

May 2, 2011

**BOARD OF SELECTMEN  
MINUTES  
MAY 2, 2011**

Present: Thomas Creamer, Chairman  
Mary Dowling  
Mary Blanchard  
Angeline Ellison  
Priscilla Gimas  
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 he and a member of the press were recording the meeting.

T. Creamer announced that the Town Hall/Center Office Building item was rescheduled to May 16<sup>th</sup>. He also said that an executive session regarding the purchase of real estate was added to the agenda of May 2<sup>nd</sup>.

**Copper Stallion – Re-Submittal of Application to ABCC\**

Terry and Joni Light, owners of the Copper Stallion, appeared before the Board. S. Suhoski said that in 2009 the owners of the Copper Stallion had filed an application for Change of Manager, etc. to the ABCC, which was returned about a month afterward with no action by the ABCC. There was a missing form, and other administrative items. In August 2010 the applicants came back before the Board of Selectmen to correct the paperwork and resubmitted the application. It was returned with no action again by the ABCC, citing a Dept. of Revenue issue that needed to be cleared up. Those issues have been resolved. S. Suhoski said that he had spoken with an investigator of the ABCC, and was told that a new application was not necessary.

J. Light said that they had been unaware about the issue with the Dept. of Revenue until their application was denied by the ABCC. She noted that it was a matter of \$100, which has been cleared up.

T. Creamer questioned whether the local licensing authority had been in any way in violation of ABCC laws. S. Suhoski said that he was confident in everything that had been expressed to the Board. J. Light said that they couldn't possibly anticipate the same scenario happening again. M. Blanchard said that the issue had been with the Dept. of Revenue, out of the realm of the Board of Selectmen.

**MOTION: That the Board of Selectmen approve the resubmittal of the application for a change of manager, alteration of licensed**

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**premises and hours of operation of 11:00 a.m. to 1:00 a.m. for  
The Copper Stallion, 538 Main Street, Fiskdale.  
by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

### **Town Meeting Warrant**

#### **Article 50: Community Preservation – Trail Development**

T. Creamer said that there was a new request from the Trails Committee via the Community Preservation Committee, and there is a request from the CPC specific to that \$10,000 request.

Penny Dumas, Chair of the Community Preservation Committee, appeared before the Board. She said that there is another project dealing with signage, with no funding through the CPA.

M. Dowling said that Erin Jacque's concern is that the next thing to be done on the trails is signage, as people using the trails have been getting lost. She expressed concern about funding for the signage. S. Suhoski said that he was not sure that they have all of the necessary funding in place. Trek Sturbridge signage (see packet). He expressed concern about liability.

T. Creamer said that he had received a call from people who had gotten lost on the trails, who said that there were a number of unmarked properties. He said that this was akin to having streets with no names. He noted that there was a request for betterment funds. M. Dowling said that it is not simply for liability purposes; the trails need to be made very clear. She noted that the memo sent by Erin Jacque was very thorough.

P. Dumas said that the trails are obvious areas that need improvement, and they will be part of the Master Plan. She suggested working on the connectivity of existing trails, and if there is a key parcel that would connect to miles of trails, then the Town should consider purchasing or getting easements for that parcel.

M. Dowling asked whether signage would be considered a related expense. M. Blanchard said that would depend on what the Trails Committee thinks. T. Creamer said that this is a graphic example of why it is necessary for the Conservation Agent to sign off on any proposed action on the trails that would warrant any type of action from the Board of Selectmen. He said that the Board has to depend upon the paid professional staff to do the job that they are being paid to do.

**MOTION: That the Board place and support Article 50 on the Annual Town Meeting warrant, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**  
**Vote: All in favor.**

**Article 53: Non-Binding Referendum Re: Town Hall Front Doors**

**MOTION: That the Board place Article 53 on the Annual Town Meeting warrant, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**  
**Vote: All in favor.**

**Charter Review Committee**

Heather Hart, Peter Levine and John Kittel of the Charter Review Committee appeared before the Board. T. Creamer said that there were a number of questions that manifested during the meeting of the Charter Review Committee and the Finance Committee. He noted that the Finance Committee voted no action on the articles, and expressed concern that it leaves a negative connotation. He asked whether the Board wanted to remove the articles from the warrant, then sit down with the Charter Review Committee and the Finance Committee and discuss them. M. Blanchard noted that the Charter Review Committee was not listed on the agenda, and the CRC did not have a posted meeting. T. Creamer suggested that one member of the CRC step out of the proceedings. Peter Levine left the table. S. Suhoski said that it was permissible for a quorum of a board to attend a meeting of another board, so P. Levine could remain in the room.

**Article 39: Charter Amendments – Administrative Items**

J. Kittel said that due to the shortness of time in the process, the CRC had operated on a quick schedule and made a number of recommendations. He said that the articles could be handled at a Special Town Meeting in the fall. T. Creamer said that the articles would also need to be approved at the ballot box, so he did not see it as a delay. He noted that it would be almost a year before it would be acted upon at the Town Election. J. Kittel said that everyone had communicated the need for more time.

