

May 23, 2011

**BOARD OF SELECTMEN
MINUTES
MAY 23, 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 the Board of Selectmen will add a fourth meeting to its meeting schedule for the next few months, as there is a great amount of work that needs to be done.

T. Creamer offered condolences to Corinne and Bill Tibori, owners of Paoletti's Market, on the loss of their son Sean Pena.

T. Creamer reminded everyone that the Memorial Day parade is scheduled for Monday, May 30th. He noted that he may be out of town that day. He noted that Memorial Day was originally called Decoration Day, in remembrance of those who have died in our nation's service. It was officially proclaimed on May 5, 1868 by General John Logan, Commander of the Grand Army of the Republic, and was first observed on May 30, 1868 when flowers were placed on the graves of union and confederate soldiers at Arlington National Cemetery. He noted that it is also a time to reflect with love on those who have served our country honorably and have given us the freedoms that we share today. He said that it is also an opportunity to be a part of the healing process for individuals who suffer the emotional and physical scars of battle. He read a poem by Moina Michael, in response to "In Flanders Field." He offered his personal thanks to all those who have given their service to our country.

T. Creamer announced that the Pre-Town Meeting will be held on May 24th at Town Hall at 7:00 p.m. with a live broadcast, and there will be an opportunity for people to phone in their questions. He encouraged residents who have not previously attended the Pre-Town Meeting to tune in. He said that they will be discussing the Finance Committee report and some of the issues that will be coming up at Town Meeting.

T. Creamer requested that past minutes be expedited, as the last set of minutes posted on line were from February.

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

Open Space and Recreation Plan Adoption

Elissa Gelfand and Carol Goodwin, members of the Open Space Committee, appeared before the Board along with Jean Bubon, Town Planner, to seek any final comment and/or ratification of the Open Space and Recreation Plan. S. Suhoski noted that when accepted by the Commonwealth, the plan will now have a seven-year approval life-span. T. Creamer thanked the Open Space Committee and the Town Planner for their comprehensive job on the Open Space and Recreation Plan.

J. Bubon requested a letter of support from the Board for the draft Open Space and Recreation Plan to send to the Dept. of Conservation and Recreation to get the plan approved. She provided an overview of the plan, and the methodology used in creating the draft document. She said that the Open Space and Recreation Plan describes the community's open space and recreation resources, and is a thorough analysis and inventory of what the Town has, and maps the resources. It also integrates many sources of data into one comprehensive picture of the community. It identifies actions that will protect and manage these resources for the community, and provides a blueprint for seven years for decision making boards and committees within the community to follow going forward to work in concert with one another. It also educates residents about conservation and recreation issues and priorities for the community. She presented an open space map, and thanked William Mitchell, Principal Assessor, in this effort. She noted that they were able to gain more points on the Commonwealth Capital Application, for exceeding the 25% threshold of open space, and received confirmation that they are satisfied with the documentation provided.

J. Bubon said that they evaluated the 2005 Open Space Plan to determine which goals have been achieved, and which were outstanding or ongoing. They were able to partner with the work of the Planning Board and the Master Plan Steering Committee. She said that she was able to work with the Open Space Committee and help them to formulate questions that were included on the town-wide survey that was sent to all of the households. They solicited input from the other boards and committees and staff along the way to developing this plan.

C. Goodwin thanked J. Bubon for her help, and noted that the Open Space Committee was able to move forward easily with her. She also thanked Erin Jacque, Conservation Agent, who had provided help in detailing some of the properties that the Town owns; William Mitchell, Principal Assessor, who had done a great job in reading the deeds; Diane Trapasso, J. Bubon's Assistant, who had done a lot of legwork; Pat McGarragh of the Trails Committee, who had helped with the details and provided information on what was going on with the trails and how the properties were coming together. She noted that it had been an exceptional experience. She also thanked everyone who had worked on this

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in the past, including Dan Szumilas, the former Conservation Commission Chairman, who was passionate about this and had the initial vision for it. She thanked Carol Childress for her contributions.

T. Creamer asked that she recite the names of the members of the Open Space Committee. C. Goodwin said that the committee consisted of: Elissa Gelfand, Randy Ellithorpe, Lynn Sarti and Chip Silvestri, as well as herself; Pat McGarragh is an honorary member.

C. Goodwin provided a history of the Open Space Plan, and said that on May 18, 1998 the Board of Selectmen was presented with the results from the town-wide survey by the existing Open Space Committee. They said that residents wanted wooded hills, lakes, ponds, trails, rivers and the Town Common area to be protected. They also wanted a town-wide trail system. They wanted significant parcels of land protected because they cared about the natural environment of the Town. They wanted recreational opportunities for all and they cared about the community's character. Consequently, the Open Space Committee worked with the CMRPC and created the 1999 Open Space and Recreation Plan. She said that now in 2011 the Open Space Committee has created the latest Open Space and Recreation Plan with the knowledge that the residents of Sturbridge still have the same concerns. She said that the state encourages the creation of such a plan to increase the score on the Commonwealth Capital Application to help communities adapt Smart Growth standards and to increase the score when applying for certain grants. She said that the Open Space and Recreation Plan compiles information and points to areas that need more review for bylaw and other regulatory changes. Also, the plan provides a strategy to accomplish goals, to be implemented by Town boards to enhance open space and recreation. She said that the state requires that the plan fulfill certain criteria, which has been met.

