

January 18, 2011

**BOARD OF SELECTMEN  
MINUTES  
JANUARY 18, 2011**

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 read a quote from Martin Luther King in honor of his birthday.

T. Creamer announced that he was recording the meeting.

**Old Sturbridge Village – Change of Manager on Liquor License**

Brad Arcoite, Interim General Manager of Old Sturbridge Village, appeared before the Board.

**MOTION: That the Board of Selectmen approve the Change of Manager for Old Sturbridge Village from Tracey McCormick to Brad Arcoite, by M. Blanchard.**

**2<sup>nd</sup>: S. Garieri**

**Vote: All in favor.**

**Champeau Vilandre Post 109 – American Legion – Change of Manager on Liquor License**

Michael Splaine appeared before the Board.

**MOTION: That the Board of Selectmen approve the Change of Manager for the American Legion, 507 Main Street, from Michael Hoenig to Michael Splaine, by M. Blanchard.**

**2<sup>nd</sup>: S. Garieri**

**Vote: All in favor.**

T. Creamer announced that a member of the press was recording the meeting.

**Department Head Monthly Reports**

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Police Chief Thomas Ford reviewed his report with the Board. He thanked the Board of Selectmen, Town Administrator and staff for their support and get well wishes during his convalescence.

Chief Ford and members of the Police Department had attended the luncheon sponsored by the Southern New England branch of AAA. He was presented with the Gold AAA Award for traffic safety programs and initiatives, which was a proud moment for him.

Chief Ford said that the 9<sup>th</sup> Annual Senior Dinner had been held, with 55 seniors in attendance. He thanked the Gidopoulos family of Village Pizza for donating the food and serving it to the seniors. He thanked Ron Komar, Animal Control Officer, for his performance as Santa Clause. He credited Sgt. Mercier for coordinating the event. He noted that everyone who attended left with at least one gift, the grand prize being a \$100 gift card to the Publick House.

T. Creamer asked about the DA Round Table event. Chief Ford explained that representatives from the DA's office, school officials, Probation Department and Police Department meet quarterly to discuss issues regarding children on probation and issues at juvenile court.

S. Suhoski said that the Police Department had responded promptly to an incident involving some people who got lost on one of the trails over the weekend. T. Creamer said that he had received a complimentary call regarding the calm and reassuring dispatcher who had handled the request. Chief Ford thanked the Fire Department and the state police for their assistance with their canine and air wing support.

Fire Chief Leonard Senecal reviewed his report with the Board. M. Blanchard asked for clarification on miscellaneous fees. Chief Senecal said that he would submit the information to the Board after looking it up at the station.

T. Creamer commended the Fire Department for their performance during two fires in December.

David Lindberg, Building Inspector, reviewed his report with the Board. M. Dowling said that regarding the sidewalk bylaw, the notices all went out at the same time to abutters on Route 20 and Route 131. She stressed the importance of avoiding the appearance of some individuals being targeted, to avoid concerns about arbitrary enforcement. S. Suhoski said that D. Lindberg has articulated that when he tours the town and notices violations, he takes action. M. Dowling asked whether there was a current list of businesses that are not in compliance. She said that there should be some criteria as to which businesses are send letters first, and whether it was possible to send all letters of non-compliance on the same date. T. Creamer agreed, saying that enforcement should not be

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conducted solely on the basis of complaints, but rather on violations of the Bylaws, irrespective of any complaints or lack thereof.

T. Creamer noted that some violations are obvious, and that enforcement letters should address specific areas of the bylaw that they have violated. D. Lindberg said that there is a time element in the letter, and a follow-up letter will be issued. He said that he drives around and sees violations, while others are reported to him. M. Blanchard said that what some people see as a violation may not be one.

