

April 4, 2011

**BOARD OF SELECTMEN
MINUTES
APRIL 4, 2011**

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

The Chairman called the meeting to order at 6:30 p.m. following the Pledge of Allegiance.

T. Creamer announced that he and a reporter from the Telegram and Gazette were recording the meeting.

Naming of Town Hall Conference Rooms

Tom Chamberland, Veterans' Director, appeared before the Board. S. Suhoski submitted to the Board copies of email from T. Chamberland that outlined the proposal to name the second floor rear conference room at Town Hall in honor of Platoon Sgt. Joseph "Rudy" Julian, Sturbridge's only recipient of the Medal of Honor, and to name the front conference room in honor of the legacy of the Town's respondents to the call to arms on Patriot's Day and the ensuing American Revolution. T. Chamberland indicated that he has support from local veterans groups and the Historic Commission and Historic Society, the Community Preservation Committee. There are related funding proposals in the Town Meeting warrant. S. Suhoski said that this is a worthy endeavor and would serve to complement the Veterans Memorial Hall.

M. Dowling arrived at 6:40 p.m.

T. Chamberland said that the rear conference room will feature a display of a one piece framed assembly of Sgt. Julian's photo, the Medal of Honor citation and a print of the medal itself; underneath will be a 48 star flag tri-folded in a presentation case, and a small plaque indicating the room's dedication to Sgt. Julian. Over the door in the hallway will be brass letters "Plt Sgt. Joseph R. Julian." He said that the front conference room will be names "The Minute Man Conference Room." He noted that the Historical Commission believes that the most appropriate way to recognize these Sturbridge residents would be to purchase a minute man statue, approximately 18 inches tall, set in a wall mounted display case, and a small plaque, wording to be determined. In addition, a framed interpretive panel detailing a time line of events, town meeting votes, etc. in and around Sturbridge of that time period be developed and displayed in the room. He noted that the Historical Commission has agreed to assist in developing the interpretive panel and plaque. Over the door in the

April 4, 2011

hallway would be the brass letters: "Minute Man Room." He said that if this meets the Board's approval, he will proceed in obtaining price quotes on the various items and give the Community Preservation Committee the information, so that they can decide what would be eligible for CPA funds and betterment for the Annual Town Meeting.

M. Dowling said that she was not comfortable voting on an article without knowing the sum of money involved.

MOTION: That the Board place Article 8, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Annual Town Meeting Warrant Discussion

Michael Caplette, Town Moderator, appeared before the Board to discuss the Charter Review Committee article and subsequent citizen petitions. He said that he would not be able to preside over the article that involves the Moderator; the Deputy Moderator would preside. He noted that Articles 43 and 44 should be kept together. He said that the new language for Article 45 will be "The Finance Committee's recommendation shall be the main motion before any Town Meeting on all budgets but the warrant submitted by the Selectmen shall be the main motion for all other matters."

M. Caplette said that the Town Budget is Article 3, but the Community Preservation Committee also has a budget. He noted that the financial articles are not all covered by the word "budget." He said that the Finance Committee should weigh in and give a recommendation. T. Creamer noted that some of the zoning articles will have a financial impact on the Town. M. Caplette said a warrant is a document that gives a list of topics that will be discussed at a Town Meeting. He said that the warrant is not the action that is being acted upon; it is the motion. He noted that very often recommendations don't get done until the night of Town Meeting. He said that when a bylaw is adopted, a deadline should be set by which recommendations should be in, and then stick to it. He said that it is the Moderator's job to present the articles in an orderly fashion.

T. Creamer said that citizens have the right to petition their government to make changes. He asked whether Article 45 should be changed, if the petitioners were to come back with another document. M. Caplette suggested that the former Article 45 be disregarded, and the Board should just deal with the new article. S. Suhoski said that the Board could reopen the warrant to add or remove articles, until the warrant has been posted. The consensus of the Board was to leave Article 45 on the warrant, as the Board could reopen it later.