M. Dowling asked where the Town ranked in the Smart Growth initiative which assists in grant opportunities. J. Bubon said that the Town of Sturbridge ranks 76, which for a community of this size is good. She explained that smaller communities have a hard time achieving a very high score, because so much of it is related to transit oriented development and provisions for affordable housing. She noted that the Town had scored very well on open space initiatives and low impact development and for adopting an Agricultural Commission and Right to Farm bylaw.

Clothing Collection Bins – Request of Town Planner

S. Suhoski submitted to the Board a correspondence dated May 16, 2011 from Town Planner Jean Bubon requesting that the Board consider adopting a policy and licensing framework for siting clothing and other “collection bins” within the Town. S. Suhoski believed the request has merit, as these types of bins are spotted more frequently in many communities without appropriate regulation.

T. Creamer said that a seasonal storage container would need a site plan waiver, and would need to be taken up with the Planning Board. He said that it should not impact parking in the area, and the Planning Board has more important things to deal with than having to schedule a site plan waiver hearing in order to determine whether there are enough parking spaces, which would necessitate action from the Town Planner who had to do all of the research. He said that a bylaw could be drafted and put it into Section 2 under Permitting. He noted that it would be a method for the Board to control the numbers that are out there, as is done with the newspaper vending machines.

S. Suhoski said that it would make sense to come up with something within 60 days, and he would employ J. Bubon and D. Lindberg to do it, and the Building Inspector and/or police could monitor it. P. Gimás said that in light of some of the violations regarding zoning, it needs to stay with the Board of Selectmen or the Board of Health. T. Creamer agreed, and said that the appropriate place for it is with the Board of Selectmen. He said that as a matter of last recourse, if the enforcement actions undertaken by the Town Administrator were to fail, the Town Administrator would be able to use other resources, such as law enforcement. He said that it should be by the Building Department as the enforcing agent.

T. Creamer asked whether there had been any discussion regarding addressing Chapter 22 signs. J. Bubon said that the Planning Board had discussed it, and agreed to hold on it for awhile. She said that shortly after the adoption of the Master Plan they will begin work on the sign bylaw in its entirety. T. Creamer asked whether the Planning Board had given any thought as to what would be the best method to address the temporary sign bylaw or any issues or challenges associated with it. J. Bubon said that the Planning Board had discussed it as a Board, but it would be challenging and difficult for her as Town Planner to look at the community and think what might be the best bylaw to allow for temporary or permanent signs. She said that some Planning Board members have concerns about visual clutter due to signs. She noted that there are many businesses that are not meeting the letter of the law. She stressed the need for better enforcement.

M. Dowling asked whether other communities have a similar sign bylaw. J. Bubon said that communities have varying requirements. She said that she would research the matter, and provide that information and data she collected back in 2009. M. Dowling said that when it had been voted on at Town Meeting, it seemed to have the support of the business community, but now it seems to have lost their support. T. Creamer noted that a lot of the businesses adhere to it. M. Dowling said that adherence to it and embracing it are two different things. J. Bubon commented that once discussion becomes negative, it breeds more negativity.

Proposed Municipal and Personal Vehicle Use Policy

S. Suhoski submitted to the Board a proposed policy to govern use of personal and municipal vehicles. He noted that during the budget development and discussion at the Capital Planning Committee, it became evident that there was no blanket written policy concerning municipal vehicle use. At his request, the Finance Director queried other municipalities, the MMA and MIIA to develop a draft document. Following further review and edits by the Town Administrator, and in consultation with the DPW Director (who will assume formalized fleet maintenance responsibilities), the proposal was presented for the Board's discussion and approval. He said that one key area of change is that he recommended that the Town adopt the standard Internal Revenue Service mileage reimbursement rate as the standard for personal vehicle use outside the Town limits. He said that the IRS rate is adjusted both upward and downward on a regular basis and will allow employees to recoup reasonable fuel and maintenance expenses when they are required to use a personal vehicle for Town business. Currently, the Town rate is \$0.405/mile and the IRS rate is \$0.51/mile. He noted that the School Department utilizes the IRS rate. Given the pendency of a recommendation for Town Meeting to appropriate funds for an additional four-wheel-drive pickup truck and potential use of a back-lined police cruiser as an administrative vehicle, a formalized policy was recommended.

T. Creamer said that things should be kept focused and tight regarding parking receipts, and they should all be stamped. S. Suhoski said that receipts are required to be submitted along with the reimbursement request. T. Creamer expressed concern about the equity of different situations, such as an employee taking his own car to a meeting, or a volunteer bringing his tractor to perform a clearing job for the Town. He said that there needs to be a line of departure. S. Suhoski said that it would not apply to volunteers. T. Creamer said that volunteers volunteer their equipment, whereas for employees, it is a condition of their employment. He noted that some people have Fast Lane passes and may or may not stop for a receipt, so if they get a Fast Lane receipt on line, it should be accepted as their receipt.

