

September 7, 2010

**BOARD OF SELECTMEN  
MINUTES  
SEPTEMBER 7, 2010**

Present: Thomas Creamer, Chairman  
Mary Dowling  
Mary Blanchard  
Scott Garieri  
Ted Goodwin  
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 several members of the press were recording the meeting.

**Charity Car Wash Events – Enforcement of Water Ban**

S. Suhoski said that this item was brought to the attention of the Board by Shane Moody of Veolia Water North America. He noted that during the summer there are occasional car wash events held for fundraising activities (school groups, scouting, etc.). The water project manager was looking for policy direction on whether to strictly enforce the ban during such times.

S. Suhoski said that the Town requires its citizens to abide by the water ban, and should not be allowing the use of water that is not regulated during these events. He said that advance notice should be given these groups that they may need to use other means of fundraising during water restrictions. He confirmed that the water ban applies to those residents on town water. Greg Morse, DPW Director, said that the idea is to conserve water during the heat of day. He said that the Board should not encourage people to use their well water during the heat of day either. He said that one washing of a car per month is reasonable for someone to do. He noted that all of the charity fundraising car washes they have seen are on town water.

T. Creamer said that the water ban is for people on town water, not people who have their own wells. He noted that the water ban specifies “outside watering ban,” so by extension one would have to conclude that it applies to car washes. G. Morse said that water could be used before 9:00 a.m. and after 5:00 p.m. under the water ban.

S. Suhoski said that information could be put on the Town’s website and notification given to the schools.

**MOTION:** That the Board adopt a policy of enforcing the water ban to include charity fundraising events, whereas the general public and consumers of the water system must abide by the restrictions. Town staff and the water project manager can seek to advise groups (through the schools) prior to next summer of the potential for water restrictions, by M. Blanchard.

**2<sup>nd</sup>:** T. Goodwin

**Vote:** All in favor.

**Wastewater Treatment Plant Upgrades – Lease Temporary Treatment Trailer**

S. Suhoski submitted to the Board a proposed amendment (rental agreement) to the December 3, 2009 agreement with Cambridge Water Technology for provision and setup of equipment to treat wastewater while the existing plant is being upgraded. The need and cost for this was incorporated in the original project plans. The initial term is six months, and rent shall be \$33,333 per month. The rent is \$25,000 for each additional month thereafter. He noted that the Town has the ability to seek payment from R.H. White (general contractor) if delays in the work cause a longer lease term. He said that Town Counsel has reviewed and approved the document.

**MOTION:** That the Board authorize the Town Administrator to execute an amendment to the December 3, 2009 agreement with Cambridge Water Technology, Inc. to lease a Bio-Mag Trailer and Equipment at the Sturbridge Wastewater Treatment Plant as outlined above, by M. Blanchard.

**2<sup>nd</sup>:** T. Goodwin

**Vote:** All in favor.

**Final Scope – Main Street Brick Sidewalks**

S. Suhoski received an email from Linda Terry of MassDOT, indicating that Mass DOT has increased the Route 131 contract total to approximately \$5.6 million to cover estimated overruns on various items that were part of the base bid. The Town will not need to fund these items, even though they exceed 110 percent of the original contract price. He noted that the brick sidewalks were not part of the base bid and, as a change in scope, is not part of this additional MassDOT funding. The Town was put on notice that it may be responsible for the cost of the bricks and maintenance of the bricks, which was known by the Board of Selectmen prior to its vote to install the bricks and to establish the project limits. With the knowledge that the Town will not be responsible for the \$1 million contract increase for the roadwork, and that the Board of Selectmen has access to state Ch. 90 funds to cover the cost of the bricks (if the cost is assessed to the Town), S. Suhoski's primary concerns have been addressed.

S. Suhoski said that the only outstanding question that he has concerning the project limits relates to the curbing and layout of the Main/Haynes/Maple intersection. Due to concerns about trucks riding up on the curb and potentially damaging or cracking the bricks at this location, both Mass DOT and the DPW Director have reviewed the issue and expressed a preference for concrete sidewalks at this intersection.

