

February 7, 2011

**BOARD OF SELECTMEN  
MINUTES  
FEBRUARY 7, 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 announced that he and members of the press were recording the meeting.

T. Creamer commended Greg Morse, DPW Director, and the Public Works Department for their outstanding snow removal efforts following the recent snowstorms. M. Blanchard said that they have worked extraordinarily hard to make the Town safer.

**Eric Cassim – Taxi/Livery License Application**

Eric Cassim appeared before the Board. S. Suhoski read the legal ad into the record, and noted that the Police Chief had reviewed the application.

M. Dowling asked whether he had attached copies of his vehicle registration, current valid driver's license and insurance certification. E. Cassim said that he would bring that information to the Selectmen's office the next day. He said that there will be additional drivers, and there will be CORI checks on each one of them. S. Suhoski noted that each driver will need to get a permit.

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

**MOTION: To approve the application for a Taxi/Livery License for Eric Cassim, d/b/a City Side Coach Service, 2 Main Street, Sturbridge, conditional upon receipt of a copy of the registration for each vehicle and copy of his driver's license and insurance certification, and provide the address of his business in Cambridge, by M. Blanchard.**  
**2<sup>nd</sup>: S. Garieri**  
**Vote: All in favor.**

**Sturbridge Coffee House – Live Entertainment License**

Pia Rogers, owner of the Sturbridge Coffee House, appeared before the Board. She said that she would like to present acoustic music at the Coffee House on Fridays, and on Tuesdays there will be a clown.

**MOTION: To grant a Live Entertainment License to Pia Rogers, d/b/a Sturbridge Coffee House for all lawfully zoned purposes, between 10:00 a.m. and 12:00 a.m. year round, entertainment to be consistent with Sturbridge Bylaws, by M. Blanchard.**

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

**Vote: All in favor.**

**Applebee's – Change of Manager on Liquor License**

Lisa Jullian appeared before the Board. She said that she has been with Applebee's for 10 years, and is TIPS certified.

**MOTION: To approve the Change of Manager for Applebee's Restaurants North LLC, d/b/a Applebee's, 120 Charlton Road, from Garrett DiStefano to Lisa Jullian, by M. Blanchard.**

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

**Vote: All in favor.**

**Cedar Street Grille -- Additional Information on Application**

Daniel Gonya, Manager, appeared before the Board. S. Suhoski said that after his discussion with the ABCC, he highlighted the additional changes to their application. D. Gonya explained that the ABCC wanted it clarified that Table 3 Restaurant Group was the owner/manager of the license, and wanted the Board of Selectmen to ratify the change. He said that the previously submitted application had listed Michael Lyons as an owner.

**MOTION: That the Board of Selectmen approve the modifications to the license application for Table 3 Restaurant Group that had been submitted on October 12, 2010 by adding to Section #10: Table 3 Restaurant Group, and adding the same to Section #11, by M. Blanchard.**

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

**Vote: All in favor.**

**Snow and Ice Removal – Additional Deficit Spending Request**

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Greg Morse, DPW Director, appeared before the Board. He said that due to the extraordinary amount of snow and ice events, DPW was out of money, and requested the following additional amounts:

Snow and Ice Supplies: \$25,000  
Snow and Ice Purchase of Services: \$80,000  
Snow and Ice Overtime: \$10,000

S. Suhoski informed the Board that due to the extraordinary weight, density and volume of snow that fell on January 27<sup>th</sup>, in consultation with G. Morse, the DPW will begin to assist with clearance of snow from sidewalks during regular business hours. He said that no fines have been issued at this point given the severity of the weather, but requested guidance from the Board on how to proceed.

G. Morse said that they have a grader, loader and sander, and there have been mechanical breakdowns. He noted that on a good day, they have five people and a supervisor on duty to clear the snow, and it takes 10-12 hours to clear the roads. He said that it would be physically impossible for them to clear the sidewalks, as it would take about 19 hours and would cost about \$500,000 to purchase new machines and pay more men to do the work.

S. Garieri said that a residential grade snow blower could not clear the heavy snow because of the ice packed onto it. He noted that it had taken 2 ½ hours to clear the area in front of his store, and there was no place to put it. T. Creamer said that he would be in favor of directing the Town Administrator to meet with the DPW Director to address the challenges of sidewalk snow removal on Route 20 and Route 131.

M. Dowling asked whether the figures reflected that the Town will continue to assist the abutters with sidewalk snow removal on Routes 20 and 131. G. Morse said that overtime would affect the numbers. He said that they were based on getting through the road work. He noted that he can't predict what the next storm will bring and what will need to be done.