Greg Morse, DPW Director, said that they don't have any diagnostic equipment for diesel or gas. He expressed concern about vehicle maintenance. S. Suhoski said that Town vehicles go to DPW for routine maintenance, and for anything major it is necessary to find the funds to ship it out. Logs are kept for the vehicles, and he said that he would check on who is keeping those logs. G. Morse said that when DPW services a vehicle, they keep a record of it; if it goes out for service, they may not have a record of it.

T. Creamer noted that school vehicles may not be included, as they are outside of the Board's jurisdiction, and are under the School Committee's jurisdiction.

It was the consensus of the Board to hold action on the matter for three weeks.

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T. Creamer said that he had been asked whether the Board wanted the Annual Town Meeting videotaped. By consensus, the Board agreed to have the ATM videotaped.

Appointments

S. Suhoski recommended appointments for the Board's concurrence.

<u>Name</u>	<u>Position</u>	<u>Term Expires</u>
Jessica MacDonald	Sturbridge Tourist Association (resident)	2014
Lois Kelley	Tree Warden Advisory Committee	2014
Antoinette "Tina" Peterson	Council on Aging*	2013
Ann White	Council on Aging*	2013

**COA appointments by TA per Charter; General Bylaw says by BOS*

Also, there was one re-appointment::

William Grandone	Council on Aging	2014
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MOTION: That the Board of Selectmen ratify the above appointments of the Town Administrator, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Town Common – Relay for Life

S. Suhoski submitted to the Board an email from the Recreation Director (and American Cancer Society) requesting the Board's permission to allow purple ribbons to adorn the trees and gazebo for the month of June. S. Suhoski expressed no reservation, provided the ribbons are placed after the Memorial Day observances.

MOTION: That the Board approve the placement of purple ribbons on the Town Common trees and gazebo during June 2011 to promote awareness of the Relay for Life of Greater Southbridge Area scheduled for June 17-18, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Correspondence

M. Blanchard read the correspondence list into the record.

T. Creamer said that he would attend the Amvets meeting on behalf of the Board.

Approval of Minutes

MOTION: To approve the minutes of April 4, 2011 as amended, by M. Blanchard.

2nd: M. Dowling

Vote: Three in favor; A. Ellison and P. Gimas abstained.

Miscellaneous

S. Suhoski informed the Board that he had completed the interim request for relief from the Architectural Access Board, and discussed same and variance process further with Tom Hopkins. T. Creamer thanked S. Suhoski for addressing it promptly. He asked about the status of the AAB variance application. S. Suhoski said that he had completed the draft, and would email it to the Board for feedback.

M. Dowling said that she had revised language that clarified what she meant by "present or otherwise." T. Creamer said that he disagreed with the Finance Committee's ultimate decision on that, and was not convinced that they understood the intent of it. He said that two members of the Finance Committee had argued in support of it.

M. Blanchard said that if this is a substitute motion and the language has been changed, then it really doesn't matter what their vote was on the original article. M. Dowling said that she wasn't sure that it expressed one person's sentiment, or that of the entire Finance Committee. She said that boards have a tremendous power to influence Town policy, or to make recommendations on how Town money is spent. She said that this bylaw is an attempt to inject more objectivity into the process. She read the bylaw into the record. She stressed that it was written with no particular individual in mind.

T. Creamer said that Joel Bard had reviewed the bylaw and stated: "In my opinion, the Town may adopt a bylaw which is not inconsistent with the state Conflict of Interest law, MGL 268A. The Town's bylaw may be stricter than state law without being inconsistent. Accordingly, it is my opinion that the proposed bylaw would be a proper bylaw."

T. Creamer said that Tom Chamberland, Tree Warden, will have to weigh in on site plan reviews; however, one member of the Planning Board is his brother. He noted that when he weighs in on site plan review, it is on a comprehensive package, not on a specific aspect of that package. He asked whether this bylaw would prevent that member of the Planning Board from fulfilling his responsibility to address the site plan review because a family member has one component of it. He said that considering the number of site plan reviews that go before the Planning Board, there would be one member who would be disenfranchised from any vote on any site plan review. He said that the Board should consider it and

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have a means of addressing this question, in case it comes up on Town Meeting floor. He said that it was a strong step forward, and he would support it.

M. Blanchard said that a well written bylaw shouldn't have any questions, and that was one of the reasons she had major problems with it. She noted that there was never any public input, nor input from any of the departments on it. She said that there are 25-30 people in Town serving on a committee who have a relationship with someone else on another committee. She said that this was not giving people on committees enough credit for being unbiased and open; it targets too many people and is too restrictive. She said that it has not been vetted enough to be solid. She said that a well written bylaw would be clear, without any exceptions having to be made. M. Dowling disagreed, saying that it was very clearly written, and is specific to family members, which is very narrow. She stressed the need for an open, objective and transparent process.

