dowling left the meeting at 9:05 p.m.

Burgess School – Land Swap

S. Suhoski provided to the Board the recommended form of vote from Town Counsel whereby the Board of Selectmen could declare the land swap parcel at Burgess School as surplus property. This swap and the authority of the Board to seek appropriate legislation was approved at the September 1st Special Town Meeting. Superintendent of Schools Daniel Durgin will present a similar motion to the School Committee at their first meeting in October. Upon approval, State Rep. Todd Smola will be asked to file the requisite special legislation.

MOTION: That the Board of Selectmen declares that a certain L-shaped portion of the Town-owned land located at 45 Burgess School Road and described in an Order of Taking recorded with the Worcester South District Registry of Deeds in Book 4350, Page 324, which portion lies at the southwest corner of said land, northerly and easterly of the hotel, and contains 22,340 square feet more or less, currently held by it for educational purposes, is no longer needed by the Town for such purposes or for other public purposes, and that said portion may be transferred to the Board of Selectmen for purposes of conveyance, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

MOTION: That the Board authorize the Town Administrator to seek special legislation through the Town's state delegation to

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**complete the land swap upon declaration of surplus property
by the Burgess School Committee, by M. Blanchard.**
2nd: S. Garieri
Vote: All in favor.

Big Alum Lake Drawdown

S. Suhoski submitted to the Board a request from the Big Alum Lake Association to initiate a drawdown. The Conservation Commission reviewed the application and approved a 36-inch drawdown at its September 2nd meeting.

Miscellaneous

Revised Board and Committee Handbook:

S. Suhoski informed the Board that this project has been delayed, and noted that the Chairman has been undertaking additional research and edits.

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

- a) Met with Southbridge Town Manager, Sturbridge DPW Director and Army Corps of Engineers at Westville area to inquire whether South Street can remain open through the winter (not likely, due to safety and cost concerns);
- b) Met with members of the Design Review Committee and the Building Commissioner relative to process and procedures;
- c) Met with Chamber of Commerce Executive Director on various matters;
- d) Met with department staff and Town Counsel to prepare for USDA loan closing;
- e) Met with USDA and conducted pre-closing review;
- f) Received walk-through on plumbing and fire suppression systems at Town Hall with key staff;
- g) Met with DPW Director and Tighe & Bond regarding near-complete study of wastewater options for the Route 15 area and brainstormed ideas for additional consideration (study to be complete before end of month).
- h) Completed conference call with insurance counsel and Police Chief relative to pending litigation;
- i) Reviewed Mass. DEP ACO and design/engineering plans for water treatment plant with Veolia, Wright-Pierce and DPW Director;
- j) Attended Mass. Economic Development Association meeting held at Old Sturbridge Village and co-sponsored by Town;
- k) Continued work to facilitate completion of punch list items at Town Hall and Center Office Building;

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- l) Met with Town Accountant and consultant regarding top-to-bottom review of telephone costs (an ongoing study that he initiated 60 days ago);
- m) Brought his mother on a tour of Town Hall.

Old Business

MOTION: That the Town Administrator establish a Charter Review Committee by the first meeting in November 2010, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

New Business

M. Blanchard asked whether there was going to be training for keys and alarms for Town Hall and the Center Office Building. S. Suhoski said that the alarm has been installed but has not been fully activated yet. He said that training will be conducted within three weeks (mid October).

M. Blanchard asked about the status of the new audio-visual equipment at Town Hall. S. Suhoski said that he had met with the vendor, and noted that there was a delay in ordering some of the equipment, but it should be in soon.

Citizens' Forum

Ginger Peabody, a Fiskdale resident, read a statement into the record. She noted that the Board of Selectmen had voted on the installation of brick sidewalks in the Town Common area without firm funding in place, and without any real input from the residents. She said that this is not the first time, as the same approach was taken by the Board of Selectmen with the proposed turf fields at Tantasqua Regional High School, and that other towns held Special Town Meetings and voted not to approve the turf. She requested that a process be instituted whereby when a costly project comes before the Board of Selectmen, that the Board seek input from the residents. She said that if a Town Meeting has been scheduled, to put the project on the agenda as a non-binding issue; if an election is scheduled, place the project on the ballot as a non-binding issue; if neither is possible, place it on the Town Website where people can vote on it. She stressed the importance of giving residents a chance to have input into how their tax dollars are to be spent.

S. Garieri agreed, and said that the brick sidewalk issue should have gone before the residents of the town, and noted that it was not included on the warrant for Town Meeting. He said that the Board did not have the authority to spend the money without authorization from the town. T. Creamer pointed out that the Board did have authorization to utilize state-conveyed Chapter 90 funds.

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MOTION: To enter into Executive Session under MGL Ch. 30A. Section 21(a), Exemption #3: To discuss strategy with respect to collective bargaining and litigation, whereas an open meeting may have a detrimental effect on the bargaining or litigating position of the public body as declared by the Chair; not to reconvene in open session, by M. Blanchard.

2nd: S. Garieri

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

The Board convened in executive session at 9:35 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date