

**BOARD OF SELECTMEN
MINUTES
JUNE 20, 2011**

Present: Thomas Creamer, Chairman
Mary Dowling
Mary Blanchard
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 reminded everyone that there would be a special meeting of the Board of Selectmen on June 22nd for individuals who have been impacted by the tornado.

T. Creamer announced that there was one member of the press who was recording the meeting.

Sturbridge Veterans Memorial Group

T. Creamer welcomed the veterans on behalf of the Board of Selectmen. Kathy Neal, Walker Pond Road, introduced Attorney George Hammond, Bob Briere, Bob Christiansen and Marilyn Desy.

K. Neal said that Bob Christiansen, a Vietnam veteran, had contacted her about the memorial that had been in front of Town Hall, which was the veterans' monument for World War II, Korea and Vietnam wars. She said that during the course of the Town Hall renovation, they found that the monument was no longer in front of the Town Hall and they wondered why. They searched the minutes to find out when this was authorized and by whom. She said that it may have been part of the general vote when the contract was awarded. She noted that the veterans group wants the memorial to be placed back outside. They had held a meeting at the Senior Center, and a number of veterans had attended. She said that the veterans were hurt and shocked that this had happened without consulting them. From her perspective, an outside monument which is available for the public to see is important because it is a reminder of why our country had gone to war: to protect our way of life, our democracy, our liberty, and also a reminder of the horrors of war and the sacrifice of the people who had fought it. She informed the Board that 304 people had signed petitions regarding the monument.

B. Christiansen, 226 New Boston Road, said that he had served in the special forces and had spent two years in Vietnam, after which he had gone into law enforcement. He said that many dignitaries have stayed at the Publick House

and always commented on the veterans' monument. He noted that if the memorial plaques are inside of Town Hall, not many people will see them, as Town Hall is only open during certain hours during the week.

M. Desy said that boards and committees normally ask for input before taking action, but sometimes things happen that are unexpected, such as the removal of the war veterans' memorial which had once graced the lawn in front of Town Hall. She said that the memorial was something real and meaningful and had inspired feelings and bittersweet memories of what had been and what might have been. She said that the monument had represented part of recent history from the 1940s to the present, a place to acknowledge the past. She requested that the monument be brought back.

B. Briere said that when he was a little boy of 10, he had attended the dedication of the original honor roll 68 years ago on the Town Hall front lawn. He noted that the original monument included a section dedicated to WAGS, and contained five names of dogs that had been donated to the service during World War II. He read into the record the dedication speech made by the Chairman of the Board of Selectmen at that time, Fred E. Hall. He said that the Town Hall front lawn is hallowed in memory, and from the time that the town was first incorporated it was the spot chosen for deeds and words of great patriotic significance.

K. Neal said that the companies that were contacted need to know the exact design of the proposed monument before they can provide estimates of costs. She said that B. Briere had received a quote of just under \$20,000 to put up a duplicate of the former monument. The plaques already exist and would be mounted onto it. She said that they would like to have a way to expand the monument to include the names of those who served in the Gulf war and the Iraqi war. T. Creamer said that it was clear from the design of the monument that it would be easily expandable, because of the shape of it and the way it was set up. He noted that some of the veterans had expressed the same concern of the importance of being able to add those individuals who had served in Afghanistan, the first Gulf war and the Iraqi war. He noted that the decision to move the plaques indoors had been done without the opportunity for public discussion, and he recognized the need to rectify the situation. He said that it is a matter of righting a wrong, although this was not an intentional wrong that was done, but had seemed like a good idea at the time. He said that the decision had been made without considering the implications within the Town of Sturbridge.

G. Hammond agreed that at the time it was not realized what impact the decision to move the plaques indoors would have on the veterans in the town. He expressed appreciation of the Board, that they understand that something should be done to rectify what had happened a couple of years ago. He said that Tom Chamberland, Veterans' Director, has done a lot for the Town and his father had built the original monument and the wooden flags in Veterans' Memorial Hall which he had donated to the Town about 20 years ago. He requested the

Board's support in placing the plaques back outside, and suggested looking for grant money to cover the cost of a new monument in front of Town Hall.