D. Lindberg said that he had completed the compensation report for the plumbing and electrical inspectors. S. Suhoski said that about two months into his tenure, he and the Building Inspector had discussed several items that they wished to address to improve administrative efficiency and to ensure that the Town's permit fees, collection and accounting methods, and inspector compensation rates were efficient and fair. Since then, Mr. Lindberg has initiated with his staff a more consistent tracking system for the part-time inspectors, has eliminated the acceptance of any cash or other payments in the field and has received approval from the Board to update electrical fees. The remaining item on his list was to ensure that the Town is paying fair compensation to the part-time inspectors, and that the Town is receiving its fair share of compensation from the permit fees for back office expenses.

S. Suhoski submitted to the Board the 10-town survey completed for plumbing and electrical inspectors. Also included was D. Lindberg's email explaining and recommending a modification from a percentage based system (currently plumbing gets 86 percent of permit fee, electrical gets 90 percent of permit fee) to a fee per inspection basis at \$35.00 each.

S. Suhoski noted that under Section 5-3 of the Town Charter, the Town Administrator is responsible to "fix the compensation of all town officers and employees appointed by him." Section 6-1 of the Charter confirms that the Town Administrator is the appointing authority for Other Inspectors. Therefore, he provided notice and opportunity to comment to the Board prior to initiating the change to \$35.00 per inspection effective February 1, 2011. As indicated in D. Lindberg's example, he anticipated that this method would provide equitability between the inspectors, will serve to retain the current inspectors (he had spoken with both), and will serve to allow the Town to retain a modest additional amount of each permit fee to cover general overhead costs. T. Creamer pointed out that under the Charter, appointments are subject to confirmation by a majority vote of the Board of Selectmen.

S. Suhoski said that he would be seeking to remove the salary line item for the Electrical Inspector and compensate that position as is done for the Plumbing Inspector, as a "due to" account. T. Creamer noted that the Board had set the fees about a month ago. M. Blanchard said that she assumed that any fees that

came in went into the general fund, and the inspector was paid out of the line item. S. Suhoski said that the plan going forward was to pay both inspectors out of the "due to" account. He said that \$35 per inspection for the Electrical Inspector seemed reasonable. D. Lindberg noted that the numbers for the Electrical Inspector were only for six months on the chart. He said that whatever the level of activity, the Town is better served at a flat rate. S. Suhoski said that the Town Administrator sets compensation for these positions.

S. Garieri asked whether the tractor supply store or Ocean State Job Lot had applied for permits. D. Lindberg said that they had pulled permits. M. Blanchard asked whether there was a fee for Certificates of Occupancy. D. Lindberg said that the Certificate of Occupancy is part of the permit fee.

S. Suhoski said that D. Lindberg is a Certified Building Commissioner under the Commonwealth, and each town must have a Building Inspector/Commissioner. D. Lindberg noted that it is the same certification, whether Inspector of Buildings or Building Commissioner. M. Dowling suggested that the Charter Review Committee review it. T. Creamer said that in the interim, the titles outlined in the Town Charter must be used. M. Blanchard noted that some of the titles in the bylaws preclude updates to the Charter, so the bylaw language needs to be changed. M. Dowling agreed that the bylaws should be changed to be consistent with the Charter. T. Creamer said that the Town Charter indicates "Building Inspector/Zoning Enforcement Officer," and that the state says that each town must have an Inspector of Buildings OR a Building Commissioner, not solely a Building Commissioner.

Shane Moody, Veolia Water North America, reviewed his report with the Board. He said that he had the whole report on the Route 20 break, which was caused by a number of defects, including grease buildup, sagging pipes and broken pipes that needed to be repaired. S. Suhoski said that after he receives Greg Morse's edits, he will submit the report to the Board.

S. Moody said that the design on the well upgrade is about 60% completed. He said that meter readings have been completed. He noted that Well #4 is nearing completion.

M. Dowling said that although the town water is safe and clean, sometimes the taste of the water differs as to the section of town. She said that in the Fiskdale section of town the water has a mineral aftertaste. S. Moody said that the water could be different from one side of town to another. He noted that chlorine is added to the water at the treatment plant, and there could be differences in pipes.

