

March 21, 2011

**BOARD OF SELECTMEN
MINUTES
MARCH 21, 2011**

Present: Thomas Creamer, Chairman
Mary Dowling
Mary Blanchard
Shaun Suhoski, Town Administrator

Scott Garieri 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 a member of the audience were recording the meeting.

The Winebuyer's Outlet, LLC – Revised Ownership Structure and Form 43

S. Suhoski said that on December 6, 2010, the Board had approved issuance of a Section 15 package store license to The Winebuyer's Outlet, LLC, for an operation at 453 Main Street. The application at that time listed Peter Sagansky as the manager and 80 percent owner. The ABCC investigator found that new legislation limited certain cross-ownership of licenses and The Winebuyers's Outlet sought reconsideration from the ABCC after listing Joanne Sagansky (wife of Peter Sagansky) as the 80 percent owner. Also, the revised application lists Kristen A. Celley as the manager in lieu of Mr. Sagansky.

S. Suhoski said that the ABCC investigator had requested the ABCC to hold an informational hearing to determine whether the "new structure is in compliance with Chapter 138." By email and telephone message to the ABCC investigator, S. Suhoski requested the outcome of the informational hearing on the "structure" and whether the original notifications in the newspaper and via certified mail were still applicable (because this is a re-consideration of an existing application).

Atty. Edmond Neal and Peter and Joanne Sagansky appeared before the Board. Mr. Neal is the 20 percent owner of the enterprise. E. Neal said that due to a change in the law as of January 1, 2011, the ABCC had informed him of the necessity to re-file the application, with necessary changes to comply with the new law. He submitted photos of the business to the Board.

P. Sagansky said that Jan Kujawski and Dennis Keefe of the ABCC had inspected the premises and had no issue with it. Ralph Sacramone had informed him that as of January 1, 2011 there can no longer be cross-ownership between wholesalers and retailers, which had come as a surprise to him. The application was returned to P. Sagansky. He said that the informational hearing was held on

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March 1, 2011, and the ABCC decided that listing Peter Sagansky as manager was unacceptable.

S. Suhoski read Dennis Keefe's response into the record. E. Neal said that P. Sagansky's name has been removed from the new application, so that there is no appearance of conflict.

MOTION: (subject to ABCC confirmation or applicant certification): That the Board of Selectmen approve the revised Form 43 for The Winebuyer's Outlet, LLC, for a Section 15 Package Store license (wine and malt) at 453 Main Street, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

Department Head Monthly Reports

Police Chief Thomas Ford reviewed his report with the Board. M. Blanchard asked about the notation regarding Officer Benoit under Departmental Operations. Chief Ford said that Officer Benoit had attended school for accident reconstruction. M. Blanchard asked about the notation regarding Brookfield Road under Accident Status. Chief Ford said that there had been a minor accident involving a police cruiser on Brookfield Road. M. Blanchard asked why notices for Pop Warner and Cheerleading had been posted on the electronic sign in front of the Public Safety Complex. Chief Ford said that the electronic sign is an emergency management tool, and the machine needs to be exercised to charge the battery. He had been asked whether it would be appropriate to use the sign for a sports posting, and he had agreed.

Fire Chief Leonard Senecal reviewed his report with the Board. T. Creamer noted that there were three letters of commendation, and he had also received a phone call from a resident who offered high accolades for the EMS service.

Chief Senecal said that the Sturbridge EMTs are certified. He said that MIIA will put the staff into a two-day training event in June or July.

David Lindberg reviewed his report with the Board. He said that he sent out letters regarding violations, and all of the violations have since been corrected. T. Creamer said that he had asked that the Board receive copies of letters that are sent out to individuals by the Building Inspector, as well as a more detailed report. T. Creamer said that residents expect the Selectmen to know what is going on, so the Board should have a frame of reference.

T. Creamer questioned a statement provided electronically conveyed by Dave Lindberg, stating that it is not typical for a zoning enforcement officer to write up an inspection, unless it has been requested by a homeowner. He said that if the Building Inspector is called out to do something regarding an unsafe structure, it

is necessary to have a written report of that. He expressed concern about potential litigation that the Town would be involved in, if it is perceived that documentation was not done. The Building Inspector's report would protect the Town. D. Lindberg agreed, and said that he uses a form. T. Creamer further stated that sound documentation procedures would dictate reports of all Town related matters, and asked the Board if they were in agreement. The consensus was unanimous, and T. Creamer stated that D. Lindberg would be expected to comply.

