

November 14, 2011

**BOARD OF SELECTMEN
MINUTES
NOVEMBER 14, 2011**

Present: Thomas Creamer, Chairman
Mary Blanchard
Angeline Ellison
Priscilla Gimas
Mary Dowling
Shaun Suhoski, Town Administrator

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

A. Ellison arrived at 6:33 p.m.

Discussion with Melissa Earls re: National Pancreatic Cancer Month

Melissa Earls appeared before the Board to request that the Board designate November 2011 as Pancreatic Cancer Awareness Month in Sturbridge. She related her father's experience with the disease.

M. Blanchard read the resolution into the record.

MOTION: That the Board of Selectmen designate November 2011 as Pancreatic Cancer Awareness Month in Sturbridge, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent

Community Development Strategy Discussion / Adoption

S. Suhoski submitted to the Board a copy of the update Community Development Strategy document reviewed, approved and recommended for adoption by the Board by the Community Development Advisory Committee. Jim Mazik of the Pioneer Valley Planning Commission appeared before the Board and reviewed the Community Development Strategy Required Elements. Heather Hart, Vice-Chairman of the CDAC, spoke to how the CDS ties into the overall Town plan. The CDS document reflects the Town's recently approved Master Plan and other planning documents and is limited in its application to the Community Development Block Grant process being utilized in hopes of funding wastewater treatment assistance for the Sturbridge Retirement Cooperative target area.

T. Creamer asked for a show of hands from among the room full of attendees, and there was unanimity of support.

MOTION: That the Board of Selectmen adopt the Community Development Strategy as revised November 14, 2011, M. Blanchard.

2nd: A. Ellison

Vote: Three in favor; P. Gimas abstained; M. Dowling absent.

Walker Road Drainage

Six Walker Road residents were present.

MOTION: That the Board support tasks #1 and #2 regarding a field survey and roadway design, as outlined in the CME letter dated September 13, 2011, and report back on November 21, 2011, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Debris Removal – Request for Short-term Emergency Borrowing (MGL c. 44, §8(9))

Further to the Board's vote to authorize emergency deficit spending on November 4, and the state Dept. of Revenue approval that same date, S. Suhoski implemented the statewide debris removal contract of Ash-Britt, Inc., of Deerfield Beach, FL, and the statewide monitoring contract of O'Brien's Response Management, of Fort Lauderdale, FL. He said that crews have been working since that date under the direction of the DPW Director and Tree Warden to facilitate cutting of hangers and removal of debris for grinding at the disposal site at the old Howard Johnson's off Route 15 at the southern tip of Town. Verified debris work completed as of November 9, as tallied by the DPW Director, was \$787,000 not including monitoring costs.

S. Suhoski submitted to the Board a copy of the debris removal plan (approximately 55 percent complete) together with the estimated budget. He said that given the actual documented number of dangerous "hangers" (broken limbs over two inches in diameter hanging over or within 10 feet of the right-of-way) the original total budget estimate of \$1,410,000 (inclusive of non-eligible work) must be revised upward by \$300,000 to \$400,000 in order to complete the cleanup. He noted that the Town's share would be an additional \$75,000 to \$100,000. Therefore, he requested that the Board take a further vote to authorize short-term emergency borrowing in accordance with MGL c. 44 up to the full amount of the estimated costs of \$1,810,000. He noted that it is important that the Town proceed to finish this debris clearance before snow flies, and the current collection schedule intends that all roads be cleared in advance of Thanksgiving. Any later contribution of Free Cash at the December 5 Special Town Meeting (to be scheduled) would decrease the actual borrowing by the Finance Director / Treasurer. He and the Finance Director / Treasurer discussed

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the funding options at length, and B. Barry has also reviewed the Town's position with bond counsel, to ensure that actions taken now do not affect the pending development of the next municipal bond issuance and the associated credit rating review by Standard & Poors. Her November 10 memorandum on this topic, and recommendation that it would be more prudent to authorize the borrowing now, was also included in this packet for the Board's reference. In short, the joint recommended approach is as follows:

1. Board of Selectmen votes to authorize and approve borrowing in the amount of \$1,810,000 to pay for the emergency response to the October 29, 2011 Nor'easter.
2. Board of Selectmen calls an additional Special Town Meeting for December 5, 2011 immediately following conclusion of the November 7, 2011 Special Town Meeting.
3. Board of Selectmen sponsors a warrant article for the December 5 Special Town Meeting seeking to transfer the sum of \$510,000 from Free Cash to be used for costs associated with the October 29, 2011 Nor'easter (S. Suhoski noted that this can be revised downward at Town Meeting.)
4. Special Town Meeting (presumptively) approves the \$510,000 transfer from Free Cash which reduces actual amount of monies borrowed.

As indicated in the Finance Director's memorandum, actual reimbursements from FEMA are expected in the 12 to 18 month range (it was the state portion from 2008 that was delayed until this year). Thus, the plan is that the Free Cash funds the Town's nonfederal- eligible costs up front and the borrowing for a two-year term is repaid wholly with FEMA reimbursements. This approach would illustrate to the credit rating agency a prudent course-of-action in that the Town's reserves would include just over \$1 million in stabilization, \$575,000 remaining in free cash and whatever balance remains in the reserve fund. The total of unencumbered stabilization and free cash total would remain over \$1.6 million or a respectable 6.26 percent of the FY12 total operating budget.

Tom Chamberland, Tree Warden, spoke about to the debris plan and snow removal routes. He discussed the method and process.

MOTION: That in accordance with General Laws Chapter 44, Section 8(9) there is authorized and approved the borrowing of \$1,810,000 to pay emergency appropriations associated with the Town of Sturbridge's response to the October 29, 2011 Nor'easter and the associated State of Emergency, which are described in Exhibit A.

Further Voted: that each member of the Board of Selectmen, the Town Administrator, the Town Clerk and the Town Treasurer are authorized to

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take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

The associated paperwork and documentation would be developed for the appropriate signatures by bond counsel and the Finance Director.

Request for Special Town Meeting on December 5

S. Suhoski said that the Board was requested to convene a Special Town Meeting on December 5, 2011 to seek approval of the transfer of funds from Free Cash as outlined above. The proposed single warrant article is:

Article #64: TRANSFER OF FUNDS – STORM RESPONSE

To see if the Town will vote to transfer from Free Cash the sum of \$510,000 to be used for expenses related to the response to the October 29, 2011 Nor'easter, or take any action in relation thereto.

Sponsor: Board of Selectmen; Town Administrator; Finance Director

MOTION: That the Board of Selectmen call a Special Town Meeting for December 5, 2011 at 7:00 p.m. (to convene immediately following the conclusion of the November 7, 2011 Special Town Meeting) at Tantasqua Regional High School auditorium, and further, To open the warrant for the December 5, 2011 Special Town Meeting and vote to place and recommend proposed Article 64 as follows:

ARTICLE 64: TRANSFER OF FUNDS – STORM RESPONSE

To see if the Town will vote to transfer from Free Cash the sum of \$510,000 to be used for expenses related to the response to the October 29, 2011 Nor'easter, or take any action in relation thereto.

Sponsor: Board of Selectmen; Town Administrator; Finance Director, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent

MOTION: That the Board place and support Article #64, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent

There was also a request from Superintendent Dan Durgin to place an article concerning the regional school district agreement on this warrant. S. Suhoski

included a copy of that request in the packet for the Board's consideration for placement on the warrant. He said that the Board should close the warrant this evening so that the posting requirements can be met (minimum 14 days prior to meeting, or, November 21).