T. Creamer noted that Section 8.5 Charter revision states: “a duly called Town Meeting.” He said that he would be supportive of going forward with it at a Special Town Meeting in September. S. Suhoski reminded the Board that there were citizen petitions to amend. T. Creamer said that if they are voted on favorably and get approved, they will sit in abeyance until the next Town Election next year. S. Suhoski expressed concern that they could have approval here, then be defeated there. T. Creamer said that they Board does not have the authority to pull citizen petitions from the Warrant. S. Suhoski said that the Board could consider a recommendation of what the citizen petition should be. J. Kittel said that if the citizens don’t make a substitute motion, it will remain dormant. T.

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Creamer said that any vote cast by the Board tonight could be circumvented by another vote. He said that it would be better to hold it until the Special Town Meeting. M. Dowling said that it could take more time with the Finance Committee, and noted that they did clear up some inconsistencies. She said that some things are going to end up on the Special Town Meeting warrant.

T. Creamer suggested making a motion on a timeline for completion of this process, then the Charter Review Committee could expedite their process with the Finance Committee. M. Dowling noted that the Finance Committee has questions now. M. Blanchard asked whether the Finance Committee would be able to meet with the Charter Review Committee before Town Meeting. H. Hart said that the timeframe was too short, so the Finance Committee had decided to take no action. She said that it would be better to spend the time reviewing it carefully. M. Blanchard said that it is not too late for the Finance Committee to take another vote, instead of "no action." S. Suhoski said that the Finance Committee wanted to put their book together by the end of the week, and noted that there is still a month until Town Meeting.

T. Creamer said that he had asked Kevin Smith whether he had any questions, and he replied that he would not be able to collect them from the Finance Committee in time. Because they voted "no action," they are focusing their attention on things that are more pressing. M. Dowling suggested they be pulled from the warrant, and that the Finance Committee be invited to meet with the Selectmen and the Charter Review Committee. A. Ellison thought that they should be left on the warrant, and noted that the work has been done, and the process was done in accordance with the procedures. She said that at Town Meeting, they could agree on the substitute motions, and all of the quirks could be worked out.

T. Creamer said that there should be more detailed discussion, and recommended that the administrative and procedural enhancements be pulled, and to leave in the substantive ones, which would prevent a dissenting vote. M. Dowling said that going through the housekeeping could take several hours at Town Meeting. She noted that the Finance Committee had recommended "no action" on all of the substantive articles. P. Gimmas said that her perception was that the outcome would not be different from the Finance Committee's. She said that their book is going to print at the end of the week. She did not think that anything would change. M. Dowling said that people may not attend Town Meeting based on the fact that the Finance Committee had noted "no action" on the articles.

T. Creamer said that they would be doing a disservice to the Town by not providing a document that all of the committees would support. J. Kittel stressed the importance of dealing with all of the Charter changes at once, and said that the Charter Review Committee's approach was conceptual. He said that he would welcome having the Finance Committee rework the wording to improve

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the document, and suggested giving it the time that is due to get the job done well.

Kevin Smith said that the Finance Committee had not addressed a single article proposed by the Charter Review Committee until Thursday night, April 28<sup>th</sup>. He noted that they had not taken any action on any substantive articles; their discussion had stopped with the housekeeping items, as they were not sure whether the Charter Review Committee had been using the correct Charter document at that time. He said that the Finance Committee was under an extreme timeline to get their book to the printer.

**MOTION: That the Board withdraw from the Annual Town Meeting warrant of June 6, 2011: Articles 39, 40, 41, 43, 44 and 45, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

T. Creamer suggested that a timeline be initiated to get this done, and that the Finance Committee and Charter Review Committee should meet with the Selectmen during a work session to work through the articles. K. Smith said that he would be amenable to meeting with the Board in June, after the Annual Town Meeting. J. Kittel suggested that questions be submitted to the Charter Review Committee in advance of the meeting.

T. Creamer suggested putting off the reprecincting issue and the Committee Handbook until July. It was the consensus of the Board to meet with the Finance Committee and the Charter Review Committee on June 13, 2011.

Peter Levine rejoined the discussion; Heather Hart stepped down.

#### **Article 47: Citizen Petition -- Charter Amendment**

P. Levine said that there had been some discussions raised about the appointments that are made by the Town Administrator and confirmed by the Board of Selectmen. He said that it is important to transparency that each person who applies knows that he is being considered. T. Creamer said that all openings must be posted at Town Hall and the Town website for a 15-day period, and the open application may be reviewed until the vacancy has been filled. He indicated his support for a more open and transparent process.

J. Kittel asked who would be responsible for keeping the public record. T. Creamer said that the Town Clerk should have a copy of everything under the Open Meeting Law. He noted that every new member of a board or committee must be sworn in by the Town Clerk.

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M. Dowling said that the fact that each meeting is televised and minutes are prepared should satisfy the need for a report. J. Kittel agreed that the record of the meeting would be their report. T. Creamer said that Judy Knowles is good at reflecting the rationale of each Board member.