M. Blanchard asked who was responsible for clearing snow from around hydrants. S. Moody stated that it was not in his contract to do so, and Veolia did not have the personnel or the equipment to take care of it. M. Blanchard said

that she had assumed that the Water Department had done it. T. Creamer said that in larger cities such as Worcester, the Fire Department is routinely responsible for clearing snow from hydrants so that they can access them in the event of a fire. He suggested that the Board take a look at it. S. Garieri said that in the meantime, homeowners should be proactive and clear the snow from hydrants in front of their houses or in their vicinity. T. Creamer said that many communities have an "Adopt a Hydrant" program, where residents on a particular street will volunteer to clear a particular hydrant. He said that it needs to be addressed from a policy standpoint. S. Moody said that they put flags on the hydrants so that the Fire Department can locate them in an emergency. S. Suhoski said that he would discuss the matter with Greg Morse, DPW Director, Shane Moody and the Fire Chief, and will find out what the past practice has been. T. Creamer said that in the interim, residents should clear snow from fire hydrants in front of their houses or businesses for their own safety. He noted that the Fire Department should have a plan of where all of the fire hydrants are located.

#### **Snow and Ice Removal: Authorization for Deficit Spending**

S. Suhoski said that further to the DPW Director's memo dated January 13, 2011 and due largely to the large storm of the previous week, the Town would need to approve deficit spending in its snow and ice removal accounts.

**MOTION: That the Board of Selectmen authorize the town to deficit spend for snow and ice removal up to the following limits: (1) \$20,000 for snow and ice supplies, (2) \$30,000 to snow purchase of services, and (3) \$10,000 to snow removal overtime, by M. Blanchard.**

**2<sup>nd</sup>: S. Garieri**

**Vote: All in favor.**

#### **Hamilton Rod & Gun Club: Annual Ice Racing Events**

S. Suhoski submitted to the Board a letter received January 10 from Brent Sellow, of Charlton, who will be coordinating the annual ice races at the Hamilton Rod & Gun Club. The races occur on Sundays beginning at 9:30 a.m. and are concluded prior to dusk. The first race had already been scheduled for Sunday, January 16, and, after speaking with the board chairman, the Police Chief, Hamilton's club manager and the race coordinator, I assented to the first session.

M. Blanchard noted that the Board has always granted permission for the ice races, but not under a specific license. T. Creamer said that the event is non-profit, well organized and well run. He said that it seems reasonable to expect them to come before the Board, as a courtesy. The consensus of the Board was to continue past practice and have them request the Board's permission for such

events, and that the Town Administrator should make such decisions when an issue arises between Board meetings.

**MOTION: That the Board grant permission to the Hamilton Rod & Gun Club for ice races on winter Sundays from 9:30 a.m. to dusk, by M. Blanchard.**

**2<sup>nd</sup>: S. Garieri**

**Vote: All in favor.**

### **Recreational Trails Master Plan RFP**

S. Suhoski said that following a second set of revisions, he had approved the release of the RFP for completion of the recreational trails master plan. This project is estimated to cost between \$45,000 and \$50,000 to complete with roughly 95 percent of the costs covered by Community Preservation Act funds. The release of this RFP was delayed due to concerns over how to fund the remaining 5 percent of costs (CPA funds cannot be utilized on “non-CPA” lands, yet, the plan will include some other lands). The plan agreed upon by the finance department, Town Administrator and Trails Committee was to issue the RFP, rate the respondents per the process, open the price proposals to determine actual costs and then seek either a reserve fund transfer from the Finance Committee, or await a special town meeting or the annual town meeting. Proposals are due on March 15, and this document should help clarify and provide a clear directive on the continued expansion of Sturbridge’s trail network.

### **Appointments**

S. Suhoski said that there was a deadline of January 5<sup>th</sup> for expressing interest in the Planning Board and the EDC, and he expects to propose an appointee to the Planning Board at the first Board of Selectmen meeting in February. He received three letters of interest for the post from very well qualified and motivated citizens. He noted that it will be a difficult task to choose between them. He expects to speak personally with each candidate prior to the end of the month and prior to making a final decision.