M. Blanchard thanked the veterans for coming to the meeting, and for all of their services. She said that the issue about the plaques had been handled quietly without most people knowing what was transpiring. She said that she was well aware of the decision that the monument was going to be removed from the front of Town Hall. She noted that the room where the Selectmen meet is Veterans' Memorial Hall, with plaques honoring veterans who had served during the Civil War, the Spanish-American War and World War I. She said that the memorial monument that was outside was more precious to the townspeople because it represented their own era. She recognized that there are strong feelings to get this particular memorial back outside, but noted that there will be a lot to undertake if the Board makes that decision, such as deciding upon a location for it, the cost of it, the cost of taking the plaques down and of repairing the walls inside Veterans' Memorial Hall. She questioned whether the area in front of Town Hall was the best place for the memorial, and suggested the land across the street, in front of the Old Cemetery. She suggested that a committee be formed to work on the details.

Jim Damian, a Vietnam veteran, introduced Roland Hewitt, 90 years old, a veteran who had served at Pearl Harbor and one of the original builders of the monument. He wanted to attend the meeting because he loved that monument. He said that many people had served, fought and died out in the elements, and so should their tribute.

M. Dowling said that she fully supported putting the monument back outside in front of the Town Hall, and did not see any reason why it shouldn't be placed back exactly where it had been. She said that when veterans' families visit, the monument should be outside where they can see it. She felt that monuments belong outdoors where everyone can enjoy them and pay tribute to the veterans.

A. Ellison stated that while taking part in the Memorial Day Parade, she repeatedly heard from veterans that the memorial plaques should be outside. She said that when she and her family visit other towns, they look at monuments, and it gives them the historical perspective as well as what the people valued as important, and what sacrifices were made. She stressed the need to have the monument outdoors, and suggested that it be placed near the flag on the Town Common.

P. Gimas said that she was in support of that also, and noted that there is a beautiful memorial area at Dresser Park in Southbridge to honor their veterans, with plaques and benches where people can sit.

T. Creamer said that the majority view of the people is to put the monument in front of Town Hall, and it is something that the veterans should decide, not the bureaucrats. He said that he would support whatever the group wants.

K. Neal said that they had met to discuss the matter, and proposed that a committee of veterans and interested persons be formed to go forward with it, and return to the Selectmen at a later time when things are more definite in terms of design and cost and possible sources of money. T. Creamer said that the advantage of forming a committee is that this group of people working and advocating on behalf of the veterans could channel their energies and then come in to give the Board updates and find out what the Town could do to facilitate moving the process along.

Tom Chamberland said that as the Director of Veterans' Services, he was deeply involved in building the monument, along with his father and brothers. He said that putting the plaques back outside would be a very personal and selfish decision. He felt that they belong inside Veterans' Memorial Hall. He noted when the Town Hall Building Committee was discussing this hall during the renovation, it was determined that there would be additional room on the walls to add the plaques. He said that the community as a whole had set the precedent that this is Veterans' Memorial Hall, and the plaques should not be relegated to the outside in the weather to suffer winds and sun, which would cause the destruction of the plaques. He said that they had been placed outside in 1987, and 28 years later it cost the Town \$4,500 to restore the plaques because they needed restoration. He said that it was not a cost that should be projected forward onto the other residents of this community. He noted that the plaques have been hung in places of honor inside Veterans' Memorial Hall, and lights have been built into the ceiling to illuminate them. He said that as the Director of Veterans' Services since 1980, he felt that it would be a bad decision to move the monument back outside. He asked that the Board consider the long term interests of all of the residents of Sturbridge.

T. Creamer said that he appreciated T. Chamberland's candor, and his response as an individual was that this country was built upon democracy. He said that the individuals who have worn the uniform of this country have done so in the hopes that the majority would make decisions as to what was in the best interest of the community, not the minority. He said that he appreciated the input of the Veterans' Agent in this matter, but it did not sway his decision, which was based on precedent and history. T. Chamberland said that the opportunity for all of the residents to participate in the discussion of whether the monument stayed or not had been afforded them.

