

**BOARD OF SELECTMEN  
MINUTES  
AUGUST 1, 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.

**Change of Applicant Name for Taxicab/Livery License**

S. Suhoski informed the Board that Eric Cassim holds a taxicab/livery license with the Town, but has created a corporation, Charles River Service Inc. which he intends to operate under. He submitted to the Board the original and the proposed license under the new corporate name. He noted that the operator has purchased a different vehicle which he proposed to put on the road in the near future, a 2000 Ford Windstar. S. Suhoski advised Eric Cassim to have the Police Department review the new vehicle for safety.

**Dock Hearing for 31 and 78 South Shore Drive (Gary and Margaret Allard)**

S. Suhoski submitted to the Board a copy of the dock permit application submitted by the Allards and received on July 25, 2011.

When this matter was first before the Board, S. Suhoski's written opinion of June 30<sup>th</sup> noted that the dock appeared to be in violation of Section 1 (200 square foot maximum area) and Section 2 (exceeding 25 feet extension into water) of the Rules and Regulations Governing Temporary Moorings, Floats, Rafts and Ramps. Those observations were acknowledged by the Allards at the meeting. S. Suhoski noted that the same memorandum offered no opinion on whether a violation of Section 3 existed (no dock will be placed on or in front of land owned by another) because in his opinion, the curvature of the cove and the fact that property lines do not extend under the water sheet made this a subjective decision. The following is an excerpt from the Rules:

B. Docks

Definition: Any structure connecting to shore.

1. No dock will exceed 200 sq. ft. of surface space.
2. No dock will extend into the lake more than 25 feet.
3. No dock will be placed on or in front of land owned by another without the landowner's permission.

4. No more than one (1) dock will be placed adjacent to one (1) parcel of land.
5. Docks will be anchored (moored) at a minimum every 25 feet.
6. All chains or lines from the mooring or anchor to the dock will be two feet above the highest level of water at the location.
7. No dock will be painted with any creosote or oil-based paint. Any copper based paint is acceptable.
8. Public access will be assured from the shorefront.

S. Suhoski informed the Board that after the July 5<sup>th</sup> meeting, the applicants relocated the dock so that it currently is in substantial compliance with the above provisions, albeit without a current permit. He said that the permit application dated July 24, 2011 appears to conform to the location of a prior dock permit granted in 2005.

S. Suhoski said that currently the dock is located approximately 15 feet from the property line abutting Mr. and Mrs. Mimeault. The structure is 30 feet long, but as the water levels have decreased, he recently observed the dock to be extending only 24 feet into the water. He noted that the Allards' photo shows 25 feet as depicted by the board centered on the 10 foot section.

S. Suhoski said that of genuine concern to the abutter is the dock's placement in proximity to the shared property line, and he would prefer a 25-foot offset (approximate centerline of frontage) as the Allards' motorboat, when tied to the westerly side of the dock, comes within three feet of the Mimeaults' pontoon boat, when tied to the easterly side of their dock. He noted that while this close proximity does not impede the Mimeaults' access to deep water with the boat, it does impinge on access to the water from shore by kayaks, canoes or swimmers, due to the very narrow channel remaining between the boats when so moored.

S. Suhoski said that in short, the nature of the cove and the shallow depth of the stream's delta make for tight quarters for both property owners to easily access the deeper water channel to the pond. Mr. Allard has expressed concern that he would not have access to the deeper water if the dock were moved further east. S. Suhoski noted that making both parties feel satisfied about any result would be difficult, because the shallow depth around the delta of the perennial stream that enters South Pond limits viable alternatives. T. Creamer stated his position that waterfront property does not come with a guarantee of access via a boat dock, and that the geography of the shoreline may, in fact, prevent the individuals from being able to install and maintain a dock. He further stated that the Town was not obligated to mitigate geographical or hydrological challenges with shorelines any more than it would be with those individuals hoping to develop land.

When S. Suhoski met with the abutter, it became evident that a strong case could be made that the Allards' boat, when moored on the westerly side of their dock, appears to be floating in front of the Mimeault property. That perception, together with the obviously narrow channel between the moored boats, has factored into his recommendation that a permit be approved, but with certain added conditions required. In his opinion, both landowners should be able to enjoy South Pond to its fullest.