P. Gimas said that she would support it, and noted that it is a matter of transparency, based on what people in the community have said. She had received a call from a resident who said that he particularly liked it, but didn't think it went far enough, and suggested it be extended to include business partners. M. Dowling said that business partners would fall under state law, in the case of a financial issue.

A. Ellison said that she would support it, and felt that it was important and necessary.

T. Creamer said that people serving on the Board of Selectmen, or any board or committee, should be of the highest caliber and beyond reproach. He noted that no bylaw is perfect, and as issues come up, changes can be made to it where appropriate.

MOTION: To support the substitute motion regarding conflict of interest as drafted by M. Dowling as of May 23, 2011, by P. Gimas.

2nd: A. Ellison

Vote Four in favor; M. Blanchard opposed.

Shepard Parcel

M. Dowling suggested that the Board address the Shepard parcel and the active recreation that was supported by the Conservation Commission and the Conservation Agent, and the two opinions of Town Counsel. She said that the second opinion that was written indicated that it didn't violate any law or case law that he has seen. She said that the Recreation Committee needs guidance at this point. S. Suhoski said that the Board has everything in writing that has transpired on this issue.

M. Dowling said that Erin Jacque, Conservation Agent, stands behind the research she has conducted. She noted that the Board had received an email from the Recreation Committee asking if the Board was proceeding with the recreational field on the Shepard parcel, so she suggested that the Board address it. She said that she had reviewed the minutes of the subcommittee that had looked at hundreds of land possibilities, which had been going on for five or six years. She said that any time a Town employee engages in research in their area of expertise, she would expect that all of the research would be forwarded to Town Counsel, so they would have the benefit of the work that has already been done.

M. Dowling said that she had contacted Representative Todd Smola to indicate her support to amend the CPA to allow the Community Preservation Committee to use CPA money in a more flexible manner, to be used toward active recreation, even if the land had not been purchased with CPC funds.

Carol Childress, New Boston Road, said that she was getting ready to submit a letter to the Board of Selectmen and Town Administrator, with a copy to the Conservation Commission, Recreation Committee and CPC about this issue. She felt that Kopelman and Paige may have made a mistake. She said that according to the CPA, all three of these properties are supposed to have conservation restrictions placed on them, and none of them do. Also, the warrant articles strictly say whether the properties are supposed to be used for active or passive recreation, and none of them do. She noted that the Shepard parcel is the only one that specifies for what purpose the parcel is supposed to be used. She said that the Heins parcel and the river lands do not say what they are supposed to be used for, except "open space purposes." She said that the Heins parcel has been placed under the care, custody and control of the Conservation Commission, along with the Shepard parcel. She said that after talking to Stuart Saginore, and Irene DelBono at the Dept. of Conservation at the EOEA, the general opinion was that all of these properties are supposed to have conservation restrictions on them.

M. Dowling said that she would not vote in favor of anything that was not allowed. She said that the Town has plenty of passive recreational use properties, but there is a huge gap in what is devoted to active recreation. She said that there is not a clear cut definitive answer at this point. She said that two years ago at Town Meeting it was made clear that the intent was for multi use fields on the Shepard parcel.

C. Childress said that two years ago she had sent additional information to Erin Jacque, and was under the impression that the conservation restrictions were being worked on. E. Jacque had said that they were not clear as to whether CPA money can be used for endowments.

T. Creamer noted that there are significant concerns, and it would be helpful to have information conveyed to the Board in writing. He expressed concern about the information that has been provided to Town Counsel, and if there are properties in Town that are obligated to have conservation restrictions on them but don't, that would mean they are in violation. He suggested that the Board wait for additional information to be provided by Carol Childress for further discussion. He said that the Board needs to get to the bottom of what they are allowed to do, and whether Town Counsel's opinion is correct or incorrect. S. Suhoski said that he would find out the status of the conservation restrictions. T. Creamer asked that the Board be copied on anything that is sent to Town Counsel relative to specific questions. M. Dowling said that questions should go to S. Suhoski and the answers should go to the Board. She said that she would prefer that Erin Jacque, as Conservation Agent, contact any other professionals.

C. Childress said that Section 14 of the Community Preservation Act says that every parcel purchased with CPA funds must have a conservation restriction placed on it. She noted that when the Shepard parcel was purchased, its intent was for open space.

Hamant Brook Dams

T. Creamer asked S. Suhoski if he had composed a letter for the Board to sign addressed to the Division of Fisheries and Wildlife in response to their request for a letter of support for what they want to do relative to the dams at Hamant Brook. S. Suhoski said that he had not yet drafted a letter, but he had brought them up to speed. He said that he had met with the Conservation Agent and a representative of the Division of Fisheries and Wildlife, and was expecting correspondence from them. T. Creamer noted that there is a conservation restriction on that property, and it is clear in the conservation restriction that they have the authority to remove the dams. S. Suhoski noted that E. Jacque had received a one-year extension before conducting an assessment of one of the high hazard dams, and the assessment must be completed. He said that the cost will be approximately \$1/2 million to \$1 million to remove the dams or to make the repairs, if the Town were to take it on. He said that the question to the Board was whether to allow Fisheries and Wildlife to proceed with a plan to remove the dams, restore the cold water habitat, remove the non-native species, to be funded through the Millennium fund set aside by a power plant. He said that he had a letter documenting that the Conservation Commission had a discussion and voted to proceed with the plan. He noted that an inspection would be necessary.