M. Desy said that she had seen the summary cost and the two Town warrants when the money was voted, and there was not one word about that being part of it. She said that the question that was voted on did not include any mention of the plaques being moved indoors. T. Creamer said that in reviewing three years

of minutes from the Town Hall/Center Office Building Committee, there is not one discussion in those minutes that indicates that the monument was decided upon by a group of individuals; it merely states that “people have suggested that the memorial should be moved inside.” It does not say who the people were and it does not determine how that decision was made, whether publicly or privately.

MOTION: To move on the question, by M. Dowling.

2nd: A. Ellison

Vote: All in favor.

MOTION: That the Board of Selectmen support the return/reclamation of the Veterans Monument to the exterior of Town Hall as chosen and identified by the representatives of the veterans’ memorial group before us this evening, by T. Creamer.

2nd: A. Ellison

Vote: 4 in favor; M. Blanchard opposed.

M. Blanchard said that she could not support the motion as listed because a specific place was indicated for the monument, which may not be the best place for it. She noted that she and A. Ellison had suggested two alternate locations which should be considered, with input from the Historical Commission. T. Creamer said that the Board has supported the restoration/reclamation of the memorial to the front of Town Hall. He requested that the veterans’ group develop a committee among themselves, then begin to formulate plans and recognize that the Board is considering an extension on either side of the monument to represent the Gulf Wars and the Afghanistan War. He said that he found the A & E program about the WAGS dogs to be quite moving, about how they were initially used in World War II, particularly in the Pacific. The dogs went into bunkers and underground areas that had been dug out by Japanese soldiers to flush them out. He said that there was a remarkable attachment between the handlers and their partners, because those dogs were every bit as much their partner as another soldier carrying a weapon.

Lucia Suprenant, a retired teacher, stressed the need to obtain input from the townspeople, and suggested that local newspapers publish a story about the monument. She said that the plaques need to be outside.

T.J. Brennan, Commander of the American Legion Hall, said that the Town should come up with the money for the monument, not the state or the federal government.

T. Creamer requested that notification be given to the Board of Selectmen when a committee has been formed from among the group of veterans. He said that they should find creative ways to fund it, and suggested finding grant money for it. He noted that the Board of Selectmen does not have the authority to allocate

the estimated \$40,000 of Town funds for the monument; that authority rests solely with the legislative branch, which is Town Meeting.

Don Miller, 501 Leadmine Road, suggested the possible use of Chapter 90 funds. T. Creamer said that there is nearly \$2 million in Chapter 90 funds, of which \$135,000 has been used to pay for brick sidewalks (none of that cost had come from tax dollars). He had researched Chapter 90 reimbursement, but was unable to identify anything that would come into play in this situation.

K. Neal said that they had talked about Community Preservation Committee funds because another town had done that. She thanked the Board for their support, and added that they would be back in a month or two with a committee and some plans.

Harbor Master Hearing

S. Suhoski submitted to the Board a written complaint filed on April 8, 2011 by Peter and Rebecca Mimeault of 76 South Shore Drive, alleging violation of the Town's Rules and Regulations Governing Temporary Moorings, Floats, Rafts and Ramps by Gary Allard of 31 South Shore Drive. The complaint included photographs and an aerial image provided by Mr. Mimeault as evidence that Mr. Allard's dock is in violation of Section IV, Part B, Sections 1-3.

On April 19, S. Suhoski sent a written correspondence to both parties enclosing copies of the regulations and encouraging compliance to avoid any need for action by the Harbor Master. On April 27, he conducted a site visit to view the dock and took the opportunity to speak with Mr. Allard, who pointed out that the shoreline varies and he had moved the dock ten feet further from the Mimeault property for the 2011 season.

S. Suhoski noted that Section III, Part B of the regulations allow deviation from the requirements upon approval of the Harbor Master following submission of a letter explaining the reason(s) for any such deviation. To date he had not received any such request from Mr. Allard.

S. Suhoski's personal observation from the shoreline was that Mr. Allard's dock does appear to violate Section IV, Part B as follows:

- Section 1 – The dock clearly appears to exceed the 200 square foot maximum surface space; and
- Section 2 – The dock clearly appears to exceed the 25 foot maximum extension into the lake.