**MOTION:** That the Board of Selectmen, acting as Harbor Master, approve a dock permit for 78 South Shore Drive, subject to prior compliance with the following conditions:

- That the dock extend no further than 25 feet into the water;
- That the dock be placed no closer than 20 feet from either side property line;
- That the dock be placed at an angle of approximately 90 degrees from the shoreline, subject to visual review and approval of the Town Administrator as Harbor Master's agent; and
- That the applicant be required to obtain a new dock permit should there be any future variance from the above conditions, by M. Blanchard.

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

Vote: All in favor.

**MOTION:** To request the Sturbridge Lakes Advisory Committee to review the Rules and Regulations Governing Temporary Moorings, Floats, Rafts and Ramps, by M. Dowling.

2<sup>nd</sup>: M. Blanchard

Vote: All in favor.

**MOTION:** That the Town Administrator direct the Zoning Enforcement Officer to inspect the dock to ensure compliance, by T. Creamer.

2<sup>nd</sup>: M. Blanchard

Vote: All in favor.

### **Tornado Update**

S. Suhoski informed the Board that August 1, 2011 is the deadline date for debris to be placed for the final curbside collection sweep. He gave the Board a copy of the spreadsheet of confirmed costs, along with a spreadsheet that identifies the overtime earned by individuals.

S. Suhoski said that Town staff met with FEMA and MEMA for the initial briefing and kick-off meeting earlier in the week, and the Finance Director is working with Police, Fire and DPW to organize and submit the Town's reimbursement request for the first 70 hours of response. He noted that additional documentation and reimbursement will follow, and the Board will be kept apprised.

### **Appointment to Council on Aging**

**MOTION:** That the Board of Selectmen ratify the Town Administrator's appointment of Gladys Santelli to the Council on Aging for a three-year term expiring in 2014, by M. Blanchard.

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

**Vote:** All in favor.

### **Miscellaneous**

- Extensive meeting with Veolia Water and DPW Director regarding startup of Well #1 improvements and pending amendment to operating agreement (for changes to personnel and chemical cost accounting as previously discussed).
- FEMA and MEMA startup meeting; debris bid document development.
- Meeting and site visits with dock permit applicant and abutter.
- Attended regional town administrator luncheon.
- Attended MIIA "healthy eating" demonstration for staff.
- Completed technical execution and meeting with remaining department heads for 2011 goal setting.
- Attended and accepted donation of \$3,000 to tornado relief fund from McDonald's Restaurant local franchise owner.
- Continued COA Director initial applicant resume screening.
- Helped with arrangements surrounding and attendance at Governor's site visit.
- Extensive meetings and discussion with Health Agent, Board of Health Chairman and Police and Fire personnel regarding positive test for West Nile Virus in mosquitoes; drafted and issued public information.

### **Correspondence**

M. Blanchard read the correspondence list into the record.

### **Old Business**

A. Ellison said that there is some concern regarding timing issues on the Burgess Elementary School building project, as the school needs to open on September 6<sup>th</sup>. S. Suhoski said that there has been discussion at the most recent Burgess School Building Committee meeting that the general contractor, Fontaine Brothers, was directed and encouraged to motivate their subcontractors to meet

the agreed upon deadline for the opening date of the school. He said that the project manager met with David Fontaine on a couple of occasions. He said that they have ramped up their schedule to 10 hour days, and are working on Saturdays as well. He noted that the general contractor has indicated their intent to meet the schedule. T. Creamer said that he has received emails and phone calls from residents complaining that the contractors are starting work at 5:45 a.m., making a lot of noise using heavy equipment. He noted that there is a “no earlier than 7:00 a.m.” starting time on that project. He said that one resident said that she had spoken to S. Suhoski and the project manager about it, and both had been very responsive and had tried to address the issue with the contractors, but apparently the contractors have determined on their own that they will continue to start work at 5:30 – 5:45 a.m. T. Creamer said that he had contacted Lt. Mark Saloio and Police Chief Thomas Ford about the problem; they had sent a police officer to the site two or three days in a row, and reported that the contractors did arrive at 5:30 a.m. and were, in fact, starting and running their equipment at that time. The contractors were told by the Sturbridge police that it was not going to be tolerated because of the fact that they had been given a start time. He noted that there are people who live near the site who have the right not to have to hear equipment being run at 5:45 a.m., particularly when there is a project start time no earlier than 7:00 a.m. He noted that Lt. Saloio had looked at remediation in terms of issuing fines under the process of disturbing the peace; the other possibility would be for the Board of Selectmen to take action as necessary, under the bylaws. M. Blanchard noted that construction start time is 6:00 a.m. for inside work, and 7:00 a.m. for outside work. She suggested that the Building Committee provide a report to the Board.

