

December 20, 2010

**BOARD OF SELECTMEN
MINUTES
DECEMBER 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 two members of the press were recording the meeting.

Approval of Minutes

MOTION: To approve the minutes of November 24, 2010, by M. Blanchard.
2nd: S. Garieri
Vote: Three in favor; M. Dowling abstained.

T. Creamer noted that the following sets of minutes were still outstanding: 12/6/10 regular session; and work session minutes of 12/13, 10/12, and 11/8.

Randy Vilandre – Logging Permit for 152 Main Street

S. Suhoski read the legal ad into the record. Randy Vilandre appeared before the Board. He said that the property consisted of three acres of land at 152 Main Street, owned by Andy St. Laurent. He explained that trees were crowding the building at the property, creating mold and mildew issues. He said that Erin Jacque, Conservation Agent, had told him not to cut any trees near the wetlands. He said that Greg Morse, DPW Director, had told him that since the trucks would be traveling from the Mass. Pike to Route 131, he did not have any problems with the application. T. Creamer expressed concern that there was nothing in writing from the DPW Director.

R. Vilandre submitted to the Board a letter from DEP, granting limited tree harvesting at the site. S. Suhoski said that the conditions outlined on the second page will be incorporated in the approval letter from the Town. T. Creamer said that if any other issues should arise, the Conservation Commission could stop work on the project until all of the issues have been addressed.

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

MOTION: That the Board grant a forest cutting permit to Randy Vilandre for land at 152 Main Street, conditional upon resolution of any and all enforcement action items, with conditions outlined by Erin Jacque, Conservation Agent, in her memo dated November 9, 2010; and to add to the record the letter from DEP dated December 7, 2010, and pending receipt of written comments from the DPW Director, Greg Morse, by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

Hamilton Rod & Gun Club – Change of Manager on Liquor License

Ronald Komar appeared before the Board. S. Suhoski confirmed that the application was complete.

MOTION: That the Board grant the Change of Manager for the Hamilton Rod and Gun Club, 24 Hamilton Road, from Joyce Thunberg to Ronald Komar, by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

Town Hall Variance Submission – Status Report

S. Suhoski submitted to the Board a revised draft for a variance, sketch and architectural drawing for the Town Hall entry. He noted that there was a difference of opinion between the project architect and the Town Hall/Center Office Building Committee, which was raised at their last meeting. There was concern by the Committee that it needs to be documented. The estimated cost of the variance would be \$4,200. He said that the Committee had elected not to change the appearance of the front of Town Hall, and they decided not to seek a variance back then. The Town Hall/Center Office Building Committee would like the front door to be unlocked during business hours. He said that if the request is based upon historical significance, it may not comply with the ADA. He stressed the importance of requesting the right variance, and recommended more technical guidance before submitting the request.

M. Dowling noted that the Building Committee had elected not to change the look of the front of Town Hall, and noted that pursuing a variance would not do so; they did not elect to construct a \$50,000 ramp to make it handicapped accessible. She suggested applying for a variance based on the fact that there is handicapped accessibility from the back entrance of Town Hall. T. Creamer

suggested asking Town Counsel whether this matter should be discussed in a different format or a different venue. The Board agreed with that suggestion. M. Dowling suggested asking Town Counsel for their interpretation of MGL 55.21.

Snow Removal – Routes 20 and 131

S. Suhoski informed the Board that the notification letter has not been issued yet, and there had been discussion about a 30-day advance notice to abutters. He said that a certified abutter list has been obtained, and he had spoken to the Police Chief regarding the outreach and notification process. He said that the letters would be sent out on December 21st, and the police will initiate hand delivery. He pointed out that a change would be necessary in the effective date. It was the consensus of the Board that the notice was well written.

T. Creamer said that the Board had agreed that the letters would be sent via certified mail, return receipt requested. S. Suhoski said that it would cost approximately \$1,200 to send the letters that way, and he did not feel it was necessary.