M. Blanchard said that the Conservation Commission is still waiting to hear from the Dam Safety Committee on the Millennium money.

T. Creamer said that he would support a letter to allow the Dept. of Fisheries and Wildlife to undertake efforts to pursue grant monies or allocated funds for the

removal of the dams. He said that he saw no value in placing it on the backs of the taxpayers.

Old Business

M. Blanchard asked about the timetable from Tighe & Bond. S. Suhoski said that the drilling will take place in two phases, beginning around June 15th, followed by three days of installation of the monitoring wells relative to water sampling.

M. Blanchard asked about the status of the report on the issues on Route 131. S. Suhoski said that he is waiting for additional information from the Commonwealth on the sidewalk question.

M. Blanchard asked about the status of the cleaning bids. S. Suhoski said that they are due on May 24th.

M. Blanchard asked about the status of payment for the water break at the Millyard building. S. Suhoski said that he had requested and received an estimate from Shane Moody of Veolia Water North America as to water that may have flowed. He has not issued an invoice yet, but will do so when he receives a number on it.

A. Ellison gave a reminder about the general bylaw overview, and suggested it be done in conjunction with the Charter review timetable. T. Creamer said that the Charter Review Committee will meet with the Board of Selectmen on June 13th to review their recommendations, along with the Finance Committee. He suggested that A. Ellison bring it up on June 13th so that Board could get some feedback from them.

P. Gimás said that she had met with David Lindberg, Building Inspector, regarding the sign violations, and was disappointed to learn that no letter had been sent to one of the violators, which brings it to a month past the violation. She said that she had received two phone calls from residents expressing concern about the situation. She stressed the need for consistency in dealing with sign violations, and the need to uphold the bylaws for everyone. T. Creamer had submitted to the Board a spreadsheet dating from June 7, 2010 to the present, and noted that there were 22 separate discussions and/or public documents relating to enforcement of sign bylaws. He said that the Director of the Chamber of Commerce had coined the phrase "sign pollution" as it relates to the number of signs littering the Main Street area. He noted that three months have passed since the supposed rigid enforcement of the zoning bylaw was going to take place. He had requested copies of the letters and information, and noted that a member of the Board of Selectmen had to submit a freedom of information request to get information from the Building Inspector. He said that concerns have been expressed over the last four months. He cited 22 separate instances of public discussions and correspondence related to the sign issue.

He said that he would like to know how the process evolved, where the Sturbridge Police Department had become the enforcement arm of the Zoning Enforcement Officer. S. Suhoski said that after the Board had voted to take a more aggressive posture regarding signs, he met with the Building Inspector and Police Chief, and while they were discussing past enforcement, it was revealed that the Police Dept. had assisted the former Town Administrator in enforcing the sign bylaw. They had retrieved signs, put them in the Building Inspector's truck, and later the owner would retrieve the signs. The service was offered to help reduce the proliferation of signs.

T. Creamer considered it to be a misuse of law enforcement, and didn't think that uniformed police officers should be retrieving signs. He said that it would be one thing if the zoning enforcement officer had issued a letter of enforcement and the property owner failed to comply with that letter, and the zoning enforcement officer went to the property and attempted to mitigate the situation, and it resulted in no cooperation from the owner; then it would be justified to send a police officer to provide assistance in that situation. He said that if the zoning enforcement officer has not initiated the first steps in the enforcement process, he would find it inconceivable to have the Police Department respond first.

P. Gimas said that when she had met with the Building Inspector, she asked him about his job and what else he does, and he mentioned that he doesn't have enough time. Some businesses had their permits expire in the middle of April; now it is the latter part of May and the signs are still there. When she asked him what he had done about it, he said that he was busy with building inspections. She noted that there are businesses that are chronic violators.

M. Blanchard said that it would not be an extra duty for police officers, as when they are out on patrol, if they see a sign without a sticker or number, they pull it, which is no different than their enforcement of zoning when it comes to parking. She noted that with yard sale signs, people put them up on weekends, when the zoning enforcement officer is not here.

T. Creamer said that when the Building Inspector is doing his job and issuing the appropriate enforcement letter, and there is no compliance, then he would agree that law enforcement should get involved, but he considered it wrong to have the Police Dept. act as a first strike. He said that the Building Inspector works three days a week, and suggested he shift his schedule to include Saturday, as that is when a lot of the yard sale signs are up. He said that he has yet to hear a reason as to why this enforcement is not getting done, and it has been an ongoing problem.