**MOTION: That the Board of Selectmen approve additional snow and ice deficit spending as follows: Snow & Ice Overtime \$10,000; Snow & Ice Supplies \$25,000; Snow & Ice Purchase of Services \$80,000, by M. Blanchard.**

**2<sup>nd</sup>: S. Garieri**  
**Vote: All in favor.**

**MOTION: To reconsider the Board's vote of November 1, 2010 reversing the previous policies of snow clearing on Routes 20 and 131, by S. Garieri.**

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

**Vote: All in favor.**

S. Garieri said that when the Board of Selectmen had initially considered it, they had no idea that there would be such extraordinary weather. He realized what a challenge it was to remove the snow after such heavy snowfall. He suggested lightening the restriction of having snow removed within 24 hours, and to consider snow removal on a case by case basis, to be determined by G. Morse. He stressed the importance of reconsideration of this policy.

M. Dowling noted that there has been an existing bylaw on the books for many years, and to change it a new warrant article should be submitted to the Board of Selectmen and the Finance Committee, then the warrant article would go before Town Meeting. She said that she was in favor of asking the Board to take a vote to direct the Town Administrator and DPW Director to come up with new language to make the policy more flexible, to address the situation of the Town assisting abutters with snow removal during record snowfall. She said that in the case of about two inches of snow, the abutters should remove it, until the matter goes to Town Meeting with a new bylaw to address severe weather emergency situations. T. Creamer said that the Town Administrator and DPW Director should discuss the matter and draft an adjustment to the Town bylaw.

M. Blanchard asked about the original vote, and said she would like a copy of it. T. Creamer said that this snow removal policy went into effect about 15 years ago. M. Blanchard said that better care needs to be taken of the Route 20 and Route 131 commercial areas, as people can't walk on the sidewalks when they are full of snow. G. Morse said that they get \$6,000 per year for sidewalk maintenance, but he also needs more men to do the work. He noted that clearing the roads comes first, then the sidewalks and hydrants. He said that he would need more resources and equipment to do the sidewalks.

T. Creamer said that the Board recognizes that this presents a challenge for DPW, abutters and pedestrians. He noted that the Board of Selectmen is responsible for seeing that the laws are enforced, under the Town Charter. He said that the Board does not have the authority to overturn a bylaw, but that it does have the authority to adopt policies that enhance safety, such as providing assistance to sidewalk abutters on Route 20. He said that he would support a motion to go back to the previous policy of the Board. He noted that the DPW can't clear all of the snow within 24 hours, but will get to it as soon as they can. S. Garieri said that people have been walking in the street because the sidewalks are not passable.

M. Dowling said that the Town needs to assist in clearing sidewalks on Routes 20 and 131 to the point where they are safe. She said that there have been inconsistent messages, and the Board needs to give a clear directive. She said that she disagreed with the approach that will undo a vote to enforce a bylaw that the Board has a duty to enforce.

Mr. Patel, 408 Main Street, said that it is difficult to find people to clear the sidewalks, and he said that the Town should maintain the walkways on Routes 20 and 131.

S. Suhoski said that he had told the Police Chief not to issue fines to abutters for not clearing their sidewalks during the last storm, but that warnings should be issued now as a redraft of the letter, to serve as a warning that the bylaw is still in effect.

**MOTION: To direct the Town Administrator and DPW Director to undertake efforts to initiate clearing of the sidewalks on Routes 20 and 131 due to excessive accumulation of snow that can only be removed with heavy equipment, by T. Creamer.**

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

**Vote: All in favor.**

**MOTION: That the Board support the initial vote taken on November 1, 2010 relative to enforcement of the general bylaw for snow removal, by T. Creamer.**

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

**Vote: All in favor.**

**MOTION: That the Board direct the Town Administrator and DPW Director review the bylaw and determine if there are any modifications they feel would be in the best interest of the Town of Sturbridge and business community residents, and submit the language to the Board to review for the June Town Meeting warrant, by T. Creamer.**

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

**Vote: All in favor.**

T. Creamer said that regarding the issue of snow removal around fire hydrants, there should be a level of support provided to DPW in clearing the hydrants. He said that this Board had previously suggested that residents and businesses should be proactive and undertake efforts to clear snow from hydrants adjacent to their properties as a matter of safety, but that as a matter of practice and principle the Fire Department should be demonstrating leadership and assisting DPW. He referenced the minutes of February 18, 2003 wherein then Town Administrator J. Malloy had indicated that the Fire Department was responsible to assist DPW with clearing fire hydrants while DPW efforts were focused on clearing streets. M. Blanchard requested an explanation from Chief Senecal as to why the Fire Department does not clear hydrants.

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G. Morse said that Shane Moody, Veolia Water North America, has cleared a lot of hydrants this year. T. Creamer said that this should have been an “all hands on deck” effort, but it wasn’t.