S. Suhoski said that because the shoreline curves and is not "square" as these docks are in a tight radius at the end of a cove, any observation that he would

have relative to the applicability of Section 3 would be purely subjective; therefore, he offered no opinion.

T. Creamer had a question specific to Section 3. He asked whether a sketch showing the location, size and description of the structure had been attached to the original file. S. Suhoski said that there was no sketch in the 2005 file. T. Creamer asked whether the individual who had obtained the permit in 2005 had come before the Board of Selectmen on an annual basis or submitted a new application on an annual basis on or before the anniversary date of the application. S. Suhoski said that he had not, as it was not the practice townwide. He added that none of the individuals with dock permits file an annual renewal. He said that the responsibility for that would be on the applicant, not the Town.

Peter and Rebecca Mimeault appeared before the Board. P. Mimeault said that the matter has gotten worse over the years, to the point that they filed a complaint this year, because the Allard dock is further in front of their property. He submitted a satellite image of their property taken in 2010, which showed how the Allard's dock and water craft go out in front of their dock. He said that they have to navigate around the other dock to get out into the waterway. He said that the Allard property is undevelopable waterfront, does not have a home on it, and runs alongside of a stream. He said that the other side of the property is the center line of a perennial stream that runs all year and feeds South Pond. He said that streams bring sediment into the lake and create deltas, flat lands, and when the level of the lake goes down the flat lands are visible. He said that the Allard property is against a stream, so they have lots of flat lands when the stream goes down. He said that the Allards do not clearly understand where their 58' frontage is, so they don't really know where their boundaries are located. He noted that the property owner does not own the flats. He said that he had images of the original layout of the development on South Shore Drive dating back to 1960 that shows each of the properties and the tie lines on the land. He said that many of the posts are still there. R. Mimeault said that their grandchildren are using the lake and jump off of their dock. She expressed concern about their safety.

S. Suhoski said that the Allard dock was at least 50 feet long. M. Blanchard said that MGL Chapter 91, Section 10A specifies that the Board may authorize by permit docks and moorings on a temporary basis. She noted that people should take the initiative and should apply for a dock permit.

Gary and Margaret Allard appeared before the Board. G. Allard said that the original dock permit was for 16 feet off of their property, staying away from the perennial stream and the delta. He said that it is 200 square feet, and the edge of the dock is in 13 inches of water; the furthest point is in 36 inches of water. He said that the Mimeault dock extends about 50 feet out with rails in the water and buoys. He said that his dock is exactly parallel to their dock, and he moved his dock over by five feet this year to make the alleyway a little wider. He said that

Mr. Mimeault had put his dock in ahead of everybody and angled it directly at his property, which prompted him to put his dock out all of the way. M. Allard said that they use gangplanks to get out there while the water is high. G. Allard said that his dock, which is moored, is exactly 200 square feet, and they use staging planks to allow them access when the water rises and goes out.

T. Creamer suggested getting third party verification of the measurement. He said that according to the bylaw and MGL, the dock can be no more than 25 feet from the shoreline. He added that special circumstances have not been addressed, nor have they been verified. G. Allard said that if the gangplank is not counted, his dock complies with the bylaws. T. Creamer said that the bylaw is silent regarding the use of gangplanks, so the Board could only address what was before it.

M. Dowling said that the only reasonable interpretation of “will extend into the lake” is a measurement taken from the shoreline, because the dock is defined as “any structure connected to the shore.” Then it says, “no dock will extend into the lake more than 25 feet.” She did not think it included gangplanks in order to get to deeper water. T. Creamer said that would be the case unless they apply for special circumstances. M. Dowling said that depending upon how deep the water frontage is, people will try to go deeper to accommodate a larger boat. She did not think this was intended to mean 25 feet from a gangplank.