D. Lindberg said that regarding Burgess Elementary School, he can look up in his book the days and times that inspections were done, and what he had found. T. Creamer said that if D. Lindberg recommends that they take a certain action, and has written documentation, that serves as proof, and gives the Town protection.

M. Dowling said that she did not think it was too late to generate a report regarding the Burgess roof. M. Blanchard said that the Board did receive a report from D. Lindberg. T. Creamer said that he would summarize the Board's requests and send it to D. Lindberg.

Greg Morse, DPW Director, reviewed his report with the Board. He asked that the Board hold action on his request for additional funds for the snow and ice accounts, as another snowstorm was expected later in the week.

T. Creamer asked when DPW had gotten caught up with the snow removal in Town. G. Morse said that the snow removal was completed toward the end of February, and noted that there had been 57 inches of snow in January.

G. Morse said that a lot of progress has been made on the Wastewater Treatment Plant, and he and S. Suhoski had met with CWT and Tighe & Bond. He noted that there was a \$4 million savings with Bio-Mag over a standard plant. He said that the Town will see a sizeable jump in operational costs. They have been looking into the collection system for any problems that would affect the operation of the plant.

T. Creamer asked G. Morse whether he was confident that the Bio-Mag system, once completed, will meet the expectations that the community had in going forward with this process. G. Morse said that it is a new technology, and it's doing what it was supposed to do.

M. Dowling asked if there was a delay of expected completion time. G. Morse said that there may be an extension of up to six weeks.

Shane Moody reviewed his report with the Board. T. Creamer thanked him for his report on the Route 20 pipe break.

T. Creamer said that people don't have ready access to the water and sewer bylaw, and asked that it be made available on the Town's website.

Proposed Zoning Amendment Referrals

S. Suhoski submitted to the Board a request from the Planning Board dated March 9 seeking commencement of the adoption process for a series of zoning amendments that would help to formalize the Design Review Guidelines within the Zoning Bylaw. He said that the Planning Board will also propose correspondence amendments to the General Bylaws for inclusion on the Town Meeting Warrant.

MOTION: That the Board of Selectmen refer the proposed zoning bylaw amendments outlined under correspondence of the Planning Board dated March 9, 2011 to the Planning Board for hearing and report pursuant to MGL c. 40A, sec. 5, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

Mass. Municipal Association Action Request

S. Suhoski submitted to the Board a request from the Mass. Municipal Association that its member cities and towns contact their respective state legislative delegation to advocate for immediate approval of a joint Local Aid Resolution so that municipalities may complete their annual budgets with some degree of assurance of state aid.

MOTION: That the Board of Selectmen support the MMA's policy and direct the Town Administrator to request Sturbridge's state senator and state representative to support issuance of a joint Local Aid Resolution or joint statement at the earliest possible juncture, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

Town Meeting Warrant

S. Suhoski informed the Board that he had received two additional citizen petitions from the Town Clerk. He said that Barbara Barry had looked at the language for the capital items. He noted that the deadline stated in the bylaw was March 15th. T. Creamer suggested that the Board schedule another meeting to review and vote on the warrant articles. It was the consensus of the Board to meet on Monday, March 28th.

Some preliminary comments about the Warrant included the following: T. Creamer suggested that the Board consider increasing the budget for DPW, specifically as it relates to road repair. M Dowling agreed.

M. Dowling also stated that the Planning Board wants to come up with a landscaping plan for the Town, and a new "Welcome to Sturbridge" sign. She said that residents need to see some incremental improvements in order to have faith that something is being done, such as placement of benches, flowers, etc. She further stated that she would like to see funds identified specifically for implementing components of the Commercial Tourist Revitalization Plan.

Article 5: Community Preservation – Sturbridge Trails Committee

T. Creamer commented that the number is staggering (\$64,235.00), and questioned whether this is the right priority at this time. S. Suhoski said that he had engaged Town Counsel to review and update the language, and noted that there is easement language to be presented by ambassadors through the Trails Committee.

