

July 11, 2011

**BOARD OF SELECTMEN  
MINUTES  
JULY 11, 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.

**Charter Review Committee Draft Articles for Special Town Meeting**

S. Suhoski submitted to the Board a 13-page document that reflected the approved language for six proposed articles for the upcoming Special Town Meeting as previously endorsed by the Board of Selectmen at the recommendation of the Charter Review Committee. Whereas the Finance Committee had requested to take action only on articles approved by the Board of Selectmen, S. Suhoski submitted this language to the Board (it was last shown on the 4/26/11 ATM DRAFT Warrant) in the event that the Board wished to sponsor these or similar articles for a yet-to-be-scheduled Special Town Meeting.

**MOTION: That the Board of Selectmen vote to place six articles proposing revisions to the Town Charter on the next Special Town Meeting warrant and refer said articles to the Finance Committee for their report, by M. Blanchard.**

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

**Vote: All in favor.**

**Appointment of Town Counsel**

S. Suhoski submitted to the Board the offer of engagement for Town Counsel services that he had requested from Kopelman & Paige. Although there were a couple of concerns which the Board addressed to both Town Counsel and to him, in summary, Kopelman & Paige provides consistently reliable counsel in many areas during the course of a year.

S. Suhoski noted that Kopelman & Paige has a strong contingent of labor attorneys, including Atty. Joseph Fair, that provide guidance in grievances, collective bargaining and personnel matters. He said that the firm also has dedicated staff that provide advice on real estate and contract law and pretty much every practice area that municipal governments rely upon. The Town's litigation portfolio is shrinking, in part, because sound legal advice can help to

mitigate against legal claims arising from poor or uninformed decision-making. Atty. Joel Bard is the Town's primary point-of-contact and he has agreed to continue representation at the \$170 per hour rate from FY11. He noted that the Town's legal budget was decreased by \$5,000 from FY11 and having the institutional knowledge of K&P will not only help with consistency, but, also to stay within the budget appropriation. Because of the breadth of knowledge, and particular emphasis on practice areas affecting municipal operations, he strongly recommended that the Board ratify the re-appointment of Kopelman & Paige, P.C. as Town Counsel for FY12.

**MOTION: That the Board of Selectmen ratify the Town Administrator's reappointment of Kopelman & Paige, P.C. as Town Counsel for FY12 at an hourly rate of \$170, by M. Blanchard.**

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

**Vote: All in favor.**

### **Approval of Minutes**

**MOTION: To approve the minutes of April 12, 2011 as amended, by M. Blanchard.**

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

**Vote: All in favor.**

**MOTION: To approve the minutes of April 25, 2011 as amended, by M. Blanchard.**

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

**Vote: All in favor.**

### **Appointment of Police Lieutenant**

The Police Chief's recommendation to fill the vacant Lieutenant's position with David Diogo was both copied to the Selectmen's mailboxes on Friday and forwarded electronically by S. Suhoski. There were no internal candidates for the position. Mr. Diogo was recently appointed as a police officer, but served as Lieutenant in the Henderson, NC police department before moving back to Massachusetts to be closer to family. Mr. Diogo served for 12 years in Henderson; the last three in superior office positions. As Lieutenant he supervised many functions of the department and has already shown a strong aptitude for problem solving here in Sturbridge. Since his initial appointment to the force, S. Suhoski had the opportunity to participate further in assessing Officer Diogo's qualifications and performance during a hypothetical role-playing situation developed by the Chief and through further interview and discussion. Therefore, S. Suhoski enthusiastically tendered Officer Diogo's appointment to the rank of Lieutenant at the starting salary of \$68,500 and subject to a 12-month probationary period.

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**MOTION:** That the Board of Selectmen ratify the Town Administrator's appointment of David A. Diogo to the position of Police Lieutenant effective July 12, 2011 at a starting salary of \$68,500 and subject to a 12-month probationary period, by M. Blanchard.

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

**Vote:** All in favor.

### **Appointment to the Tantasqua Regional School Committee**

T. Creamer read a statement into the record. P. Gimas also provided a statement. M. Blanchard said that the Tantasqua Regional School Committee had indicated that they would not seat the Sturbridge appointment made by the Board of Selectmen. She noted that "past practice" has been utilized. M. Dowling said that "past practice" is not applicable in the face of applicable state law. She suggested that the agreement be amended.