T. Creamer said that Mr. and Mrs. Allard are in violation of the bylaw and MGL. He read Section 3 into the record regarding the opportunity to seek relief via a variance. He said that both parties should apply for a dock permit with proper sketches, and the Building Inspector will take measurements to provide verification on the size of the docks. Following that, both parties should meet with the Town Administrator to determine if they could come up with a reasonable solution to address the issues. At that point, the Board could entertain the dock permits, based upon whether or not special circumstances exist and try to find a reasonable solution.

MOTION: To ask the two parties to submit dock permit applications to the Town by June 27, 2011, showing exactly what dock or staging is going to be on their property; the Building Inspector will make the appropriate assessment and submit his report to the Board by July 5, 2011, so that at the Board’s July 5th meeting it can make a decision on this case, by A.Ellison.

2nd: P. Gimas

Vote: All in favor.

M. Dowling pointed out that as it currently stands, there is a violation which the Board is obligated to address under the Town Charter. T. Creamer said that Mr. and Mrs. Allard’s dock must be brought into compliance, which may well create a hardship elsewhere; unfortunately, the only thing the Board can do is enforce the

bylaw. P. Gimas suggested waiting until July 5th and resolving the whole thing at that time. T. Creamer expressed concern about picking and choosing, as that would set a precedent. S. Suhoski said that the Board had some discretion, and has already voted to give them a week to submit the permit application. M. Blanchard agreed with P. Gimas' idea to give them more time, because there is a short timeframe for the application and the Building Inspector to look at it. She noted that the Allards are willing to do what they can to bring the dock into compliance.

MOTION: That the Allards come into compliance with the dock section definition #1: "No dock will exceed 200 square feet of surface"; and #2: "No dock will extend into the lake more than 25 feet," by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Finance Committee: Fire Department Report

Kevin Smith, Mary Redetzke and Patricia Affenito of the Finance Committee appeared before the Board. T. Creamer thanked the members of the Finance Committee for conducting the study which the Board of Selectmen reviewed.

K. Smith read a statement into the record. He said that with the approval of the Finance Committee, Mary Redetzke and Patty Affenito as liaisons took the initiative to examine the Fire Dept. and Safety Complex budgets. As a committee, they felt that this would be an important tool that should be presented to the Board of Selectmen and the residents in order to generate an open and deeper discussion of the respective financial impacts. He said that it was noted in the study that in 2005 the Town Administrator had conducted a management study of the Fire Dept. that contained recommendations; since that time, the subject has not been addressed by the Board of Selectmen nor the Town Administrator. He said that since the Finance Committee has seen an increase in attention on lessening the property tax impact on townspeople, they wanted to reopen the dialogue and focus on issues that keep reoccurring in the Fire Dept., which has the second largest non-education related budget, overtime expenses, capital maintenance costs and a lack of capital planning for a short and long term. He added that this report is not the first time that the Finance Committee has gotten involved in an intensive study of a department's operations in order to break down the costs of operation and provide some efficiency recommendations. He said that for a period of about four years, the Finance Committee worked with two police chiefs and one interim chief to streamline the Police Department budget. Currently, the committee is attempting to increase its knowledge an understanding of the educational budgeting process by having a single liaison involved throughout the entire process. They also considered studying other departments to accomplish the same purposes. He noted that it is not the Finance Committee's responsibility to create policy, nor administer the

day to day operations of the Town. They found the concerns outlined in the report important enough to be called to the attention of the Board of Selectmen, who can act accordingly by creating policies to address these concerns.

P. Affenito said that T. Creamer had submitted his concerns to the Finance Committee as follows:

1. What was the impetus for the study? What was the driving force behind it, and what should be done?
2. Why was the Fire Dept. chosen, as opposed to any other department?
3. What is the goal of the study, and what is the expected outcome?

P. Affenito said that she and M. Redetzke were the liaisons to the Fire Dept. and the Safety Complex, and in their review during the budget season, questions came up. She noted that the short budget season does not allow for an intense review. A question came up concerning the physical problems with the Safety Complex that had not been addressed. There have been continual problems with the roof, which have been somewhat addressed, but not resolved. Another point came up that there were six resignations of part-time firefighters and paramedics, and they were concerned as to how that would impact the department. She said that there were concerns as to the approach they would take and the scope of the review, and they were very conscious of that when they did the review. They limited the scope to the financial area.