T. Creamer asked whether M. Caplette would like to address Articles 42 and 43. M. Caplette said that he will not be presiding over those articles.

April 4, 2011

S. Suhoski asked that the Board review the changes to the following articles:

- Article 3: three minor budget adjustments to be discussed
- Article 8: updated summary language
- Article 9: updated reference to "Leadmine Mountain" area as location of additional trail bridges and noted \$8,101 balance in summary
- Article 10: increased contract operations by \$31,024 (to be discussed under Veolia contract agenda item)
- Article 11: increased contract operations by \$31,024 (to be discussed under Veolia contract agenda item)
- Article 15: amended language per BOS and FinCom mirror votes; also, reduced fund maximum from \$20,000 to \$10,000
- Article 20: updated language per Town Counsel advice
- Article 22: clarified summary that town will be assessed approximately \$32,000 for five years by district for TRJHS roof replacement
- Article 23: clarified scope of work in summary
- Article 24: added note to summary per Town Counsel that 2/3 vote required if borrowing utilized for project
- Article 25: updated field development project cost per revised engineer's estimated from Recreation Dept.
- Article 26: inserted language provided by Town Planner (still needs Town Counsel review)
- Article 27: drafted language from Planning Board's amendments (still needs Town Counsel review)
- Article 28: article needs to be drafted ... many amendments proposed (to Town Counsel)
- Article 31: Town Counsel proposed substantive language changes
- Article 32: updated language based upon input from BOS
- Article 33: drafted language to match Planning Board's amendments
- Article 37: FinCom voted to remove; recommend BOS do the same
- New Article 37: updated Town Meeting Requirements and date changes TA would suggest
- Article 38: modest language revision per Town Counsel; added reference to NGRID schematic to be distributed
- Article 39: revised language per Town Counsel recommendation; affords BOS authority to enter into lease or contract if appropriate
- Article 41: removed second exemption as per BOS and FinCom votes.

S. Suhoski said that with this round of clarifications, the language on most articles is reaching closure. He noted that the BOS must "close" the warrant on April 4, but, the bylaw gives the BOS until the "last Friday in April" to make final recommendations. He noted that warrant closure does not mean that the language of the articles is fixed. The Board can continue its review and amend language as it sees fit, or, as may be agreed with the Finance Committee.

Veolia Contract Amendment

Greg Morse, DPW Director, appeared before the Board. S. Suhoski submitted to the Board the request from Veolia to discuss certain conditions that they believe warrant a contract amendment to increase staffing in the Water and Sewer departments by two full-time equivalent positions (FTEs). Based upon the pending completion of an entirely new drinking water well and treatment plant, and the scheduled start-up of the expanded Waste Water Treatment Plant in July, some measure of additional labor is to be expected. Veolia initially proposed amending the agreement to fund one FTE at \$100,000 per year total labor cost. Through discussion and negotiation during a meeting last week that also included the DPW Director, a revised labor cost worksheet was developed that more accurately depicts an annual labor cost for one FTE at \$82,731.

Through further discussion of the labor as relates to project completion schedules the parties agreed that the year one proposal would become effective on September 1, 2011. Thus, the cost to fund an additional employee in FY12 is \$62,048 (75 percent of the annual cost). The laborer would be split 50/50 between Water and Sewer duties. Through discussion with the DPW Director and Finance Director, it was agreed that the best method of funding the first year of this labor burden be through additional contribution of \$31,024 from each of the Water and Sewer Reserve Fund Balance. This would increase the FY12 F/B contributions to \$181,024 from each fund, but, would retain the rates set at the Board's March 28 meeting. Alternatively, the voted rates would need to increase by \$0.14 per 100 cubic feet (water) and \$0.15 per 100 cubic feet (sewer), respectively.

The DPW Director had advised the Board about the increased treatment costs during the transitional period at the WWTP. The FY12 budget was adjusted by the DPW Director to estimate increased chemical usage at a level between the Town's engineer estimate and Veolia's estimate. As the year progresses, this item will need to be monitored for any surplus or deficiency. It is expected that when the Co-Mag treatment goes online in the next few months that the chemical costs will decline.