M. Blanchard spoke to the need to include the Superintendent's request. T. Creamer said that he believed it to be irresponsible and inappropriate for the Board to place an article it had not yet reviewed nor discussed. He further stated that at no point in the past had any article that binds the Town of Sturbridge to an agreement or contract been placed without a public vetting by the Board of Selectmen. T. Creamer added that the Board had agreed to review the article well prior to the Annual Town Meeting, take public input, and meet with representatives of the Tantasqua Regional School Committee, after which it would be able to provide the Town an informed recommendation. He further stated that the current proposal would not be equitable for Sturbridge, as it placed the Town and the Sturbridge Board of Selectmen at a distinct numerical disadvantage in terms of voting numbers, and that no other community in the District was similarly apportioned. P. Gimás indicated that she did not support it. A. Ellison said that she would like to know about past practice, and was uncomfortable placing it at this time. T. Creamer said the Board of Selectmen has consistently indicated that the article would be placed on the Annual Town Meeting warrant.

M. Blanchard offered a motion to place the article as written; there was no second.

MOTION: To close the Special Town Meeting warrant, by M. Blanchard.

2nd: P. Gimás

Vote: Four in favor; M. Dowling absent.

Riverlands Environmental Testing (Amendment)

S. Suhoski noted that the condition of the ground in the Riverlands this season has been extremely soggy. Back in May, the Board authorized a scope-of-work for the environmental testing and drilling at \$29,500 under the direction of Tighe & Bond. Because the outriggers and drillers were not able to gain access to the site, T&B was requested to seek alternate methods. S. Suhoski submitted to the Board a contract amendment in the amount of \$7,250 that he recently executed to facilitate completion of this work as identified by the Board as a priority.

S. Suhoski said that further to a September 26 site visit, two additional drilling contractors reviewed options. GeoSearch, Inc. provided a quote to utilize a rubber-tired ATV drill rig to access the site via the Stallion Hill access. The other company did not have equipment that could access the site. He noted that additional detail is found in the T&B amendment request dated October 24, 2011.

S. Suhoski said that depending upon the results of the drilling and testing, Tighe & Bond will either prepare a Response Action Outcome (RAO) statement to “close-out” the sites, or, will prepare a summary report with recommendations for further remedial action. The total contract price has increased to \$36,750. There is a \$40,000 escrow account from the sale that is under the agency of Kopelman & Paige for environmental compliance.

MOTION: That the Board of Selectmen ratify the Town Administrator’s execution of the contract amendment with Tighe & Bond for Limited Subsurface Investigation at 51/55 Holland Road dated October 24, 2011, by M. Blanchard.

2nd: P. Gimás

Vote: Four in favor; M. Dowling absent.

Update on FEMA Reimbursement for June 1, 2011 Tornado

S. Suhoski said that on a positive note, initial documentation has been received from the state relative to the first phase of debris removal associated with the tornado, and this work continues. Grant agreements totaling **\$103,161.49** (74.75 percent of \$137,837.64 in submitted costs to date) have been received. Internally, a couple of technical items are being reviewed, and ensuring the Town’s files are fully-documented for any future audit (we don’t want to be paying FEMA back monies for lack of proper documentation now). The contract that the Board authorized with the debris monitoring contractor allows for technical assistance as well. This will help S. Suhoski and Barbara Barry to ensure the capture of all eligible costs. One example (it is minor) is a 0.25 percent reduction in the expected 75 percent reimbursement. This equates to a couple hundred dollars, but it is necessary to ensure that all of the transactions reconcile. Following is the detail of what is being processed as of now for the tornado response:

- **Police Category B Emergency Protective Measures:** \$24,627.69 reimbursement on \$32,836.92 in eligible costs (75 percent)
- **Fire Category B Emergency Protective Measures:** \$12,594.73 reimbursement on \$16,792.97 in eligible costs (75 percent)
- **DPW Category B Emergency Protective Measures** (force account and contracted debris removal): \$64,725.42 reimbursement on \$86,589.55 in eligible costs (74.75 percent)
- **DPW Category A Debris** (from ballfields): \$1,213.65 reimbursement on \$1,618.20 in eligible costs (75 percent), and Any additional debris removal (and grinding of stockpiles) was not part of the initial 70- hour response and will be reimbursed under upcoming project worksheets. As a reminder, based upon input from the Town’s FEMA monitoring consultant,

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the DPW Director, the Conservation Agent and Tree Warden, the existing Article 50 of the 11/7/11 STM warrant includes spending authorization up to \$415,000 based upon the following:

Route 15 and Route 20 Stockpiles (<15,000 yd3 @ 20/yd3):	\$300,000
Town Barn Fields Access Road / ROW (3,000yd3+/- @ 31/yd3):	\$ 93,000
Town Barn Access Hazard Trees (12 @ 585 = 7,020):	\$ 7,000
Town ROW Stump Inventory / Debris (SAY):	\$ 15,000
Total Authorization Sought from Free Cash:	\$415,000

Senior Municipal Service Program Appointment

S. Suhoski informed the Board that Mr. William Bartolomei has been qualified to participate in the SMSP and the DPW Director has requested his assistance. Also, Ms. Kimberly Werner wishes to volunteer for Gerald Blake. Mr. Blake meets the criteria for the SMSP and the COA Director wishes to allow Ms. Werner to perform work there.

MOTION: That the Board of Selectmen approve the above-named applicants for participation in the FY12 SMSP to assist the Dept. of Public Works and the Council on Aging, respectively, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Trails Committee Associate Member Appointment

S. Suhoski said that Ms. Megan Germain, of Preserve Way, has expressed interest in filling a vacancy as an associate member of the Trails Committee. Chairman Randy Redetzke has endorsed this appointment. Ms. Germain has indicated trails and conservation are her top interests in the community.

MOTION: That the Board of Selectmen ratify the Town Administrator's appointment of Megan Germain as an associate member of the Trails Committee to fill the unexpired term of Richard Paradise (appointed as voting member) with a term expiring in 2012, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Miscellaneous Items

Following were some concise updates on other matters that are pending and have been updated since S. Suhoski's last report:

- **Tropical Storm Irene – FEMA Reimbursement:** The Police Chief's administrative assistant is coordinating under direction of Finance Director to complete this filing in one package.
- **Walker Road Drainage:** S. Suhoski and the DPW Director met with two residents that attended a preview of the design and engineering approach and costs. These residents were anticipated to attend the November 14th meeting; however, will be rescheduled to the next November meeting as the DPW Director is on vacation and his presence is required. Engineering costs are estimated at just under \$50,000 with construction anywhere from \$600,000 to \$750,000 for a paved roadway.
- **Riverlands Environmental Monitoring:** Updated above. Contract revised so that project may proceed with new drilling rig.
- **MIIA Insurance Matters:** The Town has received payment of \$29,727.63 in approved insurance claims for municipal property damaged in the tornado. The total claims submitted were \$59,472.63, however, roughly \$30,000 in fencing costs are not covered under the policy. These costs (primarily at the Town Barn ballfields and the entirety of the Stallion Hill water tank fencing) will now be submitted for FEMA reimbursement at 75 percent. FEMA requires all applicable insurances to be utilized before they will issue reimbursement.
- **AAB Variance Update:** Detailed specifications, prevailing rates and request for written quotes were faxed to three vendors in the region. There were no responses. Due to the storm S. Suhoski had not been able to place follow-up telephone calls, however, he will seek to do this and request additional vendors to participate in the coming week.
- **Town Hall and COB Building Project Update:** CAM HVAC was retained by the general contractor to diagnose HVAC issues. The Town is awaiting a report from the general contractor on further actions. On a somewhat related note, the state elevator inspections for both buildings were conducted. COB passed without any condition and the Town Hall passed with a 90-day follow-up required as the phone line programming needs repair. This is scheduled for completion within the next 21 days through Worcester Elevator. The carpet in the Town Hall elevator that was burned by cleaning chemicals has been replaced by the responsible vendor.
- **Farquhar Road Drainage:** The three impacted property owners have executed drainage easements and liability releases in the form prepared by Town Counsel. The Board voted to accept the easements at the November 7 meeting. Once fully executed by the Board they will be recorded in the Registry of Deeds. DPW has been notified to proceed with the project; however, Mother Nature has yet again caused a delay.