**MOTION:** To direct the Town Administrator to communicate with the Fire Department and for them to contribute along with DPW to clear fire hydrants in a manner that is fair and reasonable for both departments’ manpower, by M. Dowling.  
**2<sup>nd</sup>:** M. Blanchard  
**Vote:** All in favor.

**ABCC – Summer Population**

**MOTION:** That the Board of Selectmen sign the letter to the ABCC estimating that the temporary increased population of Sturbridge will be 20,000 during the summer, by M. Blanchard.  
**2<sup>nd</sup>:** S. Garieri  
**Vote:** All in favor.

**Northern Bass Alliance Event – Alum Pond**

**MOTION:** To grant a special use permit to the Northern Bass Alliance for a members only event on May 22 on Alum Pond between the hours of 7:00 a.m. and 3:00 p.m., by M. Blanchard.  
**2<sup>nd</sup>:** S. Garieri  
**Vote:** All in favor.

**Approval of Minutes**

**MOTION:** To approve the minutes of November 1, 2010 as amended, by M. Blanchard.  
**2<sup>nd</sup>:** S. Garieri  
**Vote:** All in favor.

**MOTION:** To approve the minutes of December 6, 2010 as amended, by M. Blanchard.  
**2<sup>nd</sup>:** S. Garieri  
**Vote:** All in favor.

**MOTION:** To approve the executive session minutes of December 13, 2010, to remain confidential, by M. Blanchard.  
**2<sup>nd</sup>:** S. Garieri  
**Vote:** All in favor.

**MOTION:** To approve the minutes of December 20, 2010 as amended, by M. Blanchard.

**2<sup>nd</sup>: S. Garieri**  
**Vote: All in favor.**

**Water Invoice Abatement Appeal**

S. Suhoski submitted to the Board correspondence and data surrounding a request from residents at 46 Fairview Park Road for an abatement of their prior quarter water invoice in the amount of \$350.00 (the invoice total was \$448.02). S. Suhoski, the DPW Director and Finance Director reviewed the request, past invoices and information chart from the water project manager and determined that the meter did record additional flow for the quarter in question, and therefore denied the abatement request. The matter was brought before the Board on appeal.

M. Blanchard noted that there was nothing to indicate that it was the Town's fault. She said that there was a one time high, and the meter is working. M. Dowling agreed.

**MOTION: To deny the request for abatement for a water bill at 46 Fairview Park Road, by M. Blanchard.**  
**2<sup>nd</sup>: S. Garieri**  
**Vote: All in favor.**

**\$15.8M Bond Issue / "AA" Bond Rating Affirmed and Stable**

S. Suhoski said that as indicated in the materials prepared by the Finance Director, Standard and Poor's has assigned a "AA" bond rating and stable outlook to the Town's finances. He submitted to the Board the summary of the bond issue prepared by Barbara Barry, the S&P rating report and the official statement utilized in receiving six separate bids for the financing. He noted that the information is very favorable in that it reassures investors and the general public that the Town's financial procedures and management processes are sound.

**MOTION: That the Board sign the general municipal bond in the amount of \$15,704,000 with detail printed in the memo from Barbara Barry dated February 7, 2011, by M. Blanchard.**  
**2<sup>nd</sup>: S. Garieri**  
**Vote: All in favor.**

**Acting and Interim Town Accountant Appointments**

**MOTION: That the Board of Selectmen, pursuant to the provisions of MGL c. 41, sec. 40, appoint the following individuals to temporarily serve in the office of Town Accountant:  
Shaun A. Suhoski Effective 1/18/11 through 2/4/11**

**Lori A. Rose Effective 2/4/11, by M. Blanchard.**  
**2<sup>nd</sup>: S. Garieri**  
**Vote: All in favor.**

**Board of Health – Pay-As-You-Throw**

S. Suhoski informed the Board that the Board of Health has received a technical assistance grant through MassDEP to implement a Pay As You Throw program (PAYT).

Virginia Belforte of the Board of Health appeared before the Board, and stated that she was in support of the program, but was hoping that members of the Board of Health and others would be present for the discussion. T. Creamer stated that the Board was willing to hold discussion until a later date, as the information from S. Suhoski was merely preliminary at this point. V. Belforte agreed that tabling the discussion until such time that other members of the Board of Health can be present would be best. The Board agreed.

**Interim Plumbing Inspector**

**MOTION: That the Board of Selectmen accept the resignation of John Sohenuick as Plumbing Inspector, by M. Blanchard.**  
**2<sup>nd</sup>: S. Garieri**  
**Vote: All in favor.**

It was the consensus of the Board that this would not eliminate George Wolstencroft from submitting an application for Plumbing Inspector, by being appointed Interim Plumbing Inspector.