M. Blanchard said that she knows of businesses that have been spoken to, and two days later they are doing what they want, under the mantra of "I need to attract business." T. Creamer acknowledged that advertising is important to a business, but the bylaws are important to the residents.

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S. Suhoski said that while he can't talk about personnel matters, what is being discussed is the oft stated policy of stricter uniform and consistent enforcement of the sign bylaw. He said that he has conveyed a message, and has seen improvement, with letters sent out and collection of 10-12 signs during this timeframe that D. Lindberg himself had retrieved. He said that at the offer of the Police Chief, he authorized the additional police assistance on the street.

T. Creamer said that a number of times the Board had indicated to D. Lindberg that enforcement must be undertaken and must be uniform, not arbitrary and capricious, but it is not happening. He considered it to be bordering on insubordination. He noted that there are some businesses that are visited on a regular basis, and others that do not.

M. Dowling said that in all due respect, the Board has made it clear that enforcing the sign bylaws is a priority, and the message should be conveyed to the Building Inspector that it is a priority. She said that if he can't get to his other tasks, then his schedule should be adjusted. T. Creamer said that if this matter is not addressed soon, then the only recourse is to ask the Board to take action to ensure that it gets done.

P. Gimas suggested that the Building Inspector leave a message for his Administrative Assistant to send out level one letters on days when he is out of the office.

T. Creamer asked the Board whether they thought it was appropriate to have the Police Department do the zoning enforcement officer's job. It was the consensus of the Board that the Police Department should get involved only after the zoning enforcement officer has taken action consistent with the progressive steps of enforcement. M. Blanchard commented that she did not see how everything regarding enforcement could be put under one umbrella, and as far as yard sales signs are concerned, she had no problem with having the police, while on patrol, take action regarding signs.

S. Suhoski pointed out that with respect to enforcement, a lot of the general bylaws have dual enforcing authorities. He noted that there must be 150 businesses on Routes 20 and 131, and it would take more than one individual to cover all of that in one day a week. P. Gimas said that there is an issue regarding chronic violators.

T. Creamer read Section 22.32 of the Temporary Sign Bylaw into the record, and noted that it specified the Director of Inspections, not the Sturbridge Police Department.

T. Creamer said that regarding the Hamant Brook Dam, S. Suhoski should draft something for the Board to review.

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T. Creamer noted that there is a Planning Board/Board of Selectmen meeting coming up on June 27th to review the Commercial Tourist Revitalization Plan. He said that the Town Planner and Planning Board will be looking for guidance, direction and support relative to implementation.

T. Creamer said that S. Suhoski was working on outstanding appointments and vacancies.

T. Creamer said that the June 13th work session will consist of the joint meeting with the Finance Committee and Charter Review Committee, and joint appointments with the Tantasqua Regional School Committee and the Burgess School Committee.

T. Creamer said that a date and time needs to be set for the Town Hall/Center Office Building Committee to meet with the Board of Selectmen to review the contract re-evaluation of the Town Hall and Center Office Building.

T. Creamer asked about the slate roof inspections. S. Suhoski said that they are not required. T. Creamer noted that there needs to be a policy regarding the slate roofs, because it is recommended that they be inspected annually.

T. Creamer said that the Town Administrator evaluation is scheduled for the last meeting in June, which is the same night that the Board will meet with the Planning Board. M. Dowling said that there may be one question where she doesn't feel that there has been sufficient time to answer it, or to evaluate it, or one area where she doesn't feel equipped to answer it. She said that each member of the Board should evaluate with the same level of input.

A. Ellison said that when she served on the Tantasqua Regional School Committee and had to evaluate the superintendent of schools, in places where she had no experience or had no basis to determine, she put N/A. She noted that her input was not regarded as "less than."

P. Gimas said that in evaluating teachers, they were all given the same treatment, and for what she had not witnessed, she put "not observed." She said that all of the Selectmen should use the same tools in evaluating the Town Administrator.

T. Creamer said that everyone on the Board will weigh in evenly. He said that he will distribute the evaluation forms to the Board, and noted the importance of speaking to department heads and getting their input. He said that he would like to give S. Suhoski an opportunity to review it and provide a response. He requested that comments from the Board be submitted no later than June 10th. M. Dowling said that she would like S. Suhoski to do a self evaluation as well.

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T. Creamer requested that S. Suhoski, if he has not completed a goal, to explain why. S. Suhoski said that he planned to complete a self evaluation the week after Town Meeting. M. Dowling said that she saw it as evaluation from December to the present, because S. Suhoski had already had his initial evaluation in December 2010. She viewed it as how much progress he has made since his last evaluation.

T. Creamer said that the personal evaluation of the Town Administrator is not subject to disclosure; it becomes part of a composite that is reviewed publicly. M. Dowling said that the Selectmen can't comment on their individual evaluation, so in reviewing it, it will be difficult to give an example when they are not allowed to express themselves.

T. Creamer said that the composite that is created must be disclosed in public. S. Suhoski noted that all of the staff evaluations are excluded from public view, except for top officials such as the Town Administrator and School Superintendent. T. Creamer said that he needs to have the Board's evaluation forms by June 20th.

