

July 5, 2011

**BOARD OF SELECTMEN
MINUTES
JULY 5, 2011**

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

Angeline Ellison was absent.

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

Tornado Update

Barbara Barry, Finance Director and William Mitchell, Principal Assessor appeared before the Board.

S. Suhoski informed the Board that while total Town force account and supplanted labor costs for the tornado response through June 30th total approximately \$165,000, actual out-of-pocket expenses are estimated at approximately \$120,000 as indicated on the spreadsheet he provided to the Board. He said that with the Finance Committee's prior approval of \$55,000 in Reserve Fund to the effort, the current estimated deficit spending total would be \$64,000. He noted that actual invoices have not all been paid, and the Town is not in deficit spend mode yet.

S. Suhoski said that based upon the DPW Director's estimation of six additional full days of tree service assistance to clear the Streeter and Willard road areas, he and the Finance Director proposed that the Board adopt a "cap" on deficit spending not to exceed \$100,000. This will achieve several objectives: (1) It will allow continued use of the Town's contracted tree removal vendor to complete the initial debris removal plan approved by the Board, (2) It will allow time for the Governor's proposed amendment to the disaster declaration to be transmitted and hopefully approved by the President, and (3) It will allow time for the Town to solicit competitive bids for the removal of stockpiled debris at the Route 20 boat ramp and Route 15 staging areas. The competitive bids would also allow for additional discussion of scope of debris removal on all public lands.

The Board reviewed the summary document that outlined the Town's request for an amended disaster declaration based upon the revised damage assessment.

Department Head Monthly Reports

July 5, 2011

Police Chief Thomas Ford's report was deferred to July 11th.

Fire Chief Leonard Senecal reviewed his report with the Board. The Board requested that he look into the false alarms.

David Lindberg, Building Inspector reviewed his report with the Board. M. Blanchard suggested that he look into sign issues on weekends.

Greg Morse, DPW Director's report was deferred to July 11th.

Shane Moody, Veolia Water North America reviewed his report with the Board. He said that Veolia will cut a check for the tornado relief fund. He informed the Board that there will be an open house for Well #4 in August.

Harbor Master / Dock Permits

S. Suhoski said that further to the Board's direction at the June 20th meeting, both the Mimeaults and Allards timely submitted dock permit applications for their respective properties. The applications were reviewed and field-checked by the Building Inspector, who submitted his report on it.

The Board had also requested that the Town Administrator review the matter and provide a recommendation. Dock Permit for 76 South Shore Drive (Rebecca and Peter Mimeault): The Building Inspector confirmed that the application rendering conforms with the field-measured conditions. S. Suhoski also personally viewed the location and recommended that the permit be approved, as the dock conforms with the Town of Sturbridge's Rules and Regulations Governing Temporary Moorings, Floats, Rafts and Ramps.

MOTION: That the Board of Selectmen, acting as Harbor Master, approve the dock permit application for 76 South Shore Drive as presented; and, further, that no further application be required unless the type and placement of the dock should be modified from the approved permit, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; A. Ellison absent.

Dock Permit for 31 and 78 South Shore Drive (Gary and Margaret Allard): The Building Inspector confirmed S. Suhoski's prior estimation that the current configuration of the Allard's dock does not comply with the following sections of the Town of Sturbridge's Rules and Regulations Governing Temporary Moorings, Floats, Rafts and Ramps, Section IV, Part B as follows:

- Section 1 – The dock structure itself measures 200 square feet, which meets the letter of the regulation; however, the structure is presently

July 5, 2011

connected to the shoreline by an additional 33 linear feet of planking that cumulatively exceeds the 200 square foot maximum surface space.

- □Section 2 – The dock and planking configuration extend 81 feet into the lake, which exceeds the 25 foot maximum extension allowed under regulation.

With respect to Section 3 of the regulations, the Building Inspector's report discussed the location of the dock within the Allard's property and its projection into the water. The report stated that the dock "crosses diagonally in front of the Mimeault property." Given that the same report indicates that both docks project at roughly 90 degrees from the subject property, S. Suhoski found this observation unconvincing and did not believe a violation had been proved with respect to Section 3 only as neither "property" extends under the water sheet. The Allard dock certainly does appear in the viewshed of the Mimeault's property due, primarily, to the length of the extension into the waterbody.