M. Redetzke said that they did not have time after starting collecting the data to go into the Police Dept. because there was so much data to look at and so many different directions to go that there was just no time for them to move on to the Police Department.

M. Redetzke said that question #4 was: "What material sources were referenced in conducting the study and compiling the results?" She said that the material sources were internet studies, other town and state articles, resources such as the Bureau of Labor Statistics, the Occupational Outlook Handbook 2010/2011, the Mass. Firefighting Academy, Mass. Fire District #7, MGL Chapter 48 Fire Departments and Fire Districts, the ISO (Insurance Service Organization), the National Fire Protection Association Guidelines, the Fire Dept. coming from Chief Senecal, the Annual Town Report, the FY budgets, the State Police Executive Office of Public Safety and Security, etc. She said that there were a lot of sources that they used to pull the data together. M. Blanchard requested that the list be emailed to the Board. P. Affenito said that all of the sources have been footnoted in the report itself.

M. Redetzke read question #5: "In areas where you need specific statements of findings, what was used as a basis for comparison?" For example, the report states that "there is no training requirement to be a member of the team, but each member has some level of training." This statement fails to reference the

National Fire Protection Agency standards, which does in fact list minimum requirements for dive teams, as well as training requirements. Chief Senecal said that they are operating as a regional dive team. M. Redetzke said that Chief Senecal had explained that there were no minimum standards, and it was not the place of the Finance Committee to question the response, nor act upon it, but to put it into the report. They were, however, aware of some of the minimum requirements through their research of NFPA. She said that the State Police Underwater Recovery Team acts as a mutual aid response group, so having a town dive team seems redundant when there is a highly trained State Police URT available. She noted that the State Police URT had assisted in the last two incidents that required a dive team in Sturbridge.

T. Creamer said that the EPA mimics OSHA in terms of regulations. In the fire service, the NFPA is the guide and standard. P. Affenito said that there are no written standards for the Sturbridge Dive team.

M. Redetzke said that question #6 indicates that there is no data available on dive rescues per year. She asked whether there was any follow up on why this information was not reported. She said that the National Fire Incident Reporting System requires run reports which include all calls. T. Creamer asked whether they had looked at the fire reports generated as a matter of standard practice to the U.S. Fire Administration. M. Redetzke said they had not. T. Creamer said that they should bear that in mind, particularly when doing a study. He noted that every Fire Department is required to maintain a run sheet, which is part of the NFIRS. He said that it will list what type of call it was, whether a fire call, medical call or dive rescue call.

P. Affenito noted a typo and broken sentence on question #7. T. Creamer requested that the Board be sent the corrected sentence electronically.

M. Dowling asked why there was a concern, if there was no violation of the collective bargaining agreement and nobody has filed a grievance saying that the overtime procedure was not being followed. P. Affenito said that the amount of overtime for the Fire Dept. has been a concern, and other departments as well, from a budget perspective. She said that when they looked at how it was broken down, they were surprised that the majority of overtime was being utilized by only a few people, and suggested that more staff be hired to reduce overtime. M. Dowling said that historically, increasing personnel does not decrease overtime. K. Smith said that the way that staff is deployed could be a way to lessen the cost of overtime, and noted that nearly 20% of their budget is overtime. Chief Senecal explained that staff must cover shifts when people are out sick or on vacation. He noted that one person is currently out of Injured On Duty; the four people on duty during the day shifts are not covered by overtime, only the night shift crews who call in sick or are on vacation. He said that when someone takes an overtime shift, that person is put on the bottom of the rotating list.

M. Dowling said that under Staffing and Scheduling on page 8, "It generally seems that paramedics do not necessarily want to fight fires and not all paramedics come to a department with firefighter training." Chief Senecal said that they have a dual role system which works out better for them, because they cannot have just a paramedic on duty, as they get calls for different activities: firefighting, ambulance, dive team and inspections. He said that they are sent to the State Fire Academy for their training.