S. Suhoski said that the language as written must go on the warrant. He said that if the Board wanted to sponsor an article to amend the article, he felt that legal counsel should be sought.

T. Creamer said that policy can change with the will of the Board, and as such, so too could the level of transparency, which is a concern and should be to all. He said that everything that the Board does should be as transparent as possible, and residents should have as much access as possible. M. Blanchard noted that the Board of Selectmen sets policies, and the Town Administrator must adhere to them. T. Creamer said that his preference was for everything to be as open and detailed as possible. P. Levine said that not everyone knows about the process, and it should be done right. He noted that it is meant to make the process of appointments open.

S. Suhoski said that the Charter prevails, and it is silent as to the method to go through. He said that appointments are still subject to confirmation by the Board of Selectmen. M. Dowling said that she did not think this bylaw conflicts with the language of the Charter. She said that she was not comfortable supporting it without the input of the Town Moderator.

M. Blanchard noted that the warrant should have been finalized long before now. She said that it should have been well written when it was presented, or well written and presented earlier. She said that she viewed it as policy, not a general bylaw.

A. Ellison said that it is a citizens' petition, and should go forward as written. T. Creamer agreed that it should go forward as it is. He said that there could be substitute motions at Town Meeting.

**MOTION: That the Board place the citizens' petition Article on Town Official Appointments General Bylaw Amendment on the warrant, by M. Blanchard.**

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

**Vote: All in favor.**

**MOTION: That the Board not support the Article, by M. Blanchard.**

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

**Vote: Two in favor; P. Gimás, A. Ellison and T. Creamer opposed.**

**MOTION: That the Board support the Article as written, by A. Ellison.**

**2<sup>nd</sup>: P. Gimás**

**Vote: Three in favor; M. Blanchard and M. Dowling opposed.**

**Article 51: General Bylaw Amendment – Conflict of Interest**

M. Dowling said that she had sent the draft to S. Suhoski and T. Creamer, and also forwarded it to Town Counsel. She noted that it goes beyond the state Conflict of Interest law. She said that it defines what is meant by “immediate family” when abstaining from voting in certain instances, in order to avoid the appearance of favoritism, making the process more open and transparent.

M. Blanchard said that there is no reason to go beyond the Conflict of Interest law, and noted that there are no penalties. She did not think there has ever been an issue with it, and felt that it was repetitive.

P. Gimas commended M. Dowling for her work on the article, and said that it takes the matter one level higher.

S. Suhoski said that he didn’t ask Town Counsel about including step relations, and felt that they should be included to be consistent. T. Creamer said the boards and committees are required to adhere to the General Bylaws and the Committee Handbook. He suggested adding the words: “Whether physically present or otherwise.”

M. Blanchard felt that it was too restrictive on boards with volunteers.

**MOTION: That the Board place and support General Bylaw Amendment – Conflict of Interest as amended, by M. Dowling.**

**2<sup>nd</sup>: P. Gimas**

**Vote: Four in favor; M. Blanchard opposed.**

J. Knowles left the meeting at 10:30 p.m.

**Cable Advisory Committee – Appointment of Part-Time Scheduler Clerk**

**MOTION: That the Board of Selectmen ratify the Town Administrator’s appointment of Michelle Bourget of Brimfield as the part-time Scheduling Clerk for the Cable Advisory Committee effective May 2, 2011 at an hourly rate of \$13.45/hour for approximately 8 to 10 hours per week, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

**Engineering Proposal – Walker Pond Stormwater Study**

**MOTION: That the Board of Selectmen authorize the Town Administrator to award and execute a contract with Tighe & Bond in an**

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amount not to exceed \$23,800 to complete a Stormwater Study for the Walker Pond area as outlined in the proposal dated March 30, 2011, by M. Blanchard.

2<sup>nd</sup>: P. Gimas  
Vote: All in favor.

**Limited Subsurface Investigation and Possible Response Action Outcome Statement (51 and 55 Holland Road – “The River Lands”**

**MOTION:** That the Board of Selectmen authorize the Town Administrator to award and execute a contract with Tighe & Bond for additional Limited Subsurface Investigation and Possible Response Action Outcome Statement in an amount not to exceed \$ for 51 and 55 Holland Road, by M. Blanchard.

2<sup>nd</sup>: P. Gimas  
Vote: All in favor.

**Uno Chicago Grill – Resignation of Officer**

**MOTION:** That the Board of Selectmen approve the revised Form 43 of Uno Restaurants LLC d/b/a Uno Chicago Grill for resignation of an officer of the corporation, by M. Blanchard.

2<sup>nd</sup>: P. Gimas  
Vote: All in favor.

**Piccadilly Pub – Application for KENO License**

S. Suhoski submitted to the Board correspondence from the Massachusetts Lottery Commission indicating the application and process for objection. He explained that the Town had 21 days from April 29<sup>th</sup> to register any objection. He noted that the Police Chief was also notified.

It was the consensus of the Board not to object to the KENO license.

Respectfully submitted,

Judy Knowles

\_\_\_\_\_  
BOS Clerk

\_\_\_\_\_  
Date