

December 6, 2010

**BOARD OF SELECTMEN
MINUTES
DECEMBER 6, 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 audio visual technicians were working on the new technology.

Approval of Minutes

T. Creamer noted that there were outstanding minutes from the following meetings: October 12, November 1, November 8 and November 24, 2010.

MOTION: To approve the minutes of September 7, 2010 as amended, by M. Blanchard.

2nd: T. Goodwin

Vote: All in favor.

MOTION: To approve the minutes of November 15, 2010 as amended, by M. Blanchard.

2nd: T. Goodwin

Vote: All in favor.

Hull Forest Products – Logging Permit

Mike Bartlett of Hull Forest Products appeared before the Board. S. Suhoski read the legal ad into the record. M. Bartlett explained that cutting had begun prior to the public hearing because the new person on their staff was unfamiliar with procedures.

M. Blanchard noted that hours of operation are usually restricted during school bus hours, and said that she would be comfortable with setting the time at 7:00 a.m.

MOTION: To close the public hearing, by M. Blanchard.

2nd: T. Goodwin

Vote: All in favor.

MOTION: To grant the logging permit request of Hull Forest Products with the restriction of hours of operation between 7:00 a.m. – 4:30 p.m., and with a \$10,000 in place, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Shane Moody, Veolia Water North America – Department Head Report

Shane Moody reviewed his report with the Board. He noted that he had ordered stickers to be put on meters, indicating that there would be a fine to pay if the meter were to be removed. He said that with the Board's permission, they would be attached during the reading of the meters. T. Creamer said that finding this information on the website is impossible, and it would be the proper thing for the Town to make sure that this notice is on the website.

S. Moody informed the Board that the phone number for Veolia Water North America has been put on the pump stations. He noted that all of the fire hydrants have been winterized. He said that the Fire Department is notified when a hydrant is out of service. All fire hydrants are currently in working order.

M. Blanchard asked whether there had been a final report regarding the break in the line at Fairgrounds Road and Route 20. S. Moody said that the information was entered into the data base. He said that it was an asbestos line that had broken, and they had to excavate it and replace it. T. Creamer requested that S. Moody submit a written overview to the Board electronically of what had happened.

School Department Budget Liaison Request

S. Suhoski had submitted to the Board a memo from Deb Boyd asking that the Board appoint a budget liaison to the regional school district. It was the consensus of the Board that Mary Dowling serve as the Board's liaison to the regional school district.

Committee Appointments

MOTION: That the Board of Selectmen confirm the Town Administrator's rescission of the appointment of Michael D. Stevens to the Cultural Council, and ratify the appointment of Dorann Kruczek to the Cultural Council to fill the unexpired term of Mr. Stevens through 2013, by M. Blanchard.

2nd: T. Goodwin

Vote: All in favor.

The Winebuyers' Outlet – New Wine & Malt Liquor License

S. Suhoski read the legal ad into the record. Attorney Ed Neal appeared before the Board, along with Peter Sagansky. The application was for a specialty wine shop planned for 453 Main Street. P. Sagansky said that he has run his wholesale business (Charles River Wine Company) since 2004, and would like to have a company store for his business. He said that he concentrates on providing the best wine and cheese products, and focuses on Massachusetts made products. He noted that the food section will be interesting, and he will bring in unique items not available in supermarkets, and it will be a comfortable shopping environment. It will be ready to open as soon as the ABCC has processed their application.

MOTION: To close the public hearing, by M. Blanchard.

2nd: T. Goodwin

Vote: All in favor.

MOTION: That the Board of Selectmen approve a Wine and Malt Package Store Liquor License to The Winebuyers' Outlet, LLC d/b/a The Winebuyers' Outlet, for premises located at 453 Main Street, Units 2A and 2B, with hours of operation of 10:00 a.m. to 9:00 p.m., by M. Blanchard.

2nd: T. Goodwin

Vote: All in favor.