T. Creamer noted that on page 10, "Should there be some criteria or requirement for maintaining fitness standards?" He said that physically and psychologically firefighting is a very demanding position. P. Affenito noted that physicals are only done at the time of hire. M. Redetzke said that being physically fit is very important.

T. Creamer said that having the Town buy dive gear is not specifically covered under the union contract, unless it is part of the uniform allowance. P. Affenito said that dive gear is not covered under the clothing allowance. Chief Senecal said that the dive gear is additional.

K. Smith said that regarding the Safety Complex, the Chief is responsible for the Safety Complex. M. Redetzke suggested that the Board consider having a Facility Management Committee consisting of one person from DPW, one from the Safety Complex, one from Town Hall, the Building Inspector and two builders. T. Creamer said that he would support that in the short term, but the committee would not have the authority or the ability to address it. K. Smith said that if the committee is given the authority to do those actions they could go ahead, subject to the approval of the Town Administrator.

K. Smith said that the Board should receive another report on budget findings from the Finance Committee within six weeks or so.

T. Creamer asked about the status of the detail rate. Chief Senecal said that it was separate, and was established by the union contract.

It was the consensus of the Board to send questions to T. Creamer, and he will compile them and forward them to the Finance Committee and the Fire Chief, in order to get a deeper understanding of the management of the Fire Department.

Citizens' Forum

David Holdcraft, a resident of South Shore Road, appeared before the Board. He commended the Board for agreeing to put the war memorial plaques back outside.

D. Holdcraft said that the pipe on South Shore Road is still clogged. He spoke to S. Suhoski and went to the Conservation Commission meeting, and told them

that the road has washed out, and DPW has been there twice with their dump trucks and backhoes. He talked to G. Morse, DPW Director, about using different material instead of sand, which keeps washing out. He said that G. Morse is willing to cooperate, but needs direction and authority from the Board to proceed. He noted that the dock situation is contributing to the situation with dirt flowing out of the pipe. He asked the Board to take action to get the pipe opened.

T. Creamer noted that DPW had gone out there to open up the pipe; there was a blockage, they opened up the pipe, and at that point it was flowing. S. Suhoski said that the DPW Director had indicated that what was blocking the pipe may be related to beaver activity, and the Conservation Agent had observed a beaver in that area. He noted that it will require a permit to trap the beaver.

D. Holdcraft said that the night of the tornado on June 1st, the storm washed out the road. He said that if there has been a violation of Town bylaws, the Board should take action.

M. Blanchard suggested getting input from G. Morse on this matter. She said that she would like to know what the Town can do on a private road, as it is limited, and anything that is done must follow the law. She noted that the Town would need agreements from the abutters on that road, as well as legal input.

T. Creamer said that General Bylaw 6.16 Road Repairs on Private Ways mimics the state requirements regarding private roads because the state supersedes the Town, and the state is very strict regarding private roads. He read 6.16 into the record. He said that the Town is limited to filling holes, depressions and surfaces with suitable materials. S. Suhoski said that "suitable materials" is left to interpretation.

T. Creamer said that the Board has not officially declared that such repairs are required due to public necessity, but if the road is eroding then the argument could be for a determination such as that. He read 6.17 into the record. He said that there is a Town policy with regard to private roads. He said that there was some excavation going on there that was not permitted, and under the General Bylaws, any excavation over a certain amount has to be approved by the Board, which did not take place, and the excavation had been done before the Board had a chance to react to it. He said that a stop work order had been issued by the Building Inspector until a permit was pulled; the permit was pulled, and the work commenced. He noted that the Board has no jurisdiction there; the Conservation Commission does. He said that the Board does have jurisdiction to try to find a way to remedy the erosion of the road, because erosion of the road creates a safety problem for residents, as well as a safety access issue for vehicles. He noted that the drain is not open and the water is not flowing through it. He said that if a drain pipe was installed by the Town or managed by the Town, and if the landowner does not want to address it, he asked whether the

Board has the authority to force the landowner to clear that drain pipe, or whether it would be something to take on as a Town. P. Gimás suggested getting a legal opinion.