T. Creamer said that there are a number of issues with regard to this area. He noted that there is a significant amount of work to be done. M. Dowling asked about the status of the cleanup, and questioned whether Mass DEP has issued a citation regarding hazardous waste on the property.

Article 31: General Bylaw Amendment – Composition of Sturbridge Tourist Association

It was the consensus of the Board to add the following language: "In the event this seat remains open due to a lack of qualified applicants from the retail, restaurant or similar tourist activity, the Town Administrator, subject to confirmation by a majority vote of the Board of Selectmen, may choose to fill the seat with a member from the Hotel/Motel/Inn/B&B who operates a business within the physical boundaries of the Town of Sturbridge."

T. Creamer noted that he is a big proponent of trails and open space, but that we needed to exercise caution with project prioritization. M. Blanchard commented that there are different requests from different groups. T. Creamer said that the Board should establish a policy on priorities for the community ensuring that funding requests are consistent with the priorities of the community as a whole.

MOTION: That the Board amend Article 31 to read: "One member from a tourist related business (retail, restaurant or similar tourist related activity), owner or authorized representative located within the physical boundaries of the Town of Sturbridge and to assume the term associated with same, and to henceforth maintain membership. Appointment by the Town Administrator, subject to confirmation by majority vote of the Board of Selectmen. In the event this seat remains open due

to a lack of qualified applicants from the retail, restaurant or similar tourist activity, the Town Administrator, subject to confirmation by a majority vote of the Board of Selectmen, may choose to fill the seat with a member from the Hotel/Motel/Inn/B&B who operates a business within the physical boundaries of the Town of Sturbridge.” by M. Blanchard

2nd: M. Dowling

Vote: All in favor.

M. Blanchard requested background information on Articles 19, 22 and 23. T. Creamer said that he would like to see information on the cost in taxes to the residents, as it would be important for them to have that information before they vote on the articles at Town Meeting.

M. Dowling noted that there is support among the residents for active recreation, and she did not think that enough has been done. She suggested inviting the Recreation Committee to meet with the Board. T. Creamer said that they should come in for the first or second meeting in April. It was the consensus of the Board that the Recreation Committee come to the April work session.

T. Creamer suggested that the Town Administrator come up with a list of grants to provide to Lynn Girouard and the Recreation Committee.

T. Creamer said that as liaison to the Community Preservation Committee, he will express to them that there are some concerns relative to the use of certain funds on the river land. He said that in the future, even if it's in draft form, the Board would find it useful to see the projected tax impact on residents of proposed articles. He said that the Board should have more information on every article to do with finance.

T. Creamer said that as liaison to the Council on Aging, seniors have expressed that they are not familiar with the process of citizen petitions, so they are hesitant to go forward with that. He said that everyone should have their voice heard. He suggested putting an article on the Annual Town Meeting warrant requesting a change in the date and time of Town Meetings from Monday evening to Saturday during the day, so that more seniors could attend. M. Blanchard said that the Town Meeting date and time is stated in the Town Charter, so a change to the Town Charter and General Bylaw would be necessary. T. Creamer said that the seniors are an important voting group, and the Town may be unintentionally disenfranchising them by holding Town Meetings in the evening, making it difficult for many of them to attend.

Personnel Committee Action – Ratification

S. Suhoski submitted to the Board job descriptions that were approved by the Personnel Committee at their March 9, 2011 with the following votes:

<u>Job Description</u>	<u>Vote</u>	<u>Grade</u>	<u>Vote</u>
Assistant Town Clerk	4-0	4	3-1 (MS)
Veteran Services Director	4-0	4	3-0-1 (JC)
Recreation Director	4-0	9	4-0
Production Coordinator	4-0	8	3-0-1 (DF)

MOTION: That the Board of Selectmen approve the job descriptions for Assistant Town Clerk, Veteran Services Director, Recreation Director and Production Coordinator all as approved by the Personnel Committee on March 9, 2011, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

Trails Committee Appointment

MOTION: That the Board ratify the Town Administrator's appointment of Richard Paradise to the Trails Committee to fill the unexpired term of Steve Morris, expiring in 2014, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

Senior Municipal Service Program Appointment

MOTION: That the Board of Selectmen approve the following applicants to the Senior Municipal Service Program:

Wayne E. Belles, Sr. to the Town Administrator

Allen Butts for the Board of Health

Lorraine Langevin to the Board of Health, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

Temporary Use Permit

MOTION: That the Board of Selectmen approve a temporary use permit under Section 2.21 of the Town's General Bylaws for the Grand Opening events for Tractor Supply Co. on April 2, 2011 as outlined in the email of Heidi Robbins, store manager, dated March 14, 2011, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

Finance Committee – Part-Time Clerk (Recording Secretary)

MOTION: That the Board of Selectmen ratify the Town Administrator's appointment of Wendy A. Lilly-Hansen to the non-benefitted position of part-time clerk, effective March 22, 2011, at a starting rate of \$14.22 per hour, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

Solar Power Purchase Agreement RFP

S. Suhoski informed the Board that the Energy Advisory Committee had met with the principal of Muni-Sun LLC to review the details and status of the joint SPPA RFP issued on behalf of Sturbridge and eight other central Massachusetts communities. He said that there has been very high interest in the RFP, with over 50 packets requested and approximately 44 attendees to the pre-bid conference and facility tours. The deadline for receipt of the proposals is March 18.

S. Suhoski said that evaluation of the responses is to be conducted with two representatives from each municipality (Ayer, Shirley, Clinton, Gardner, Ashby, Westminster, Orange, Palmer and Sturbridge). The Energy Advisory Committee voted unanimously to support having a designee from the EAC and a designee of the Board of Selectmen. The EAC designated Kenneth Elkinson to the review committee (he is an engineer with National Grid). The evaluation committee will likely review all responses during a full-day assessment between March 18 and April 1. Once the preferred vendor is selected then negotiations concerning site-specific proposals will commence. Each city or town is free to withdraw without prejudice at any point during the process.

S. Suhoski informed the Board that the EAC voted unanimously to support inclusion of a warrant article that would authorize the Board of Selectmen to enter in to a land lease at the landfill site if the proposals move forward towards a formal contract.

MOTION: That the Board of Selectmen approve the Town of Palmer to serve as lead procurement community for solicitation of solar energy consultant services, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

MOTION: That the Board of Selectmen designate Tom Creamer as a representative and the Town's evaluator of the Solar Power Purchase Agreement RFP, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

Trails Committee Charter

MOTION: That the Board of Selectmen ratify the Trails Committee Charter dated March 21, 2011, by M. Blanchard.

2nd: M. Dowling

Vote All in favor.

Resignation from Sturbridge Tourist Association

MOTION: That the Board of Selectmen accept the resignation of Priscilla Gimias from the STA with regret, by M. Blanchard.

2nd: M. Dowling

Vote: All in favor.

Town Hall AAB Variance

S. Suhoski said that he had discussed the Board's query at length with Town Counsel. He provided guidance to the Board in an email with cited provisions on the CMR governing commercial buildings (which include town halls). In short, the Town Hall is currently fully compliant with the ADA and AAB regulations. He noted that the front door may be unlocked for use as a service or employee entrance, or for continued use as an additional egress. Any other use of the door would require approval of a variance from the AAB regulations. The Building Committee and architect determined two years ago to retain the historic façade. T. Creamer asked why this decision was never made privy to the Board of Selectmen or referred to them for input.

Thus, S. Suhoski plans to unlock the door when the weather improves for the convenience of service deliveries and staff. He noted that it will be difficult to monitor every single person that may use the entrance.

M. Dowling expressed dissatisfaction with Kopelman & Paige's guidance with regard to this matter, as it had taken them too long to provide an answer. She said that the Board should have been given an estimate for providing a variance. T. Creamer asked whether there was any recourse through the architect, any level of funds that could be used. S. Suhoski said that he could obtain a cost estimate if the Board wanted to pursue a variance.

M. Dowling suggested posting a sign at the front door: "Entrance for Employees Only."

Old Business

M. Blanchard asked about the status of goal setting for department heads. S. Suhoski said that goals have been set for four of them.

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New Business

There was no new business

Ask the Selectmen/Citizens' Forum

T. Creamer said that there were no calls.

MOTION: To adjourn, by M. Blanchard.
2nd: M. Dowling
Vote: All in favor.

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date