S. Suhoski expects to propose two or three appointees to the Economic Development Committee at the first Board of Selectmen meeting in February. He needs to confirm one existing member will be retained. There were several expressions of interest from eager candidates with varied backgrounds. This, too, will be a difficult decision but he is feeling very upbeat about having an enthusiastic and committed Economic Development Committee re-energized in February and ready to assist with action items from the new Master Plan, the Commercial Tourist District plan and committee and Town Administrator initiatives.

T. Creamer suggested that the Board revisit the charter that was given to the EDC when it was formed to see if the original language that was designated for the EDC is still consistent with what the Board thinks its focus should be. He noted that the Board has not seen anything from the EDC over the past 18 months.

S. Garieri said that when the EDC was formed, people were not quite as aware of its exact purpose. He noted that they had done some great surveys. T. Creamer suggested looking at the charter and comparing it to the master plan, and giving the EDC a better understanding of its purpose and clear guidance regarding its jurisdiction.

### **Town Hall AAB Variance**

S. Suhoski said that he was still awaiting a response from Town Counsel. He initiated a request with Town Counsel on how best to proceed to achieve the desired results as discussed at the December 20<sup>th</sup> Board of Selectmen meeting.

### **Snow Removal Bylaw**

S. Suhoski noted that the Town will begin enforcing the provisions of its bylaws on January 24<sup>th</sup>. He said that it will be necessary to wait until snow flies after that date to assess how residents comply, and to assess how it frees up DPW staff for other tasks or reduced overtime. He said that he plans to re-run the prior "banner" on the Web site and issue another media release this week to remind residents. Also, the first notice they receive for non-compliance will be a warning, and will provide additional notice. Notices have been mailed and hand-delivered. He has fielded several phone calls and one walk-in citizen concerned about how they will be able to manage the heavy weight of plowed snow. He provided the high school contact information and generally commiserated with people at this point.

### **Miscellaneous**

S. Suhoski said that he has become aware that the city of Gardner and other communities are participating in a group RFP for solar power purchase agreements. He said that the group is being put together by the Winchendon Town Manager, and he is doing this privately. He believes that at the recycling center/landfill there would be sufficient capacity to generate over 2 MGs of solar power from that site.

S. Suhoski said that he added Sturbridge to the group. He noted that he has care and custody of certain town lands, and felt that this step was modest and proactive. He said that Mr. Kreidler is married to his former wife, and noted that he has no financial interest at all. In speaking to Town Counsel, he was advised to make a full public disclosure of that. He suggested that the Board assess the

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information over the coming weeks. He noted that it looks like a great opportunity for the town, as Sturbridge could end up with a very favorable rate. He said that after the proposals have been opened (in about six weeks), he would have a better sense of what is available to the town. He noted that nothing is obligated or signed, but he wanted to make sure that the town could take advantage of this opportunity.

M. Blanchard suggested bringing it to the Energy Committee. S. Suhoski said that he would do that, and will also refer it to the DPW Director and Board of Health Agent. M. Blanchard said that it needs a thorough investigation. She noted that the proposal that Ansar had submitted last year was the worst one that the Town Planner had ever seen.

T. Creamer noted that the town is not tied into anything, and the Selectmen are the final arbiters in determining and executing any contract for the Town of Sturbridge. His sense was that S. Suhoski's action was simply to get Sturbridge's name on the list to make sure the town was included. He said that nothing can happen without the approval of the Board of Selectmen. M. Dowling agreed with T. Creamer that in this case it is better to err on the side of not losing an opportunity.

T. Creamer suggested that S. Suhoski contact Steve Halterman, Chairman of the Energy Advisory Committee.

T. Creamer asked for clarification of miscellaneous item (b) Discussion and site visit w/ Conservation Agent and Building Inspector re: concerns over construction project (all o.k.) S. Suhoski said that the Building Inspector and Conservation Agent had inspected the site, and S. Suhoski had spoken with the property owner as well. There were a few minor issues, such as the removal of some hay bales, but Erin Jacque, Conservation Agent, was satisfied that the site was compliant with erosion control measures. The Building Inspector advised the property owner to not excavate further, until the foundation permit is issued. T. Creamer said that there was an issue with the property owner not getting permission from the Board of Selectmen or getting a valid building permit. S. Suhoski said that the Building Inspector will follow up and monitor the site.