M. Blanchard said that they also need to apply for a Common Victualler license.

Planning Board – Discussion re. Route 20

Sandy Gibson-Quigley, Chairman of the Planning Board, Penny Dumas and Diane Trapasso appeared before the Board. S. Gibson-Quigley said that the Board of Selectmen had requested that the Planning Board present some plans to them for the Route 20 commercial tourist district before submitting them to MassDOT. She outlined their vision and what they want to accomplish in that area. She noted that Jean Bubon, Town Planner, had discovered that Tom Chamberland, Tree Warden, and Brad King of Old Sturbridge Village had done a beautification plan. She noted that it is a long range plan dating back to 1996, which includes adding more green space and fencing along Route 20. The Tree Warden had suggested planting trees in the median area. A new "Welcome to Sturbridge" sign is proposed with landscaping in the area of New Boston Road and Route 20. Parking agreements are suggested to encourage areas for parking, with crosswalks at Cedar Street and at Yankee Candle for pedestrians.

T. Creamer noted that the Planning Board had identified a suitable area for a footbridge behind the 1738 house, which would entail having discussions between the Town and the property owners. P. Dumas said that it would be necessary to obtain an easement.

S. Gibson-Quigley said that with the walking trails on the south side of the road, there will be a need for parking. P. Dumas said that there will be a master plan for trails that the Community Preservation Committee has funded. S. Gibson-Quigley said that ideas for signage will be included in the master plan. She said that they are planning to go forward with a parking bylaw to encourage more parking in the area.

T. Creamer said that sidewalks have to be maintained by the Town of Sturbridge, and some are not ADA compliant. He suggested that the Town Administrator look at easement issues with abutters. He suggested establishing a policy that could become an ongoing dialogue between the Town Administrator, MassDOT and the abutters.

P. Dumas suggested a formal meeting with MassDOT to review the proposal and consider funding sources such as community block grants, Chapter 90 funds and other sources that are available, and what steps need to be taken.

T. Goodwin suggested getting the community to rally around the projects, and send letters to MassDOT. S. Garieri said that period lighting, such as the lanterns that were installed around Town Hall, would be a nice addition along Route 20. P. Dumas said that a tree corridor would create a softer, traffic calming ambiance.

Ginger Peabody said that she had worked with an engineering company for a while, and suggested that someone from the Planning Board ease the way by making a phone call to MassDOT, instead of bringing it to them cold. T. Creamer said that the Board is supportive of having the Town Administrator work with the Planning Board and Planning Department to establish a dialogue with MassDOT to lay the groundwork and initiate some discussions. He said that the Planning Board could identify some priorities, then the long range plan, and present it to the Board of Selectmen for feedback. He said that if the current Board adopts something, then future Boards will take it as a priority. He said that the Board should be kept informed electronically, so that if something happens that requires a reaction, the Board could do so. He thanked the Planning Board and Planning Department for their outstanding work with the Master Plan.

Ginger Peabody – Issues with the Center Office Building

Ginger Peabody, Wildwood Lane, said that she had spent a few hours at the Center Office Building recently, and expressed concern about heat loss due to the poorly fitted outside doors and single pane windows. She said that the heat in that building is not regulated, and goes from being too cold to too hot. She expressed concern about the health and comfort of the Center Office Building staff. She asked who was responsible for overseeing the punch list, and when the more serious issues would be corrected.

S. Suhoski said that the Town Hall/Center Office Building Committee will meet on Thursday, December 9th to review the punch list and to address all outstanding issues. He noted that progress has been made on the punch list, as it has gone from 200 items down to 20 items.

David Lindberg, Building Inspector – Proposed Electrical Fees

David Lindberg presented the proposed electrical fees to the Board, based on the results of the 16 town survey that he had conducted.

MOTION: That the Board of Selectmen approve the Electrical Permit Fees as proposed by the Building Inspector on the spreadsheet revised 11/2010, by M. Blanchard.

2nd: T. Goodwin

Vote: All in favor.

It was the consensus of the Board to implement the new fees on Monday, December 13, 2010.

Town Hall/Center Office Building Access Update

S. Suhoski had compiled additional information from the architect and from his files for use in the variance application. He said that he and D. Lindberg will meet to discuss it and will submit it on time.