MOTION: That the Board of Selectmen authorize an amendment to the operations contract with Veolia in an amount not-to-exceed \$62,048 (to be divided, 50% from Water Reserve Fund, 50% from Sewer Reserve Fund) for the purpose of adding one additional full-time equivalent employee as described above and to authorize the Town Administrator to execute same, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Snow and Ice Overtime Account

April 4, 2011

MOTION: That the Board approve the request of \$2,750 to be added to the Snow and Ice Overtime Account, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Annual Town Meeting Warrant

T. Creamer noted that there were holds on Articles 10 and 11; the Board was waiting for the final figure on Article 32. Regarding Article 32, M. Blanchard said that she would like to see DPW (with the help of a third crew) take care of sidewalks in the commercial area. T. Creamer said that under (b) of that article, the Board of Selectmen could make a motion to waive enforcement of the bylaw and direct DPW to take care of that section of road throughout the winter. G. Morse suggested adding the words: "On a storm by storm basis." S. Suhoski said that his authority is limited to state highways 20 and 131; however, the Board's authority is not limited. M. Dowling questioned why the bylaw was necessary at all, since the Board could waive it indefinitely. She said that the Board should decide whether snow be removed on a case by case basis, or the entire winter season, as it could create confusion among the voters. She felt that additional language was necessary. T. Creamer said that Section 6.53 would have to be specific as to the end of the commercial tourist area, Rt. 20 or Rt. 131 or state highways. He felt that the current language was too broad. S. Suhoski said that the intent was that it be on a case by case basis, under extraordinary conditions. He suggested adding that to the second bullet. S. Garieri said that there should be a timeframe associated with it, and the Board should have the right to waive the enforcement for 72 hours.

Article 32: General Bylaw Amendment – Snow and Ice Removal

MOTION: That the Board place and support Article 32, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Article 10: Water Department

MOTION: That the Board place and support Article 10, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Article 11: Sewer Department

MOTION: That the Board place and support Article 11, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Special Town Meeting Warrant

Article 38: Transfer of Funds – Wastewater Treatment Plant Chemicals

April 4, 2011

T. Creamer said that he wanted to see what the numbers will be, and asked S. Suhoski to email the Board that information.

MOTION: That the Board place and support Article 38 on the Special Town Meeting warrant, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Article 37: Transfer of Funds – Purchase of Backhoe/Loader

MOTION: That the Board place and support Article 37 on the Special Town Meeting warrant, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Annual Town Meeting Warrant

Article 3: Town Budget

T. Creamer said that the objective was for the Board to close the Annual Town Meeting warrant that night. M. Dowling suggested that the Board just vote to place Article 3.

Line 32: Town Clerk Salaries/Wages

S. Suhoski explained that this was a proposed increase of \$1,973 to fund the position of Assistant Town Clerk at \$16.68 per hour, which was approved by the Finance Committee. He noted that the rate of pay is within the Grade 4 of the position as recently ratified by the Personnel Committee and Board of Selectmen.

MOTION: To change Line Item 32 to reflect \$30,475 as the Selectmen's recommendation, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Line 33: Town Clerk Purchase of Services

MOTION: To approve the Selectmen's recommendation of Line 33 at \$720, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Line 146: Recreation Salaries/Wages

April 4, 2011

S. Suhoski explained that this was an increase of \$343 to reflect reclassification of Recreation Director position to Grade 9 as ratified by the Personnel Committee and Board of Selectmen. He noted that this is only to adjust for the change to Grade 9 and is in addition to the 1 percent COLA.

MOTION: That the Board approve Line 146 at \$39,476, by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

It was the consensus of the Board to support more hours for Lynne Girouard, Recreation Director. T. Creamer suggested shifting some of her hours from the Board of Health over to Recreation, and a Senior Municipal Service Program participant could go to the Board of Health.