M. Dowling asked about the status of the application for the Town Hall front doors, which is due in September. S. Suhoski said that he started working on it, and noted that the Center Office Building needs a little more work.

M. Blanchard provided S. Suhoski with a list of issues to be addressed. S. Suhoski responded as follows: Regarding Route 131, he said that the Board had been copied on the written documents that have been sent to the state. He has visited the field office twice since that memo was sent requesting a written response from the contractor, and their staff said that they would pass it along to their superiors.

S. Suhoski said that the piles at the Town Barn have been on hold.

Regarding the clothing bins, S. Suhoski said that he had extended the deadline for the Town Planner and Building Inspector to complete the draft.

S. Suhoski said that the Riverlands are damp, so the drill rig which was contracted could not get through. He said that Greg Morse, DPW Director, tried to assist with the drilling rig. He said that they are now looking at a wheeled

vehicle instead of a track one, and are looking at access from the Old Sturbridge Village end rather than the Holland Road end.

S. Suhoski said that he had sent the Board an email with an update regarding Walker Pond Road. He noted that the data collection by Tighe & Bond is nearly complete, and is on schedule.

Regarding Walker Road, S. Suhoski said that CME Engineering has been at the site, and it is going slower than expected, but G. Morse has been monitoring it. The engineer has been retained to prepare the report.

S. Suhoski said that Ebenezer Craft is the sculpture that is housed inside of the Visitors Center on Route 20. He said that the Publick House has indicated that it is willing to do the landscaping once DPW is able to pour the pad. He said that there is a question as to how long the Chamber of Commerce will occupy that building and continue their operations there. He said that the Town should not spend too much money on it now in case they relocate. T. Creamer suggested reconsidering the site for the sculpture, as the Town does not own the land at the Visitors Center. He noted that there was some discussion about it at the last meeting of the Sturbridge Tourist Association. He said that at some point the Tourist Information Center may be more of a kiosk type of venue because all around the country they are doing away with tourist information centers and going with kiosks. He said that Old Sturbridge Village, which owns the property, may decide to do something entirely different with that property.

S. Suhoski said that he and Greg More were working on the road program.

M. Blanchard suggested that S. Suhoski list her questions and bullet them in his reports to the Board. S. Suhoski agreed to do that. T. Creamer suggested listing them under miscellaneous.

M. Blanchard asked about the status of the Municipal Personal Vehicle Use Policy. S. Suhoski said that he had received an email from Don Miller with some suggestions, and it will come back to the Board soon.

M. Blanchard asked about the voting site, now that there are three precincts. S. Suhoski said that Lorraine Murawski, Town Clerk, had sent an email regarding the cost, indicating that the state will share the cost for the extra polling hours mandated under the law which requires a 7:00 a.m. opening time for the polls. He said that it was up to the Board of Selectmen to decide upon the polling locations, and suggested asking the Superintendent of Schools for his input. T. Creamer said that he had contacted the principal of Burgess Elementary School regarding the use of the North Gym as opposed to the South Gym. He noted that the North Gym is larger and would accommodate three precincts and the additional equipment. He asked S. Suhoski to follow up on that. He said that

hopefully next year the Town could resume holding the polls at Burgess, after construction has been completed.

M. Dowling said that A. Ellison had come forward a few months ago with information regarding other towns' websites and the fact that they were more appealing. She had suggested working toward changing the Town's website to improve it.