The updated costs for the brick sidewalks are as follows:

\$189,250.72 – Cost of full-width brick at original scope approved by the Board of Selectmen (from south of Main/Haynes/Maple intersection to end of Town Common). The Board's current recorded vote was to proceed so long as the cost is less than \$200,000.00, which is the case.

\$28,977.85 – This is the added cost for bricks throughout the Main/Haynes/Maple intersection, and is not recommended, due to cost and the geometry of the intersection and the likelihood of heavy truck traffic riding up on the sidewalk and destroying the bricks. The Board did not have a specific cost estimate from the state for this portion of work.

\$34,465.81 – This is the cost for 200 feet of additional brick sidewalks running southerly along the Publick House side of the street. The Publick House requested only approximately 100 feet of extension to the southerly property line of 275 Main Street (Chamberlain House @ Station 117+00). Thus, the approximate cost of the additional work would be closer to \$18,000.00, which is well within the Publick House's commitment to fund up to \$25,000.00 of costs.

Michael Glick, Publick House, said that in their initial request, they had asked that the brick sidewalk be extended to the front of the Chamberlain House, approximately 90 feet from the Publick House's driveway. He said that they have since realized that this was further than 90 feet. Their request is to go approximately 90 feet from the Publick House driveway, which would bring the sidewalk extension to 275 Main Street and end at that property line. He noted that the Publick House is willing to pay the cost of up to \$25,000 of the project.

S. Garieri said that he has not seen anything come through about a way to pay for this project, which will be \$200,000 plus maintenance and anything else that will incur. S. Suhoski said that there is a request pending through the state and Mass. Highway for additional funding, as well as outside funding options that he will continue to pursue. S. Garieri said that the use of Ch. 90 funds for the sidewalks would take one year's worth of allocation away from road projects. He noted that the Town has never used Ch. 90 funds on sidewalks, and expressed concern about putting citizens' safety in jeopardy by doing that, as there are roads and bridges in Town that need to be maintained and repaired. M. Blanchard agreed with S. Garieri, that it would not be proper use of Ch. 90 funds

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to use them on the brick sidewalks. She said that it would be a disservice to the citizens to use Ch. 90 funds for aesthetic purposes.

M. Dowling asked whether it would be advantageous to start a volunteer “buy a brick” program, or would that encourage the state to not grant funding for a limited portion of the historic district. S. Suhoski suggested conducting a private sector fundraising event, but recommended not taking that step yet, unless citizens are willing to do it.

T. Creamer said that it was unfortunate that a Board member would suggest that the Board of Selectmen or any other elected official would take action that would jeopardize the health, safety and well being of Sturbridge residents, and that such a comment is absolutely inaccurate. He said that he had spoken with the Town Administrator and DPW Director and asked them what health or safety related projects would not get done if the Board were to leverage Ch. 90 funds for the brick sidewalks. G. Morse said that in general, it could delay one program in favor of another, and he noted that bad weather could change the work schedule. T. Creamer added that it could change priorities, and a project may have to be put on hold, but that nothing inherently unsafe in terms of our community would result.

T. Creamer said that there have been conversations and correspondence between himself and the Community Preservation Committee, and he is on the CPC’s agenda to present this project to them. He said that a statement had been made that the brick sidewalks would not qualify for CPC funding, which was inaccurate. He suggested going to the CPA website and looking at the programs that have been approved for the use of CPA funding. He noted that there has been enhancement of specific targeted areas of historic value in the community which qualify for the use of CPA funds. He said that the Sturbridge Town Common is on the state register of historic assets, and as such could qualify, if funds are available. He said that the members of the Board need to be cautious in some of the comments they make. He said that the primary route for funding this project has been: (1) To have Senator Brewer and Rep. Smola make an effort to have the state absorb the cost; (2) The use of CPA funds; (3) A combination of some betterment and CPA funds; (4) As a last resort, to use some of the Ch. 90 funds. Depending on the outcome of what happens at the CPC meeting, there could be a potential to use options 2, 3 and 4; or if Senator Brewer and Rep. Smola are successful in their efforts to have the state absorb some of the cost, then there would be four options. He noted that it is important to understand the information and the available options.