It was the consensus of the Board to hold action on Lines 93-97, 104,106, 182 and 187.

MOTION: That the Board place Article 3, by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

Article 5: Community Preservation – Sturbridge Trails Committee

T. Creamer said that he was waiting for feedback from the Conservation Agent as to priorities. S. Suhoski said that he will meet with Barbara Barry, Finance Director, Erin Jacque, Conservation Agent, and Randy Redetzke of the Trails Committee. It was the consensus of the Board to hold action on Article 5.

Article 9: Community Preservation – Trail Bridges

T. Creamer said that he had no additional information, and was looking for guidance from the Conservation Agent. It was the consensus of the Board to continue to hold action on Article 9.

Article 15: Board of Health – Pay-As-You-Throw Program

MOTION: To amend Article 15 to read: “The Board of Health may expend any amount up to \$10,000 without further approval of Town Meeting,” by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

Article 16: Sturbridge Tourist Association

It was the consensus of the Board to continue to hold action on Article 16.

April 4, 2011

Article 17: Betterment Committee

S. Garieri said that the Tree Warden should be consulted about the placement of the slabs, and whether it would have an impact on the trees. It was the consensus of the Board to hold action on Article 17.

It was the consensus of the Board to hold action on Articles 18, 25, 26-31.

Article 33: General Bylaw Amendment – Design Review Committee

S. Suhoski explained that this was a decrease of \$90 per request of Town Clerk, and was approved by the Finance Committee.

MOTION: That the Board place and support Article 33, by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

It was the consensus of the Board to hold action on Article 34.

Article 37: General Bylaw Amendment – Town Meeting Requirements – Date and Language Clarification

MOTION: That the Board place and support Article 37, by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

Article 38: Grant of Easement – Burgess School

MOTION: That the Board place and support Article 38, by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

Article 39: Authorize Lease of Landfill Land – Solar Power Agreement

MOTION: That the Board place and support Article 39, by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

It was the consensus of the Board to hold action on Articles 42, 43, 44, 45.

It was the consensus of the Board to invite the Charter Review Committee to attend the meeting on April 19th to explain their recommendations to the Board.

MOTION: That the Board of Selectmen close the warrant for the Annual Town Meeting to be held on June 6, 2011, by M. Blanchard.
2nd: S. Garieri

Vote: All in favor.

MOTION: That the Board of Selectmen close the warrant for the Special Town Meeting to be held on June 6, 2011, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Lyme Disease Awareness Month

S. Suhoski submitted to the Board information from Sturbridge Lyme Awareness of MA (SLAM) and their “Mayday” Lyme Fair scheduled for May 1 on the Town Common. SLAM expects that Governor Patrick will be issuing a proclamation declaring May as Lyme Disease Awareness Month. The group states that Sen. Steve Brewer, and perhaps the Governor, may be in Town on May 1 for the event that is designed to heighten awareness of Lyme Disease. The Board was asked to declare May as “Lyme Disease Awareness Month in Sturbridge” and to authorize the placement of lime green ribbons on the trees around the Common. As in the past, the ribbons would be removed prior to Memorial Day celebrations. Lynne Girouard has been especially helpful to the group.

MOTION: That the Board of Selectmen declare May as “Lyme Disease Awareness Month in Sturbridge” and to authorize the placement of lime green ribbons on the trees around the Town Common, by M. Blanchard.

2nd: S. Garieri

Vote: All in favor.

Quick Updates

S. Suhoski provided the Board with the following quick updates:

Town Hall AAB Variance: The front door is unlocked and available as an entrance for service deliveries and staff. A notice has been posted indicating same and this issue appears closed for now.

(3/19/11 – The Town Administrator emailed Town Counsel with the more formal request as to legality of the second egress. The Board was copied on this query.)

(2/22/11 – No further action.)