Snow Removal – Routes 20 and 131

S. Suhoski said that regarding the Board's vote to enforce Section 6.50 of the Town's General Bylaws (requiring the tenant or owner of property abutting a Town sidewalk to remove snow and ice within 24 hours of completion of the storm), he held a coordination meeting with the Police Chief, Building Inspector and DPW Director. The following plan of action was proposed:

Outreach and Notification Process:

- Police Department to hand deliver notification of enforcement over next 10 days to abutters along Routes 20 and 131.
- Town Administrator to mail notification to assessed owners of any vacant properties and addresses where Police Dept. is unable to deliver.
- Town Administrator to publicize same notification to community at large via (1) Town Website; (2) Notice to local print media; (3) Posting message on local cable television; and (4) Reminder prompt on Town message board.

Enforcement Process:

Note: Fine is \$10 per day as established by Section 9.02 of the Town's General Bylaws.

- DPW Director or designee confirms official end of storm event and notifies Police Chief of same to commence 24 hour clock for enforcement purposes.
- Sturbridge Police Dept. to issue citations to the tenant/occupant or via mail if unoccupied. Police Dept. has existing citation books and numbers each citation for tracking purposes.

The fine appeal process by owners is through the state court system. Staff anticipates that the process will work itself out after one or two storm events.

The Town Administrator is inquiring whether the School Dept. has a community service requirement, or students interested in obtaining part-time work clearing snow for those with additional need.

T. Creamer said that concerns have been brought to his attention from businesses along Route 131 regarding incomplete sidewalk areas. He asked what the forgiveness factor would be before being held in non-compliance.

S. Garieri said that he had spoken with the contractor and MassDOT, and the contractor's statement had been: "In the event that someone was to clear snow in an incomplete sidewalk area with damage to the sidewalk, it would be the contractor's responsibility." Where there are spots of no sidewalk or unfinished pieces, they will put up a sign that states: "The sidewalks are closed: travel at your own risk." T. Creamer asked whether the Board could get it in writing so that the Town and the abutters will be held harmless. M. Dowling agreed that the contractor needs to set it straight with the Town by putting it in writing.

T. Creamer noted the disparity between the way that the sign bylaw was addressed and the way that the snow removal issue is being addressed. M. Dowling suggested that the Board reconsider the January 1, 2011 date that it had agreed upon, as there should be at least one month notice given to abutters.

T. Creamer said that the Board never suspended the bylaw; the Board had said that Town resources would be utilized in the business district to clear snow to ensure the safety of residents, visitors and those conducting commerce. S. Garieri said that the bylaw states that abutters need to clear their own sidewalks, and he did not agree with having DPW do it instead. He stated that the bylaw needs to be enforced. T. Creamer felt that it would be a disservice to the

businesses and abutters in town to suddenly change the prior practice of clearing the snow from sidewalks when no notification has been provided to them.

William Smith, Main Street, noted that the bylaw is 15 years old. He said that an unfinished work site is the responsibility of the contractor. S. Suhoski said that the Town needs to get something in writing from Amorello.

MOTION: That the Board reconsider its vote of November 1, 2010 to make January 1, 2011 the enforcement date regarding snow removal from sidewalks, by M. Dowling.

2nd: T. Goodwin

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

M. Dowling said that the bylaw should have been enforced all along, or gone to Town Meeting to be changed. She noted that there were still unanswered questions.

MOTION: To extend the enforcement date regarding snow removal from sidewalks to January 15, 2011, contingent upon the notification letters going out before December 15, 2010, by M. Dowling.

2nd: T. Goodwin

Vote: Four in favor; S. Garieri opposed.

Town Administrator Evaluation Process

S. Suhoski informed the Board that he had initiated the performance review process with staff for purposes of the merit pay program, and anticipated completion of the process by the end of the following week. He submitted to the Board the budget for the merit wages for the current fiscal year.

The Town Administrator determines for all staff under his authority. The Library Trustees determine for the Library Director, the Board of Health determines for the Health Agent, and the Board of Selectmen determine for the Town Administrator.