S. Garieri said that he considered it to be irresponsible for the Board to spend money that is not appropriated, or to order these brick sidewalks. He said that there is a start date for the contractor of September 10, 2010. He said that it would be fiscally irresponsible of the Board to authorize this work without funding in place with a mechanism to pay for these costs.

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T. Goodwin said that back in 1990 when Rt. 20 was being renovated, burying the utility wires was a positive thing to do for Sturbridge economically, although it was expensive. He said that there is data to prove that this makes a difference to tourism, to the tax base and to businesses. T. Creamer said that it is a way to enhance that particular section of our community as part of an overall plan to increase curb appeal.

M. Blanchard said that there is no fiscal plan to go on, to make a decision by Friday, September 10<sup>th</sup>. She noted that brick sidewalks were not in the scope of the project.

Michael Young, Cedar Street resident, said that there is a bad recession right now, and to spend \$189,000 on brick sidewalks was foolishness. He suggested that the sidewalks be concrete.

Peter Levine, South Shore Drive resident, said that he did not consider the brick sidewalks to be a good idea. He said that he is disabled and must use a cane and a walker, and expressed concern about frost heaves and their impact on brick sidewalks. He noted that it is a safety issue and a monetary issue.

T. Creamer said that a study had been conducted by the Veterans Administration and the University of Pittsburgh having to do with vibration and wheelchairs, and they found that vibration from wheelchair users was the same or less on brick sidewalks with minimal bevel as on other surfaces. He noted that the proposed brick sidewalk will be laid in mortar, not sand, and there will be only a slight bevel, and it is ADA compliant.

Peter Levine said that water could get between the bricks, which will cause a dangerous, uneven surface. He expressed concern about the safety of people who will walk over that surface on their way to the Library. T. Creamer said that Ch. 90 funds could be used to address safety issues on sidewalks, including those that utilizing concrete, as the Town is responsible for all sidewalks along Routes 20 & 131 as identified by the DPW Director.

M. Dowling said that many communities (such as Newburyport) use brick sidewalks in their shopping and historic districts. She noted that it must be properly maintained. She considered the brick sidewalk to be a very sound long-term investment in the Town Common, and it would be an enhancement to the Town.

Peter Levine said that low and moderate income residents are concerned about ever-increasing property taxes in Sturbridge.

Edward Gilmore, Cedar Lake Drive resident, said that the state is willing to come in and install cement sidewalks. He said that brick sidewalks would be a waste

of money. He said that DPW does not want to have to maintain it, and should not have to. He said that removing snow from brick sidewalks would break them and the bricks will need to be replaced.

T. Creamer said that many in the business community feel that brick sidewalks would be good.

Gary Galonek expressed concern about priorities, and felt that the brick sidewalks were low on the list compared to other issues in the Town.

T. Creamer said that there were some concerns about truck traffic on Haynes Road and Route 131 having a detrimental effect on any brick to be installed there. The state recommended not using brick there. He recommended using concrete runs in front of the Library and in front of Town Hall and Route 131. The concrete will be installed around the corner, then the brick will begin. Brick will be in front of the Chamberlain House, Publick House, the cemetery and the Town Common.

**MOTION: That the Board of Selectmen reduce the limits of the brick sidewalks to commence at the southerly end of openings W07 and W20 on Main Street and proceed southerly to ramp W34 on the easterly side of the road, and to the southerly edge of the property line for 275 Main Street (the Chamberlain House) at approximately Station 117+00 on the westerly side of the road, by T. Goodwin.**

**2<sup>nd</sup>: M. Dowling**

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

G. Morse asked whether there will be red concrete or gray concrete on the corner. S. Suhoski said that there was an additional cost to color the concrete. He noted that the handicapped ramps were installed in gray concrete. He said that gray concrete would provide better demarcation for vehicular traffic and vehicular safety.

### **Old Business**

M. Dowling asked about the status of the recommendation regarding the salary range for the Finance Director, and whether the salary is consistent with the 10 town survey. S. Suhoski said that there are a number of positions that need to be looked at, and it is the Town Administrator's purview. He said that he would look into it.