(2/5/11 – This matter is now being handled by Atty. Gregg Corbo of Kopelman & Paige. Mr. Corbo and S. Suhoski have corresponded and have each conducted research to document the inclusion of Sturbridge Town Hall on the National and State Registers of Historic Places by virtue of its inclusion in the Town Common Historic District. Mr. Corbo has requested additional detail for the narrative and is

April 4, 2011

exploring our best option. S. Suhoski expected a further recommendation on how to proceed prior to the February 21 meeting.)

(1/15/11 – Still awaiting response from Town Counsel. S. Suhoski had counsel review the materials submitted two weeks ago and contact him for background. He expected to have direction for the next meeting.)

(1/3/11 – S. Suhoski initiated a request with Town Counsel on how best to proceed to achieve the desired results as discussed at the December 20 meeting.)

M. Dowling said that the Board had requested that Town Counsel provide the cost for a variance so that the front door could be open to the public. S. Suhoski said that the Board should have the information from Town Counsel by the next meeting.

Community Development Block Grant:

S. Suhoski said that no Town funds were included. He mentioned that one of the Housing Committees had money available for this purpose. He said that the Central Mass. Regional Planning Commission may come back to reassess and talk about whether there will be a cost. T. Creamer said that he would like to have some background on studies that were conducted.

Solar Power Purchase Agreement RFP: As distributed to the Board's mailboxes, the Inspector General offered an advisory opinion that the initial solar consultant and power purchase agreement procurement should have been done separately. This potential outcome was discussed amongst the partner communities in Gardner prior to receipt of an official opinion. In response, the Town is participating in a new, separate joint procurement for consultant services along with the towns of Palmer, Orange, Ashby, Westminster, Ayer, Shirley and Clinton for consultant services, with a deadline of April 14. Selectman Creamer is the Town's evaluator. In the end, Sturbridge (and its partner towns) has maintained all of its options with respect to this endeavor at no cost or prejudice to the Town interests. Given the massive state and federal subsidies, it is imperative to be in the early wave of respondents. There is potential to provide enough power for all of Sturbridge's municipal facilities through clean energy and at a predicted cost well below current rates. And, the Town remains poised to take advantage of this opportunity.

(3/28/11 – The Board approved joining with seven other communities to jointly procure consultant services due to keep process moving, in the event that the Inspector General officially invalidates the initial procurement. The Town of Palmer is the lead community, and consultant proposals would be due April 14. Selectman Creamer was designated as the Town's evaluator of such proposals.)

April 4, 2011

(3/19/11 – As requested by the Board, the Energy Advisory Committee met with the principal of Muni-Sun LLC to review the details and status of the joint SPPA RFP issued on behalf of Sturbridge and eight other central Massachusetts communities. There has been very high interest in the RFP with over 50 packets requested and approximately 44 attendees to the prebid conference and facility tours. The deadline for receipt of the proposals is March 18. Evaluation of the responses is to be conducted with two representatives from each municipality. The Energy Advisory Committee voted unanimously to support having a designee from the EAC and a designee of the Board of Selectmen. The EAC designated Kenneth Elkinson to the review committee (he is an engineer with National Grid). Lastly, the EAC voted unanimously to support inclusion of a warrant article that would authorize the Board of Selectmen to enter into a land lease at the landfill site if the proposals move forward towards a formal contract.)

Regarding the Walker Pond area, M. Blanchard requested that S. Suhoski provide information to the Board regarding the resolution. S. Suhoski said that there was not resolution yet. He noted that there was some washout of driveways. He and Greg Morse, DPW Director, had met with a group of residents. He said that the solution could be expensive, and an approach needs to be developed.

Senior Municipal Service Program

MOTION: That the Board approve the following applicants: 18 and 19 to the Board of Health; 20 to DPW, by M. Blanchard.
2nd: S. Garieri
Vote: All in favor.

Correspondence

M. Blanchard read the correspondence list into the record.

Ask the Selectmen

S. Garieri suggested that the Board choose a certain time (8:00 p.m.) for Ask the Selectmen, so residents would not have to wait until the end of the meeting to call.

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

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

April 4, 2011

Judy Knowles

BOS Clerk

Date