MOTION: To rescind the previous vote which set the effective date of enforcement of the snow removal policy as January 15, 2011, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

MOTION: That the effective date of enforcement of the snow removal policy be changed to January 24, 2011, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor

Trails Committee Charter

S. Suhoski informed the Board that the Trails Committee had endorsed the final language for their Charter.

T. Creamer noted that the Trails Committee was created by the Board of Selectmen, and he did not agree that appointments to that Committee could be made without the approval of the Board of Selectmen. M. Blanchard said that she always had thought it was nice that the Town Administrator brought forward committee appointment recommendations to the Board, although strictly by the Charter it is not necessary. T. Creamer noted that the Charter does not address any committees specifically formed by the Board of Selectmen, and the Board had not specified a process for appointing members to the Trails Committee. M. Dowling said that the Charter Review Committee could clear it up. She said that past practice has been that the Selectmen approve all committee appointments, whether or not they are mentioned in the Charter.

T. Creamer suggested the following language: "The Trails Committee shall consist of five members serving five-year staggered terms appointed by the Town Administrator, subject to confirmation by majority vote of the Board of Selectmen. In addition, the Town Administrator may appoint up to five non-voting "associate members" with five-year staggered terms subject to confirmation by the majority vote of the Board of Selectmen." It was the consensus of the Board to agree to that language.

MOTION: That the Board approve the amended Trails Committee Charter subject to the language consistent with the Town Charter, by T. Creamer.
2nd: M. Blanchard
Vote: All in favor.

T. Creamer noted that the Board needs to discuss the workplace harassment policy, and suggested it be done at the February work session. The Board agreed.

Town Administrator's Performance Evaluation

T. Creamer said that he had received evaluation documents from the other members of the Board, reviewed them, and then created a compilation. M. Blanchard reviewed the compilation and agreed that the process was consistent with evaluations that had been previously done. T. Creamer said that the members of the Board had taken the evaluation very seriously and had done a thorough job. It was the consensus of the Board to bypass reading all of the comments, and instead read the rating for each of the ten areas of evaluation. He read the following ratings: Poor for the categories of Budgetary/Financial Administration, Personnel Administration, Supervision/Leadership, Staff Development, Public Relations, Employee and Labor Relations, Interaction with the Board, Intergovernmental; Unacceptable for the categories of Policy Execution, Effectiveness/Productivity, Goal/Performance Attainment. He stated for the record that there was a sense on the Selectmen's part that hopefully S. Suhoski would recognize some of the issues that were raised and that there would be a concerted effort on his part to make an effort to improve them. The Board feels that there is a great deal of potential in S. Suhoski, but that potential has not been realized in a manner that they would hope. There was general agreement that S. Suhoski possesses the skills to do the job, and the areas that need improvement can be rectified.

S. Suhoski said that he had come into the job at a time when there were a lot of projects going on, and there is a learning curve. He said that he probably had not done enough research before coming to Sturbridge. He said that he has a good relationship with most of the department heads. He admitted to a lapse in his schedule in the mornings, and promised to improve in that area. He did not

agree that he has done a poor job in all areas, but expressed appreciation for the feedback. He said that he would respond in kind.

Correspondence

M. Blanchard suggested that the letter regarding the Adopt-a-Pot Program be shared with the Betterment Committee.

T. Creamer had forwarded a letter to the Board from David Barnicle regarding a modification to the identification/naming of Main Street. He noted that Routes 20 and 131 are state roads, and questioned whether there would be a requirement to consult the state. S. Garieri offered to work with S. Suhoski on it.

Old Business

M. Dowling said that she had received calls from Little League parents about the availability of recreation fields at the start of the baseball season in April. S. Suhoski said that there is a plan in place regarding the use of the Tantasqua Jr. High School fields, and he will get something in writing on that.

M. Dowling said that the Recreation Director wants to make sure that she gets sufficient guidance with the planning and designing of the new recreation fields. S. Suhoski said that he would meet with the Recreation Director and Chairman of the Recreation Committee on December 21st.

M. Blanchard asked about the status of waiving the building permit fees for Habitat for Humanity. S. Suhoski said that he had spoken with the Building Inspector, and his recommendation was to waive the electrical and plumbing fees to the Town. M. Blanchard said that she wanted to know what money would be entailed.