M. Dowling said that it was her pleasure to attend the Burgess groundbreaking ceremony. She said that the baseball Little League should be accommodated for the spring 2011 season, as they are without a baseball field. S. Suhoski said that the Building Committee was aware of that, and the Recreation Department is

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working on it. He said that the Little League will be able to use fields at Tantasqua High School. S. Garieri suggested using the field at Walker Pond.

M. Dowling said that she had submitted her goals for the Town Administrator.

M. Dowling said that regarding the scrap metal at Town Barn Road, the removal of the metal should go out to bid before winter.

M. Dowling said that the old playground equipment should be brought to the landfill. It was the consensus of the Board to ask the Town Administrator to talk to G. Morse, DPW Director, to address the scrap metal and playground equipment issues.

M. Blanchard suggested that the Charter Review Committee be formed soon.

M. Blanchard asked about the status of the Town Hall open house. S. Suhoski said that there are still some furnishings that are needed. He noted that the Building Committee is scheduled to meet next week. It was the consensus of the Board to have the Town Administrator meet with the Building Committee and establish a date and time for the Town Hall open house.

S. Garieri said that he had received an email from a resident, who informed him that there had been an unintentional removal of a water meter in March 2009, resulting in a \$500 fine. S. Suhoski said that he had spoken with the resident and discussed the matter with Shane Moody of Veolia Water North America, Greg Morse, DPW Director and Barbara Barry, Finance Director relative to abating the fine. He reached the conclusion that the fine was never publicized, so the water consumers were not aware of it. He suggested creating a sticker to be placed on all of the water meters regarding the possibility of the issuance of a fine. T. Creamer said that he had searched the Town's website and there was nothing he could find regarding that fine for removing a water meter, whether intentional or unintentional. T. Creamer stated that to levy a fine upon a resident wherein there appears to exist no readily available prohibition was a disservice, and that the Town has a responsibility to ensure that residents have access to information of that nature, prior to instituting fines.

T. Creamer said that once he has received all of the Town Administrator's goals from the other members of the Board, the Board will review and pick some of the goals. He noted that the Personnel Policy states that all new employees are subject to a three month or six month evaluation, and there is nothing to suggest that the Town Administrator is exempt from that. M. Blanchard said that it might be open to interpretation, since an employee of the Town does not work under a contract, as the Town Administrator does. T. Creamer asked the Board to review the Personnel Policy and contemplate it.

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T. Creamer asked whether the Habitat for Humanity plot has a sewer connection. S. Suhoski said that he would look into it.

T. Creamer suggested that S. Suhoski ask the Energy Advisory Committee to submit a report regarding their goals. T. Goodwin informed the Board that the Energy Advisory Committee joined the Master Plan Sustainability Group.

T. Creamer asked whether S. Suhoski had sent a letter to Chris Clark regarding the Sturbridge landfill. S. Suhoski said that the Board of Health was going to submit some information about that topic. He said that he has had two discussions with Chris Clark relative to the road question. Chris Clark said that he had made that comment about the Sturbridge landfill a few years ago, and it had been rehashed recently. The information is not accurate.

T. Creamer asked S. Suhoski whether he had made any progress with Southbridge regarding the access road. S. Suhoski said that they had an onsite meeting with Greg Morse, DPW Director. He said that Southbridge is not going to keep the road open during the winter, but they agreed to keep it open until the first snow arrives. When winter weather sets in, they will shut the gates. They feel it is safer not to have the road open during the winter, as it is subject to flooding, creating ice dams and other problems.

S. Garieri said farewell to reporter Chris Tanguay, as he is moving to a different newspaper.

T. Creamer requested that email links be provided next to each Selectmen's name on the Town's website.

**MOTION: To convene in executive session under MGL Ch. 30A, S. 21, Paragraph 3: To discuss strategy with respect to collective bargaining or litigation, not to reconvene in open session, by M. Blanchard.**

**2<sup>nd</sup>: T. Goodwin**

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

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date