- **Ambulance Bid Documents:** Bid documents were issued and advertised and bids are due on Wednesday, November 16. Chief Senecal and the ambulance subcommittee undertook an extensive specification process. The adjourned Special Town Meeting will consider the final appropriation on December 5 to order the new ambulance.
- **Veterans Services Director:** S. Suhoski completed interviews with two very viable candidates for the position. He anticipates, subject to reference checks, to submit an appointment for the Board's consideration by November 28. This was likewise delayed due to the storm response.
- **Solar Power RFQ:** Completed review of seven proposals and the Energy Advisory Committee met with three respondents on October 26 from 1-4 p.m.

The EAC further deliberated and is developing a presentation for the Board outlining its top three candidates and preferred vendor. Due to additional reference checks as to financial viability, and the need to rescheduled the EAC due to recent events, this presentation is not yet complete. Selectman Gimas is the liaison to this process and participated fully in the interviews and discussion.

- **Visitor Center Dumpster Enclosure Fence:** The dumpster enclosure at the Route 20 visitor center was in a severe state of disrepair and is in the process of being replaced by Fence Co. Plus of Auburn for a cost just under \$1,800. The old fence has been removed and work has begun for the replacement enclosure.
- **Community Development Advisory Committee:** S. Suhoski undertook active role as Clerk of the CDAC including production of timely minutes for three meetings concerning the pending CDBG application. Provided technical assistance regarding same.
- **FY13 Budget, Capital and Betterment Planning:** S. Suhoski met extensively with Finance Director to coordinate kick-off of the FY13 budget process. He submitted to the Board a copy of the overall budget message to department heads as well as the Finance Director's particular guidance. As indicated previously, regardless of whether Annual Town Meeting is in April, May or June there will be no "lag" time in terms of budget preparation this fiscal year. He noted that the FY12 process was the first budget for him in Sturbridge, and was the first time Sturbridge itself had a later date for town meeting. So, it was a learning process for all.
- **Meetings and Other Participation:** S. Suhoski met with energy audit team relative to assessments of all municipal buildings (some complete,

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some in process); attended first meeting of Economic Development Committee; attended Finance Committee meeting relative to special town meeting articles; met with citizen at their home regarding water abatement request; extensive meeting with cleaning vendor regarding need for improvement and outstanding matters; participated in "Pre- Town Meeting Town Meeting"; extensive discussions with Police Chief re: pending collective bargaining and other matters; regarding incident on Brookfield Rd.; telephone conference with Town Counsel and conducted settlement discussions re: subcontractor claim for payment on TH/COB project; extensive work through weekend in public safety complex related to storm response and information sharing; various meetings with press, president of National Grid, DPW Director, Tree Warden, Finance Director and vendors to plan, develop and present information to emergency Board of Selectmen Meeting; developed debris management plan; met with citizen at their home re: request for assistance; conducted department head meeting; attended Burgess School Building Committee meeting.

M. Dowling arrived at 9:10 p.m.

Old Business

M. Blanchard asked about the status of the Holland Road invoice. S. Suhoski said that the bill had been mailed last month with no response. He said that he would follow up on it.

M. Blanchard asked about the status of the Route 131 mailboxes. S. Suhoski said that the pad had been poured on Willard Road, and there were no issues with it.

P. Gimas asked about the status of Farquhar Road. S. Suhoski said that the easements have been signed and DPW will schedule the work.

A. Ellison commented that the Trunk or Treat event had gone very well.

T. Creamer said that he would like to meet with LEPC within the next few weeks to discuss preparedness and communication.

New Business

M. Blanchard thanked A. Ellison for organizing the Truck or Treat event.

M. Blanchard announced that the townwide parking ban will go into effect on November 15th.

M. Blanchard thanked DPW for their good efforts in plowing the streets following the Nor'easter.

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T. Creamer said that he had received calls regarding interaction between paid Town officials and residents that were described in less than positive terms. He stated that the community has been through a great deal over the last year and that perhaps there was some frustration starting to manifest, but that no Town officials should be allowing themselves to be less than positive when dealing with residents. He suggested that the Town Administrator review the complaints and use them as teaching moments to help ensure a more positive approach from Town officials. S. Suhoski said that he would look into the issues.

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

The meeting was adjourned at 9:23 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date