T. Creamer said that there are issues at the Recycling Center, and he will send an email to S. Suhoski with a copy to the Board. He noted that there is an issue with illegal parking of motorized vehicles, which creates a safety hazard. He said that he would send a request to S. Suhoski and Chief Ford to consider the establishment of a "no parking" zone, which would give the Police Department the authority to tell individuals to remove their vehicles.

T. Creamer asked the Board if they would object to having M. Dowling and himself work with the Finance Director to develop a policy where a request would go to the Betterment Committee for \$10,000 over a three-year period. If the Betterment Committee authorizes it, they would be compelled, over the course of three years to give the funding to that request. He said that Barbara Barry, Finance Director, has some requirements that she would like to see in that. He said that it would allow things to come forward from the Planning Board and other departments, and would give the Betterment Committee the latitude of committing to it over a three-year term, as opposed to a one-year term, and by locking it in, it would prevent the next Betterment Committee from changing it. It would be a multi-year approval. It was the consensus of the Board to agree to it.

Dave Holdcraft, 43 and 44 Alum Road

Dave Holdcraft expressed concerns about South Shore Drive, and informed the Board that there is a plugged pipe which is backing up onto his land, affecting his livestock by flooding his fields and woods, which is killing trees and causing a mosquito problem. He said that there is a culvert that is plugged up, which has been happening since the house on 31 South Shore Drive was built. He noted

the DPW has viewed the site, and requested that the Board do something to get the issue resolved.

T. Creamer said that the Board knows that there is an issue there, and there are some things that the Town is limited to do. He said that the state dictates the distinction between private and public roads and what the Town can do on them. He noted that the Town bylaw is a mirror of the state restrictions on what can be done on private roads. He said that under certain circumstances the Town has the authority to take mediation on private roads when there are public health or safety issues. He said that there are residents on South Shore Drive who have significant concerns. He said that some excavation was done there without a permit from the Board of Selectmen and they have put a stop to it; the Building Inspector had issued a building permit after that. He noted that the state DEP went out to the site with the Conservation Agent to look at some of the issues, and they indicated that the Town was doing everything it could under the circumstances. The Conservation Agent sent a letter to the landowner indicating that the landowner is responsible to maintain the drain and ensure that water flows through it so that it doesn't back up. T. Creamer read E. Jacque's letter into the record.

D. Holdcraft said that the water is not flowing through the drain, and has not been for a couple of weeks. T. Creamer said that everything has been done and is consistent with the law, and expressed frustration that he has not been able to get anything to substantiate that what has been done by the Town so far has not been consistent with the law.

S. Suhoski said that he has been out to the site on a couple of occasions with the Conservation Agent. He noted that there have been complaints, most of which have been unsubstantiated, and a letter had been signed by six department heads relative to the totality of the situation, because it was taking a lot of staff time. He noted that it is on a private road, and the pipe is on private property. He suggested that if someone is infringing or trespassing on D. Holdcraft's property, he could seek private relief himself. He said that if emergency vehicles were unable to get down the private road, at that point the Town could make an effort to clear the culvert. He said that it is a very difficult situation, and the responsibility lies with the landowner to whom the letter was addressed.

D. Holdcraft said that there is a problem with conservation, as it also affects a well. He noted that the Town has cleaned the pipe out before, and suggested that the Town either have the landowner or DPW do it. He said that there is a health risk relative to the well and his animals.

A. Ellison asked whether there was a way, since it involves private property, for the Town to clear it and then charge the landowner for the service, or put a lien against the property. S. Suhoski said that it could require giving notice or

demand notice, and would need to be done under the guise of Town authority. He said that he would look into the proper process.

M. Blanchard asked D. Holdcraft whether he had discussed the issue with the Conservation Agent. D. Holdcraft said that he had not, but his neighbors said that they had talked to her. He said that he did not reside on Alum Road full time, he lives on South Pond. M. Blanchard suggested that he talk to Erin Jacque, Conservation Agent, as it is within her jurisdiction. She said that anyone who has a mosquito problem should go to the Town's website for information on the Mosquito Control Program.

T. Creamer informed D. Holdcraft that he has the right to seek redress from the Board and from the Town of Sturbridge. He read General Bylaw 6.15 Road Repairs to Private Ways into the record, which states: ". . . not to include reconstruction or repair of drainage facilities." He said that the drainage facilities are creating a public health issue with mosquitoes, killing trees and the backup of the drainage facilities are resulting in a potential public safety hazard. He said that in speaking with the residents, there are times when it backs up in the winter, causing an ice pool on one side of the street, which creates a public safety hazard. He questioned the intent of the bylaw.

S. Suhoski said that there is a letter on record from the Conservation Agent regarding the most recent site visit, in which she made reference to other complaints. He will request that the site be reviewed again. He said that if there is an issue with a well, that individual has cause for civil action against the landowner. He offered to contact the landowner, and will look into the legality of A. Ellison's suggestion. M. Blanchard commented that the Board needs more information. She did not think that the Board should address issues immediately when someone comes in to meet with the Board, when there are policies and departments to go through the process. She noted that there should be a thorough investigation.