**MOTION: That the Board of Selectmen ratify the Town Administrator’s appointment of George Wolstencroft of Charlton as Interim Plumbing Inspector effective immediately, by M. Blanchard.**  
**2<sup>nd</sup>: S. Garieri**  
**Vote: All in favor.**

**Inspectional Services Fees**

**MOTION: That the Board of Selectmen waive the following fee amounts for the Town-sponsored affordable housing project at 79 Fairview Park Road:**

<b>Building Inspection:</b>	<b>\$1,280.00</b>
<b>Electrical Inspection:</b>	<b>18.00</b>
<b>Plumbing Inspection:</b>	<b><u>10.00</u></b>
<b>Total Waived Fees:</b>	<b>\$1,308.00</b>

**By M. Blanchard.**  
**2<sup>nd</sup>: S. Garieri**



**Vote: All in favor.**

**Planning Board Appointment**

**MOTION:** That the Board of Selectmen ratify the Town Administrator's appointment of Charles T. Blanchard to the Planning Board for a term ending in 2016, by S. Garieri

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

**Vote:** Three in favor; M. Blanchard abstained.

**Economic Development Committee Appointment**

**MOTION:** That the Board of Selectmen ratify the Town Administrator's appointment of Donald Miller to the Economic Development Committee for an indefinite term, by M. Blanchard.

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

**Vote:** All in favor.

**Disclosure of Appearance of Conflict of Interest**

**MOTION:** That the Board of Selectmen acknowledge receipt of the disclosure form from the Town Administrator and place the form on file with the Town Clerk, by M. Blanchard.

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

**Vote:** All in favor.

**Personnel Policy Recommendation re: Bereavement Leave**

S. Suhoski submitted to the Board language approved by the Personnel Committee that would provide part-time employees with access to pro-rated bereavement leave benefits. The rationale is that part-time employees already receive pro-rated sick, vacation and holiday leave. This change would conform bereavement leave to the same formula.

**MOTION:** That the Board of Selectmen approve the following language be added to Section 5.4 of the Town's Personnel Policies: "A part-time employee that is regularly scheduled to work between twenty (20) hours per week and thirty-five (35) hours per week will be provided with pro-rated bereavement pay based on the employee's work schedule. Bereavement pay will be paid at your current straight time rate for only those days on which you would have normally worked." by M. Blanchard.

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

**Vote:** All in favor.

**Miscellaneous**

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T. Creamer reminded the Board that under M.G.L Acts of 1986, Chapter 635 the Board is required to have a representative of the Board of Selectmen as a voting member on the Betterment Committee, not merely as a liaison and that as M. Dowling was currently the liaison, he would ask the Board to support her appointment.

**MOTION: To appoint Mary Dowling as the Board of Selectmen's voting representative on the Betterment Committee, by T. Creamer.**

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

**Vote: All in favor.**

T. Creamer indicated that in reviewing the minutes as far back as 2001, the Board of Selectmen had always appointed a member of the Board as a voting member of that committee. He stated that he believed the Board should continue that practice as opposed to merely designating a liaison.

**MOTION: To appoint Mary Blanchard as the Board of Selectmen's voting member of the Personnel Policy Committee, by T. Creamer.**

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

**Vote: All in favor.**

M. Dowling reminded everyone that Burgess Preschool has begun their 3<sup>rd</sup> annual collection for our troops overseas through the national organization, Operation First Response. They are asking for knit caps, hand/foot warmers, cards and letters and pillowcases. Donations will be accepted through February 13<sup>th</sup>. Collection boxes are located at: Burgess and Brimfield Elementary Schools, Tantasqua Junior and Senior High Schools, Federated Church of Sturbridge, Sturbridge Town Hall, Sturbridge Senior Center and the Sturbridge Coffee House.

T. Creamer said that based upon the amount of work to be discussed under executive session, old business and new business would be taken up during the work session on February 14<sup>th</sup>. The Board agreed.

T. Creamer notified the Board that under M.G.L Chapter 51, the Board of Selectmen are the appointing authority for the Board of Registrars and as such are required to notify (in writing by certified mail) the two leading political parties of appointments due to expire involving a member of their respective party. He requested the Board's authorization to draft and send a letter notifying the Republican Town Committee of a term expiration of a Republican member of the Board of Registrars and to request a list of candidates from them for appointment consideration by the Board of Selectmen. The consensus of the Board was to authorize the signing and release of the letter.

### **Ask the Selectmen**

There were no calls.

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**MOTION:** That the Board of Selectmen convene in executive session under MGL Chapter 30A, §21, Paragraph #1: To discuss the reputation, character, physical conditions or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal or complaints or charges against, a public officer, employee, staff member or individual; and 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>:** 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 9:55 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date