A. Ellison felt that the Town had done due diligence to try to rectify the situation, and suggested that all of the interested parties sit down with G. Morse and E. Jacque to discuss it. She said that the Board needs to be consistent, and should not get in the middle of trying to solve neighborhood disputes and issues. P. Gimás agreed. She said that to bring resolution to this, the DPW, homeowner, abutters and Conservation Commission need to meet.

It was the consensus of the Board to meet with DPW and all affected parties and abutters on the following Monday meeting.

D. Holdcraft commented that the Town's response to the tornado issue was impeccable.

Amendment to Common Victualler License – Guispad, Inc. d/b/a McDonald's

MOTION: That the Board approve a Common Victualler License in favor of Guispad, Inc. d/b/a McDonald's Restaurant as indicated in their application filed on June 9, 2011, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

Habitat for Humanity Project at 79 Fairview Park Road

MOTION: To grant the request of Habitat for Humanity for an E-I grinder pump and related equipment for property at 79 Fairview Park Road, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

Resignations

MOTION: That the Board of Selectmen accept the resignation of Joni Light from the Sturbridge Tourist Association with the Board's appreciation for her service to the committee, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

MOTION: That the Board of Selectmen accept the resignation of Jennifer Morrison from the Planning Board, and to thank her for her many years of diligent service, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

Update on Tornado Disaster Declaration, Funding and Debris

S. Suhoski informed the Board that the DPW Director, Tree Warden, Assessor, Conservation Agent, Town Planner, Police Chief, Town Accountant, Recreation Director and Finance Director have undertaken various roles in furthering the assessment of damages, preparing a revised report and impact assessment to FEMA and MEMA, gathering data to fully understand the financial costs of the debris plan, checking references for the state vendor and estimated quantities of debris, in hopes of having Worcester County added to the Federal Disaster Area. He said that he would put together correspondence to FEMA and MEMA which will supplement what had been submitted a couple of weeks ago.

T. Creamer said that there are a number of properties that did not make this list that have come to his attention, so he will send S. Suhoski an updated list. He said that some people have dealt with issues on their own without reaching out to the Town initially for an assessment.

S. Suhoski said that DPW crews are working on Stallion Hill. T. Creamer suggested that they look at Whittemore Road, Old Village Road and Walker Pond Road.

Cleaning Services Contract Award

S. Suhoski said that this year marks the first year that the Route 20 rest rooms were combined into the Town bid. He said that the actual cost for this facility is \$4,680 per annum commencing July 1, 2011 and includes the cost of cleaning products; the cost of paper products is a Town expense. Also, the Town is responsible for upkeep of the building. He noted that a gate for the dumpster needs repair.

MOTION: That the Board of Selectmen award the contract for cleaning services to various municipal buildings to Soloman Partnership, Inc. d/b/a All Pro Cleaning Services in an amount not to exceed \$40,233.00 with the \$4,680 cost of rest room maintenance services to be borne through the FY12 Betterment account, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Old Business

T. Creamer suggested that S. Suhoski focus on meeting the deadline on the Town Hall front door variance.

T. Creamer asked the Board to consider postponing the Town Administrator's evaluation for at least another month, as he was too busy working with the volunteers. It was the consensus of the Board that the Town Administrator's self-evaluation be done by August 22nd, then the Board will have until August 29th to submit their evaluations, and the evaluation will be done on September 6th.

T. Creamer reminded the Board about the meeting with residents on Wednesday, June 22nd regarding an update on the tornado efforts.

T. Creamer said that regarding the Committee Handbook, the only thing that was outstanding was the feedback from Town Counsel. He said that they had sent everything back with an update on the Sexual Harassment clause. He had taken the liberty of removing what used to be Appendices A, B and C.

MOTION: To approve the Committee Handbook as amended by the Board of Selectmen on May 9, 2011 with changes by Town Counsel regarding the Sexual Harassment discrimination and putting them in with the Workplace Harassment and deleting the old Sexual Harassment section, with the change in the Appendices that T. Creamer had made, by M. Blanchard.

2nd: P. Gimas
Vote: All in favor.

MOTION: To adjourn, by M. Blanchard.

2nd: P. Gimas
Vote: All in favor.

The meeting was adjourned at 11:50 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date