T. Creamer asked the Board to submit their comments to him on the Town Administrator's evaluation no later than December 11th so that he can compile them into a general evaluation from the Board. He asked the Board's permission to allow M. Blanchard to provide him with guidance in this matter so that everything will be done consistently. The Board agreed.

Cedar Street Grille – Common Victualler License

MOTION: To grant a Common Victualler License to Table 3 Restaurant Group, d/b/a Cedar Street Grille, by M. Blanchard.

2nd: T. Goodwin.

Vote: All in favor.

S. Suhoski informed the Board that Table 3 Restaurant Group had requested that the Board waive \$500 on their liquor license.

MOTION: To pro-rate the liquor licenses for Table 3 Restaurant Group, d/b/a Cedar Street Grille and Whistling Swan Restaurant at \$500 per license, by S. Garieri.

2nd: M. Blanchard

Vote: All in favor.

Old Business

M. Dowling asked whether the hydroseeding that was done on the sides of the road would be done again if the grass does not take. S. Garieri said that hydroseeding goes dormant in the winter, and will come back to grow in the spring.

M. Blanchard asked about the status of the Trails Committee's language regarding appointments. S. Suhoski said that they have set a meeting to address it.

M. Blanchard asked about the status of Tighe & Bond's answer regarding questions raised about Route 15. S. Suhoski said that he and Greg Morse, DPW Director and Dave Lindberg, Building Inspector will invite residents to a round table discussion, then provide feedback to the Board. T. Creamer said that Mary Berry is still waiting for the final report on Route 15. S. Suhoski said that the plan was to first see if there was any input from the residents.

T. Creamer asked about the status of the wastewater flow to Southbridge, and the possibility of utilizing a portion for access by the mobile home community at SRCC. S. Suhoski said that Sturbridge is currently utilizing 80,000 gpd. M. Blanchard noted that there is an option to get more, beyond 200,000 gpd. T. Creamer said that cost will be the biggest challenge.

T. Creamer said that it has been seven weeks since the issue was raised regarding the Trails Committee, and if they don't have a document for the Board to vote on by the next meeting, he suggested that the Board of Selectmen write the language. He said that the Board should not have to wait seven weeks to have a statement clarified regarding the authority of the Trails Committee to appoint its own members. S. Suhoski said that he had written the language for them, and noted that the last meeting of the Trails Committee had been cancelled.

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T. Creamer asked about the status of training on the use of Town Hall keys and alarms. S. Suhoski said that it will be set up as soon as possible, and he will notify the Board and all employees. He said that additional programming will follow.

New Business

M. Blanchard asked about the status of the contract with Hampshire Power. S. Suhoski said that the renewal contract would save the Town \$11,000 vs. the National Grid rate. He will add it to the work session agenda for December 13.

M. Blanchard asked about the status of the FEMA maps. S. Suhoski said that most of the corrections have been made by Jean Bubon, Town Planner, and Erin Jacque, Conservation Agent.

M. Blanchard asked about the status of the timing of the lights at Shaw's Plaza. S. Garieri said that Mass. Highway had indicated that G. Morse, DPW Director, has control over the lights, and can adjust them. He said that the new sensors have been installed.

M. Blanchard requested that more detail be added to items in the Town Administrator's update.

M. Dowling congratulated the Tantasqua Choraleers for having been chosen to sing at the State House Tree Lighting Ceremony.

T. Creamer asked S. Suhoski to send a letter to Mr. Decoulos asking him to meet with the Board on December 13th.

Citizens' Forum

William Smith asked about the status of the Purchase and Sale Agreement to purchase the property next door to Town Hall, to use for additional municipal parking. He noted that the owner has expressed interest in selling. He suggested that the Town take ownership and allow the current owner to continue to live there until the Town needs it. M. Blanchard noted that this would be a matter to be discussed in executive session. T. Creamer suggested it be taken up in executive session on December 13th.

MOTION: To adjourn, by S. Garieri
2nd: T. Goodwin
Vote: All in favor.

The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

December 6, 2010

Judy Knowles

BOS Clerk

Date