S. Suhoski said that based solely on the above, the Harbor Master may deny the permit. However, the Regulations also allow for the Board to grant a variance (a "deviation") from the rules for unique circumstance. And, the Allards have requested such deviation in their cover letter due to the very shallow depth of water in the "delta" area. S. Suhoski offered the following points for consideration:

- □Section 1 – The dock structure itself complies with the 200 square foot maximum; however, because the water is so shallow in the cove, minor fluctuations in level create a greater expanse of land or exposed sand bar (much like the ocean flats between high and low tide). He also observed connecting planks or gangways at several other properties visible from this location.
- □Section 2 – The dock structure itself complies with the 25-foot maximum. Again, because the water level is shallow in this area, minor fluctuations in level create a greater expanse of land (or water) to be traversed in order to reach deeper water suitable for water craft. As noted above, he also observed connecting planks at several other properties visible from this location.
- Section 3 – As noted above, he would not concur that there is a technical violation; however, the Allard's dock is absolutely within the viewshed of the Mimeaults.

MOTION: That the Board of Selectmen, acting as Harbor Master, deny a dock permit for 31 and 78 South Shore Drive, based upon the fact that the dock exceeds 200 sq. ft. and the dock extends

July 5, 2011

three times the maximum length; and the dock should be brought into compliance immediately, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; A. Ellison absent.

Debris Removal Plan

S. Suhoski said that as directed by the Board, the Town's efforts at removing debris from roadsides in stricken neighborhoods has continued. This week, crews have nearly completed work in the first two target areas, with July 11 being the next target date for Streeter Road and Willard Road areas. He said that if the Board assented to the above rationale, the work will be initiated on July 11 as per the original debris plan.

MOTION: That the Board of Selectmen authorize continuation of the debris removal plan through the Town's vendor and impose a cap of \$100,000 on deficit spending for the response to the June 1 tornado, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; A. Ellison absent.

Appointment to Planning Board

S. Suhoski informed the Board that the Town had two existing and qualified applicants on file for potential appointment to the Planning Board. He had the opportunity to meet with both candidates, and was truly impressed by their dedication to public service, knowledge and enthusiasm for the position. In the end, he elected to appoint Ginger Peabody to the post. He said that Ginger brings a wealth of experience by virtue of her nine year tenure on the Zoning Board of Appeals, together with "hands-on" training courses through the Citizens Planner Training Collaborative. He found her to be compelling in her interest and believed she would keep the Town's best interests at heart and remain independent in her decision-making. Lastly, Ginger has been volunteering her services and assistance in the Planning Office and will have a strong working relationship with the staff.

MOTION: That the Board of Selectmen ratify the Town Administrator's appointment of Ginger Peabody to the Planning Board to fill the unexpired term of Jennifer Morrison through 2014, by M. Blanchard.

2nd: P. Gimas

Vote: Three in favor; P. Gimas opposed; A. Ellison absent.

Bass Fishing Event Approval

July 5, 2011

S. Suhoski submitted to the Board an application to conduct the annual United Bass Anglers fishing event on Big Alum Pond on September 10, 2011 from 6:00 a.m. until 3:00 p.m. Chief Ford has reviewed it and offered no objection.

MOTION: That the Board of Selectmen approve a special use permit to United Bass Anglers for a bass fishing event on Big Alum Pond on September 10, 2011 from 6:00 a.m. until 3:00 p.m., by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; A. Ellison absent.

DPW Bid Awards

S. Suhoski submitted to the Board a series of bid results for approval including paving, materials and tree removal contracts. The memoranda were color-coded. He reviewed and recommended approval of the various bids.

MOTION: That the Board of Selectmen approve the FY12 bids as outlined by the DPW Director in the materials submitted to the Board, including paving and road materials; concrete sidewalk (Kelly Construction), equipment rental bids, piping and road materials, equipment rental, and tree bids (Northern Tree), by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; A. Ellison absent.

Correspondence

M. Blanchard read the correspondence list into the record.

Old Business

M. Dowling asked whether Tighe & Bond had begun their environmental assessment of the river lands. S. Suhoski said that the contract had been signed, and the access road has been cleared so that Tighe & Bond can now get the drilling rigs in there to proceed with the work.

M. Dowling said that Mass DOT had put some tar down by the Town Common as a temporary fix with the sidewalk, so that there could be something down before the snow falls. She asked whether it would be a permanent fix for the Town Hall and Library. S. Suhoski said that was done while waiting for the utility poles to be removed, but it will be either brick or concrete.