Candidate Gayle Mantyla appeared before the Board, and asked about the status of the Board's decision on the appointment. M. Dowling discussed the vote to extend the first search, and indicated that she would honor the first search process. T. Creamer said that he would stand with consistency of process, and that as the process had been appropriate and consistent with state and local requirements in terms of the original posting, he would stand by his previously stated support for Dr. Waters. M. Blanchard said that she had voted to extend the search, but would be willing to go forward with the interviews. A. Ellison said that her choice depends upon the qualifications of the candidates. P. Gimas said that she would honor the prior vote.

Gayle Mantyla made a statement to the Board. Dr. Susan Waters appeared before the Board, and did not withdraw her previous application. She stated that she would support the current committee, and that she had a special ability with adolescents.

**MOTION:** To appoint Dr. Susan Waters to the Tantasqua Regional School Committee until the Town Election in April, by M. Dowling.

**2<sup>nd</sup>:** A. Ellison

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

### **Auctioneer License**

**MOTION:** That the Board grant an auctioneer's license to Robert Glass Associates for the Federated Church Auction to be held on August 13<sup>th</sup> on the Town Common, from 9:00 a.m. to 3:00 p.m., by M. Blanchard.

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

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**Vote: All in favor.**

### **Correspondence**

M. Blanchard read the correspondence list into the record.

**MOTION: To accept the resignation of Thomas Chamberland from the position of Director of Veteran Services/Veterans' Agent/Burial Agent with regret, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

The Board thanked T. Chamberland for his services, and for leading the Memorial Day parade.

### **Old Business**

M. Blanchard asked about the status of the Allards' dock permit. S. Suhoski said that he and David Lindberg, Building Inspector discussed it, but S. Suhoski was not sure that D. Lindberg had been out to inspect it.

M. Blanchard said that there have been inquiries about the banners and flags that used to be up on Route 20. T. Creamer said that 24 of the 30 flags were destroyed by the tornado. He said that he had spoken with Lt. Saloio about the banners, and he was going to look for them in the attic of the Public Safety Complex.

M. Blanchard asked whether the Board wanted to develop a policy regarding clothing bins. S. Suhoski said that he had asked the Town Planner and Building Inspector to come up with a draft of recommendations for the Board to review.

T. Creamer read an email into the record from himself (as an individual member of the Board) to the Tantasqua Regional School Committee and Superintendent of Schools regarding the appointment process.

### **New Business**

T. Creamer announced that a retirement party will be held for Barbara Search at the Senior Center on July 13<sup>th</sup> from 1:00 p.m. – 3:00 p.m. He noted that she has been the best advocate for seniors that he has ever had the privilege of working with.

T. Creamer announced that the Board of Selectmen will meet on Wednesday, July 13<sup>th</sup> at 6:30 p.m. to discuss the tornado relief efforts.

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M. Dowling read two proposed motions into the record regarding the Board of Selectmen's meeting times, and the Citizens' Forum.

**MOTION:** That the Board of Selectmen shall make a reasonable effort to end the BOS meetings no later than 10:30 p.m.; to that end, the BOS shall not entertain any new agenda items after 10:00 p.m.; any items scheduled that are not discussed due to this time limitation will be rescheduled to the next BOS meeting; on evening requiring an Executive Session, then the time limitations noted above will be moved up by 30 minutes, respectively (i.e., 30 minutes earlier), by T. Creamer.

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

Vote: All in favor.

**MOTION:** That the primary focus of the Citizens' Forum shall be for new issues/subject matters that have not already been the subject of a prior meeting or meetings. If it appears that the issue/subject matter warrants in depth discussion, then it shall be scheduled for an upcoming meeting; issues/subject matters that are already under review by the BOS shall not be re-discussed in Citizens' Forum beyond a brief update of the status of said issue or subject matter, by T. Creamer.

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

Vote: All in favor.

M. Blanchard asked about the status of the Council on Aging Director. S. Suhoski advised as to the process.

### **Ask the Selectmen/Citizens' Forum**

Don Miller appeared before the Board. He said that the recreational field presentation should include the tax impact on the average assessed home. He asked about the facts pertaining to the statement by T. Creamer that other tenants at the plaza saw an increase in traffic. He asked about the status of the split tax rate. He suggested that the Board work on how to better publicize Town Meetings.

Dave Holdcraft said that regarding South Shore Drive, the perennial stream must be addressed. He commented that the road is still stable. He stated that the dock is still "grossly illegal." It was the consensus of the Board that South Shore Drive be posted as an agenda item at the next meeting.

A. Ellison received a call from a resident who suggested that information be included in tax bills advising of tax changes.

**MOTION:** To adjourn, by M. Blanchard.

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

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date