M. Blanchard asked about the status of the meeting to rename Main Street. S. Suhoski said that unfortunately, the proponent phoned at 10:55 a.m. to said that he would not be able to attend; however, everyone else showed up, so a meeting was held to discuss the situation. Another meeting will be scheduled, and a summary will be provided to the Board. S. Garieri said that the people he had spoken to about it loved the idea. He noted that businesses on Rt. 20 and Rt. 131 deal with this on a daily basis. He directs people to his business using the delineation of Route 131 instead of Main Street.

### **Correspondence**



M. Blanchard said that she had received a resignation letter dated December 20, 2010 from Mike Rylant, resigning from the Community Preservation Committee and the Housing Partnership Committee.

**MOTION: To accept the resignation of Mike Rylant from the Community Preservation Committee and the Housing Partnership Committee, by M. Blanchard.**

**2<sup>nd</sup>: S. Garieri**

**Vote: All in favor.**

### **Old Business**

S. Garieri said that when the Selectmen pick up their packets, some information goes out electronically, and some as hard copies. He said that it would be nice to get all of the information electronically, or on disks. M. Blanchard said that she and M. Dowling prefer to receive hard copies of the information. S. Suhoski said that he would look into getting a good scanner, but those who want paper copies could still get them. M. Dowling said that she did not want to print out copies at home. T. Creamer noted that information comes into the office piecemeal, and he did not have one of the reports from a department head because that report had been mixed up with information from the previous meeting. He said that he would send an email to the Board so that they know which minutes will be addressed at the next meeting. He said that he would prefer to receive as much information electronically as possible. He suggested investing in a commercial scanner. S. Garieri suggested TryNeat.com.

M. Blanchard asked whether S. Suhoski had talked to Arthur Frost of Mass Highway. S. Suhoski said that he had not spoken to him yet, but the Town Planner and Chairman of the Planning Board had spoken with him, and it will be done as soon as possible.

M. Blanchard asked whether S. Suhoski had received anything in writing from Amorello regarding taking care of sidewalks. S. Suhoski said that he had not received it yet.

M. Blanchard asked about the status of the department head performance reviews. S. Suhoski expressed concern that personnel records are not public documents. He had delivered the spreadsheet with merit pay to the Finance Director, and the Board will see what it entails on the next warrant. T. Creamer said that the Board is entitled to see the document before it goes into a warrant, and that has been the past practice. He noted that department heads are appointed by the Town Administrator, subject to confirmation vote by the Board of Selectmen. He also pointed out that the Town's Organizational Chart and the Town Charter clearly indicate that the Board has overall authority regarding all employees. He suggested getting an opinion from Town Counsel. M. Dowling

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said that it would not be a good approach to leave performance reviews on a desk for the Board's review, as it would not be respecting their privacy. T. Creamer said that previous Boards have never breached the public trust, and he did not want the Board to be shut out of the process. He asked how else the Board would monitor whether the Town Administrator is accurately reflecting the work of an employee. M. Dowling said that if someone was denied a pay increase, she would want to know what had happened. T. Creamer said that an employee who is aggrieved has the right to seek audience with the Board of Selectmen. He noted that the Personnel Policy Handbook identifies the Board of Selectmen as the ultimate arbiter within the town. He requested that the Board receive a copy of the spreadsheet electronically. S. Suhoski said that it would be provided within the next day or so.

M. Blanchard asked about the status of heating problems at Town Hall and the Center Office Building. S. Suhoski said that the matter is nearly fixed. The contractor has reconditioned about 90% of the units. He noted that the Town Hall/Center Office Building Committee will meet to discuss the status of the heating system as well as the other items on the punch list.

M. Blanchard asked about the status of the report from the Recreation Department regarding fields. S. Suhoski said that Lynne Girouard will put it in writing for the Board. He will issue a reminder to them.