T. Creamer said that the individual who is responsible for maintaining the pipe indicated that he has stopped maintaining the culvert because he alleges that there is some type of discharge coming from one of the houses in that area and the discharge is creating contamination into a primal stream. He noted that the Board of Health has gone out there on two occasions and conducted tests, and the allegations made by this individual specific to why he has not taken care of the property have been unfounded. He said that the Town Administrator will ask the Conservation Agent to check on the pipe to see if water is flowing or not flowing through it.

S. Suhoski said that the property was reviewed by the Conservation Agent and other department heads, and the permit that was issued is valid for construction on that property. T. Creamer said that if the enforcement action fails, the Board would have to consider how it wants to exercise its authority under the General

Bylaw 6.15. He noted that there is a level of caution that the Board needs to take as it relates to private roads because of the potential for being in conflict with state law. He said that the Town Administrator will do due diligence and report back to the Board and to D. Holdcraft. He read E. Jacques's letter into the record. He noted that E. Jacques had reached out to the Central Regional Director of Mass. DEP and asked him to conduct a site visit with her, and he was in concurrence with the Conservation Commission's approval for that site and for the action that they are currently undertaking.

New Business

M. Dowling noted that T. Creamer had mentioned the possibility of adding another warrant article about changing the date of the Town Meeting to a Saturday, during the day, because some senior citizens have difficulty driving at night. She said that it was not added, but she suggested contacting Barbara Search, Council on Aging Director, to request that she put a sign-up sheet so that volunteers who would be willing to assist the seniors could be matched to seniors who need a ride to Town Meeting. T. Creamer noted that P. Gimás is the Council on Aging liaison, and suggested that she follow up on that.

M. Dowling said that the Finance Committee's meetings are not being recorded, and noted that residents might like to see them. The Board agreed. T. Creamer said that as a matter of policy, the Board should take a look at determining what committees it feels would be the best or most important ones to televise. S. Suhoski said that he would mention it to the Production Coordinator, and noted that the Cable Advisory Committee has a budget to cover 150 meetings per year. T. Creamer noted that the Town had adopted the Mullin Rule, which would allow a committee member to view either a video tape, audio tape or an exact transcript of a meeting when minutes do not constitute an exact transcript, as when they miss any portion of a public hearing, they are unable to participate in the next portion of the public hearing unless they certify that they have either viewed a video tape, audio tape or transcript. M. Blanchard noted that the Finance Committee does not have public hearings. T. Creamer said that they do exercise a great deal of authority over public funds, and suggested that the Board get their input before sending a recorder to their meetings.

M. Blanchard announced that the Memorial Day Parade will take place on Monday, May 30th starting at 9:30 a.m. at the Mass Motion Dance building. M. Dowling, P. Gimás and T. Creamer said that they would not be available to march in the parade.

M. Blanchard said that when the Finance Committee books are published, they should be made available at the Library, Senior Center and other places. She noted that this was the first time that the books were not available at the Town Election.

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A. Ellison said that the Town's website should be used to market Sturbridge. T. Creamer said that when he was doing research for the Committee Handbook, he went of lots of Town websites and was impressed with the Plymouth website, which promoted that town. He suggested that the Sturbridge website be improved and be made more aesthetically pleasing, and be used to promote Sturbridge as a destination. He noted that the Sturbridge website is more functional, and doesn't market the Town.

T. Creamer submitted information to the Board about 35 Old Village Road. He said that he had been contacted by the resident at 35 Old Village Road, off Walker Pond, regarding a blocked drainage pipe. He noted that it is a public road, and DPW had cleaned out the blockage from the pipe. He said that the driveway has a significant amount of erosion, and they tried to stabilize the driveway. The individual who lives there is in a wheelchair. He asked S. Suhoski to talk to DPW to find out if there is any level of resolution.

T. Creamer said that it was brought to his attention by one of the coaches at the Town barn ballfield that there is a significant amount of earth storage and mulch storage there. He said that there is concern that now with the loss of the Burgess fields, there will be a lot more activity and traffic at the Town barn ballfield. The coach was concerned about the safety hazard, as some are loose piles, which may attract children to climb up and fall, and could be an entrapment hazard for a child. He said that he had received correspondence from the Recreation Director indicating that they have concerns about this also. He said that there has to be a mitigation plan for it, and the material should be removed or fenced in. M. Blanchard suggested getting Greg Morse's input on what can be done and where it can be moved. S. Suhoski said that the issue is space, as there is no room at the Wastewater Treatment Plant site to store the material. He suggested directing the contractor to move the material off site, which will result in the Town being billed for that hauling job. He noted that some of the material is from the Burgess project, and the contractors had been granted permission to stockpile. He said that he would find out the specifics and find out the cost to relocate the piles, as well as the impact of DPW operations.

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

Respectfully submitted,

Judy Knowles

BOS Clerk

Date