M. Dowling brought up the issue of outstanding minutes. T. Creamer said that technically under the Public Records Law, a draft of the minutes of any particular meeting should be available at the end of the meeting for any individual who

July 5, 2011

requests them. S. Suhoski said that he takes notes on motions made by the Board at each meeting. T. Creamer said that it would satisfy the Public Records Law. The consensus of the Board was to request briefer minutes in order to expedite them, and continue with the current process.

M. Blanchard asked about the status of Walker Road and the Walker Pond area. S. Suhoski said that Tighe & Bond plans to begin that work soon, and he would check on the status of it.

M. Blanchard requested a current list of vacancies on boards and committees. S. Suhoski noted that the list had been advertised.

M. Blanchard asked about the status of the Route 131 schedule from Mass DOT. S. Suhoski said that he had received no feedback on the progress.

M. Blanchard asked about the status of the raised bricks at the Public House. S. Suhoski said that Mass DOT is seeking a written assurance from the subcontractor to say that it had been done properly.

M. Blanchard asked about the status of the Personnel Committee meeting. S. Suhoski said that he needed to re-poll that Committee to set a meeting date. He noted that the research is underway.

P. Gimas asked about the status of the Charter revision, and requested that it be submitted to the Board for the July 11th meeting. Heather Hart said that the Finance Committee was waiting for the articles to be rewritten. M. Dowling said that the Board drafts warrant articles based on the Charter Review Committee's recommendations. She said that the Board should give sufficient time for the Town Meeting articles to be reviewed.

T. Creamer said that regarding the appointment to the Tantasqua Regional School Committee, Kopelman & Paige would like more time to discuss the matter with the School District's attorney. He noted that Town Counsel's opinion was that the Board of Selectmen were the appointing authority.

T. Creamer said that there had been a letter from the residents at 35 Old Village Road concerning the flooding situation and significant erosion of their driveway. He requested that the Town Administrator and DPW Director review the situation and provide the Board with an update.

New Business

M. Blanchard asked about the status of the bags for the Pay As You Throw program, which was supposed to start on July 1st. T. Creamer said that since he was the liaison to the Board of Health, he would find out about the availability of the bags.

July 5, 2011

M. Blanchard said that there have been complaints about the lack of striping on Farquhar Road, as no one knows where to pull out or pull into the road because there is no striping. S. Suhoski said that he would talk to Mass DOT about it.

M. Blanchard asked whether the Board would respond to the Finance Committee's memo regarding their findings. M. Dowling said that the Finance Committee will meet with the Board in the fall.

M. Dowling reminded S. Suhoski to work on his self-evaluation.

Ask the Selectmen/Citizens' Forum

Gary Galonek asked about the appointment to the Tantasqua Regional School Committee. He noted that there were three candidates, and asked whether the joint meeting would go forward.

James Ehrhard said that the Regional District Agreement dated back to 1961, and asked if it had been amended. He further stated that he had been informed that a School Committee member from another community indicated that he had an amended version that was being sent to Superintendent Durgin. S. Suhoski said that he would check with the Town Clerk. T. Creamer stated that if in fact the Regional School Agreement had been amended and approved at Town Meeting, that the Board of Selectmen would as a matter of law and principle adhere to whatever the new agreement stated, if that agreement existed. He further stated that the Board is bound and committed to adhering to whatever exists as the current Regional School Agreement, and that Mr. Ehrhard could be assured that he as an individual member of the Board of Selectmen would strongly advocate same.

Don Miller noted that South Shore Drive is a private road, and asked why Town staff was getting involved in the situation. He suggested that the residents hire an engineer, rather than having the Conservation Agent involved in getting engineering done, which would mean liability for the Town. He said that if the Town were to accept responsibility for this private road, it would lead to others on private roads requesting the same involvement.

Carol Childress asked to see the plans of the proposed recreation fields, when they become available.

Dave Holdcraft said that DPW should use the right material to fix the problem on South Shore Road.

MOTION: That the Board convene in executive session under MGL Chapter 30A, Section 21, Paragraph 6: To consider the

July 5, 2011

purchase, exchange, lease or value of real estate; not to reconvene in open session, by M. Blanchard.

2nd: P. Gimas

Roll call vote: M. Blanchard in favor; P. Gimas in favor; T. Creamer in favor; M. Dowling in favor; A. Ellison absent.

The Board convened in executive session at 11:30 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date