T. Creamer said that on September 12<sup>th</sup> work session during the Route 15 water line discussion, perhaps by that time S. Suhoski could have some information for the Board with respect to what Tighe & Bond thinks the associated costs will be, and what may be available for USDA grants. He suggested that as a second agenda item the Board could discuss the Town's website.

T. Creamer said that regarding the Abandoned Motor Vehicle Policy, the Town had adopted the state's regulation on abandoned vehicles. He said that in speaking with individuals who would be most impacted by that, they noted that there is an abundance of vehicles being left on those sites. He said that on Route 131 at the Sturbridge Service Center, that particular individual is stuck with a lot of vehicles, and such creates an unnecessary hardship as well as an eyesore for residents and visitors. He noted that the Town is not actively enforcing the regulations that were adopted by the legislative branch at Town Meeting. He asked S. Suhoski to expedite some discussion on that.

M. Blanchard said that the Traffic Safety Committee is supposed to convene when there is an accident involving Town vehicles. T. Creamer suggested making the Traffic Safety Committee the hearing officer for the abandoned motor vehicles. S. Suhoski said that on August 9<sup>th</sup> that committee will discuss the matter and come up with a plan.

### **New Business**

T. Creamer said that he had received an email from a resident on Champeaux Road regarding graffiti on some of the structures there. He had taken some photos of the graffiti, which is visible from Champeaux Road, and forwarded them to Lt. Saloio. He said that the police will increase their patrols there.

T. Creamer said that there had been a great deal of confusion regarding the mosquito abatement program. He said that a mosquito had been found with West Nile virus; the next day the Central Mass. Mosquito Control Project planned to conduct area wide spraying, as opposed to selective spraying. He said that a significant number of residents were not given advance notification about it due to the fact that the decision had been made so quickly, resulting in confusion and frustration. He said that he had contacted the supervisor of the program, and the supervisor assured him that the locations where bees were being kept were not sprayed. He said that on Wednesday, August 3<sup>rd</sup> the Central Mass. Mosquito

Control Project will conduct a televised presentation at Town Hall, and will take live phone calls from residents. He said that any resident who wants to opt out of the spraying program should contact the Central Mass. Mosquito Control Project, and their property will be flagged and not sprayed. M. Blanchard suggested having pamphlets about the program available at Town Hall.

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

P. Gimás received a call from a resident who wanted to know who Ebenezer Craft was, and where the sculpture had come from. M. Blanchard said that Ebenezer Craft was the founder of the Publick House back around 1777. She said that the sculpture was funded by a grant by the Cultural Council, and was done by a man who does carvings with a chain saw. She said that the sculpture is symbolic of Sturbridge, associated with the Publick House, and was unveiled at the end of March. It was decided to keep the sculpture inside until a permanent base could be provided for it.

P. Gimás said that the next call was from a gentleman who asked whether the Town would avail itself of the tub grinder that they use in Worcester to grind up tree debris. S. Suhoski said that he would pass that on to Greg Morse, DPW Director.

Don Miller appeared before the Board. He asked about the status of appointments to the Economic Development Committee. S. Suhoski said that he had met with the applicants and will winnow the list down to three candidates, to be decided at the August 22<sup>nd</sup> meeting.

D. Miller asked whether the Board had received his email regarding attendance at Town Meeting. S. Suhoski said that he had received it. The Board had not reviewed it yet.

D. Miller said that he had planned to attend the Recreation Committee meeting which had been scheduled to start at 5:30 p.m.; the Chairman was not there, so they waited until 6:15 p.m., then the meeting was called off. He said that when a public meeting has been announced it should be held unless there are very extenuating circumstances. He said that only two of the committee members were present. T. Creamer said that the meeting could not be held because there wasn't a quorum.

D. Miller asked when the Special Town Meeting would be held. T. Creamer said that it was still being discussed. S. Suhoski said that it would probably be held in mid-September.

D. Miller asked whether the Town could be held to zoning requirements. S. Suhoski noted that the Town is exempt from certain zoning bylaws. T. Creamer



said that there are times when the Town may be exempt from a bylaw but is expected to try to meet the spirit of the bylaw wherever possible.

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

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date