M. Blanchard asked for a copy of the petition from James Decoulos. S. Suhoski said that he would email it to her.

M. Dowling reminded residents that there is a tax fund for low income, elderly and disabled citizens to defray property taxes. To qualify, a resident must be 65 + years old or with a state recognized disability. The Town will be accepting applications through February 15, 2011. She noted that the applications are not open to public inspection.

T. Creamer announced that on January 19, 2011 the Board of Selectmen will meet with the Charter Review Committee at 6:30 p.m. He said that if any Board member had any thoughts for them to review, they should send them to him or to M. Blanchard or M. Dowling. M. Dowling said that she would attend the meeting, but will be late. S. Suhoski said that he will attend the Burgess School Building Committee meeting at 6:30 p.m., so he would arrive late as well.

T. Creamer said that the Board had agreed to a six-month review of the Town Administrator, due on June 20, 2011.

T. Creamer said that the issues raised by Russell Chamberland have been addressed. S. Suhoski said that he had responded to both of the issues. He said that he needs to work with Verizon to see when they will be able to remove the pole. M. Blanchard asked whether S. Suhoski had spoken to the lady who

had been parking her car in the driveway between her house and Town Hall, blocking the driveway. S. Suhoski said that he had spoken to her and asked her not to park there, and mentioned it to the Police Chief also.

M. Dowling said that when S. Suhoski asks Town Counsel whether the Board can review staff performance reviews, he should ask whether individuals' names could be redacted. She asked if there was a way to protect their privacy, while looking at the Town Administrator's work in reviewing staff performance to ensure that it was done very thoroughly, with clear direction on how to improve their performance.

T. Creamer said that regarding the email about transferring property near Burgess School, it should be done sooner rather than later. S. Suhoski said that the deadline was this week to file bills for the current season. He said that house counsel had to rewrite it and needed some information from him. He returned it, and everything is all set.

### **New Business**

M. Blanchard requested a breakdown on money spent on Town Counsel. S. Suhoski said that he had provided a new spreadsheet last month with all first quarter expenditures.

M. Blanchard asked about the status of scheduling a Saturday budget meeting with department heads and the Finance Committee. S. Suhoski said that he had discussed it with Barbara Barry, Finance Director, and they are looking to set a budget meeting for either February 19<sup>th</sup> or February 26<sup>th</sup>.

M. Blanchard noted that executive session minutes have not been reviewed for release in a long time.

T. Creamer reminded S. Suhoski about egress and access to Town Hall and the Center Office Building after snowstorms. He had sent photos to S. Suhoski and the Board about the inability for anyone to leave via emergency egress at Town Hall. He noted that the front access way to Town Hall was unsatisfactory, and there was no emergency egress from the side parking area. He said that the fire escape off of the Center Office Building was not cleared of snow at all. S. Suhoski said that DPW is responsible for snow removal around the buildings, and he addressed the matter with the DPW Director. He is confident that it will be done going forward.

T. Creamer said that he had met with some seniors, and they are very concerned about the fact that there have been some moves to modify Social Security. He noted that they have not received a cost of living adjustment for the last several years. They asked whether the Board would be willing to send a letter to Congressman Neal expressing support of his continued support of their Social

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Security entitlements, as well as providing them with cost of living adjustments. T. Creamer prepared a letter for the Selectmen's signatures. He noted that the seniors are struggling financially right now. He read the letter into the record. It was the consensus of the Board to support and sign the letter.

**Ask the Selectmen/Citizens' Forum**

T. Creamer received one call from a person who did not wish to be identified on camera, who commented about merit increases and the Board's review of staff evaluations. Past practice has always been for the Board to look at the goals that were set for staff by the Town Administrator and whether those goals had been met or not, and what was the basis for getting a 2% or 3% merit increase. The resident believes that the Board should have access to the evaluations.

**MOTION: To adjourn, by M. Blanchard.**

**2<sup>nd</sup>: S. Garieri**

**Vote: All in favor.**

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date