M. Blanchard asked S. Suhoski to respond to Mr. Delacey.

T. Creamer had forwarded a copy of the Conservation Commission report to the Board, and asked the Board to review it.

T. Creamer said that a document had been provided to the Board with some projected figures regarding year end merit pay. He said that there was nothing to substantiate his support of a year end bonus for the Town Administrator. S. Suhoski said that he was not asking for a merit bonus. T. Creamer asked for the recollection of the Board regarding the issuance of merit bonuses for the department heads. S. Garieri said that the Town Administrator made recommendations, and the Board approved them or denied them. He said that he was not in favor of giving bonuses in this economic climate, when Town residents are struggling to get by. M. Blanchard said that the merit bonus is based on achievement of goals set for the department heads, who are non-union

personnel, and the Town Administrator determines if they get it and how much they get. S. Suhoski said that he had asked the Finance Director about the process, and he reviewed the merit base program that was approved by the Board of Selectmen. He said that it appears that it is clearly within the Town Administrator's purview. He noted that the merit bonus is a maximum of 2%, based upon achievement of goals set for the department heads. T. Creamer said that his position was similar to S. Garieri's position, in that he was not in favor of giving bonuses at this time. He noted, however, that in re-reading the language of the Charter, it was the Town Administrator's responsibility and authority to establish compensation. He said that the Board should be cautious in how it exercises the use of bonuses and pay raises, as it is apparent that there may be a significant shortfall next year. M. Blanchard said that the Board needs to be fiscally responsible.

New Business

M. Dowling wished everyone a Merry Christmas and Happy New Year.

M. Blanchard asked whether the Winebuyers' Outlet had applied for a Common Victualler License. Judy Knowles said that they had not.

M. Blanchard asked about the status of the budget. S. Suhoski said that there would be a 10% cut in state aid, which presents a lean picture. He said that expenses must fit the revenue. He noted that the Governor will release his information in January. He said that he has been looking at some initiatives, such as revisions to the telephone billing, and he asked Barbara Barry, Finance Director, to look at refinancing the notes, which could mean significant savings over the next 10-15 years. He will meet with the MIIA representative to review the Town's insurance contract. He noted that Jim Malloy, former Town Administrator, had worked on trying to bring down the Town's health insurance contribution by having Town employees pay higher co-pays. He suggested the possibility of offering an opt out program for Town employees to opt out of the Town's health insurance program.

M. Blanchard wished everyone a Merry Christmas, and to those who celebrate other holidays, Happy Holidays.

T. Creamer asked about the procedure for "Ask the Selectmen." M. Blanchard said that it was stipulated that callers must give their names, but their names did not need to be broadcast. Anonymous calls would not be accepted. She said that a Selectman would answer the phone, note the question, then bring it forward to the Board.

Ask the Selectmen

December 20, 2010

M. Blanchard took a call from Ginger Peabody, who informed her that the picture and sound of the live broadcast of the meeting was wonderful. G. Peabody asked whether a variance had ever been applied for previously for the front door of Town Hall. M. Blanchard noted that there had been a variance for the elevator. S. Suhoski said that he would look into it.

Citizens' Forum

Carol Childress, 146 New Boston Road, appeared before the Board. She had sent a letter to the Board regarding Garieri Jewelers' use of illegal trade and open flags and moving advertising billboard parked at 139 Main Street, Sturbridge and illegal, moving advertising billboard (panel truck) parked at the former Playa del Carmen Restaurant at 179 Main Street. She said that she had received responses from S. Suhoski and the Building Inspector. She said that the issue has not been completely resolved, as one banner was taken down, but another was put up. S. Suhoski said that the matter is still being addressed.

T. Creamer wished everyone a Merry Christmas; for those who celebrate something different, he wished them the very best.

MOTION: That the Board convene in executive session under MGL Chapter 30A, §21, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation; not to reconvene in open session, by M. Blanchard.

2nd: S. Garieri

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

The Board convened in executive session at 8:45 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date