

January 9, 2012

**BOARD OF SELECTMEN
MINUTES
JANUARY 9, 2012**

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.

Joint Pole Relocation Hearing (Continuation)

The hearing had been continued as a result of inadvertently failing to notify an abutter at 40 Maple Street. Pole #13 near 40 Maple Street: Paul Schneider of Verizon appeared before the Board. S. Suhoski submitted to the Board the joint petition of Verizon and NGRID to relocate utility pole #13 on the easterly sideline of Maple Street approximately 12-foot northerly from its current location. The DPW Director's memorandum dated December 23 recommended that the pole location should be "at the back of the stick" so as to line up with the true gutter line of the road resulting in "a huge improvement over existing field conditions" because the current pole sits within the pavement.

MOTION: To close the public hearing, by M. Blanchard.
2nd: P. Gimas
Vote: Three in favor; A. Ellison and M. Dowling absent

MOTION: That the Board of Selectmen approve the relocation of Pole #13 on Maple Street as presented in Verizon Petition No: 9AD3WL subject to being located as recommended by the DPW Director in memorandum dated December 23, 2011, by M. Blanchard.
2nd: P. Gimas
Vote: Three in favor; A. Ellison and M. Dowling absent.

S. Suhoski submitted to the Board a document provided by the Assessor's office summarizing the nature and scope of various statutory notification requirements.

M. Dowling arrived at 6:35 p.m.

Appointment to Senior Municipal Service Program

MOTION: That the Board of Selectmen approve Barbara Berthiaume of Clarke Road in Fiskdale for participation in the Senior Municipal Service Program to be assigned to assist the Board of Assessors office, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Liquor License Violation Hearings

6:40 p.m.: Milestone Hospitality International, LLC d/b/a Sturbridge Host Hotel & Conference Center (Oxhead Tavern):

S. Suhoski submitted to the Board a copy of the Notice of Hearing dated December 27, 2011 (green card dated 12/28/11), a redacted copy of the police report dated 10/26/2011, and a copy of Chief Ford's summary memorandum entitled "Alcohol Compliance Checks" dated November 25, 2011. There were no prior violations noted in the file during the preceding 60-month period. A copy of the Board of Selectmen's "Alcohol Violation Policy" was provided as well; however, the Board retained discretion to act in accordance with any findings.

M. Blanchard read the notice into the record. Police Chief Thomas Ford reviewed the compliance program.

Russell Prentiss, Manager of the Sturbridge Host Hotel & Conference Center appeared before the Board. He did not dispute the facts as presented in the police report, but indicated that the employee had failed to utilize the tools available and had made an error in calculating the operative's age. He discussed re-training all of the employees. He noted that the employee who had made the error was no longer in their employ.

T. Creamer queried Chief Ford in terms of his thoughts specific to supporting a motion to suspend the Sturbridge Host's alcohol license for a 3-day period. Chief Ford indicated that he favored no suspension in this case due to the nature of the Host's long-standing record of compliance and the immediacy of action they took with respect to the employee being released from employment. Chief Ford noted that the Host has always maintained an excellent record in terms of alcohol compliance and that he felt a warning was sufficient. M. Dowling objected to this approach, stating that she felt that it should not only be the employee who was penalized for the violation. T. Creamer stated his belief that the Chief's position should be given considerable weight, and that if a suspension were to be issued he felt it should reflect some level of leniency based upon Chief Ford's comments. M. Dowling stated that she did not support a suspension.

MOTION: That the Board suspend the alcohol license of the Oxhead Tavern for one day at their discretion and in collaboration with Police Chief within 60 days, by M. Blanchard.

2nd: P. Gimas

Vote: Three in favor; M. Dowling opposed; A. Ellison absent.

6:45 p.m.: Drake Petroleum d/b/a Heritage Xtra-Mart:

S. Suhoski submitted to the Board a copy of the Notice of Hearing dated December 27, 2011 (green card dated 12/29/11), a redacted copy of the police report dated 10/26/2011, and a copy of Chief Ford's summary memorandum entitled "Alcohol Compliance Checks" dated November 25, 2011. There was one prior violation noted in the file during the preceding 60-month period and a copy of the June 16, 2009 finding and sanction (two-day suspension and posted notice of same) was included for the Board's reference. A copy of the Board of Selectmen's "Alcohol Violation Policy" was provided as well; however, the Board retained discretion to act in accordance with any findings.

Attorney O'Neill, Theresa Nason, Manager, and S. Tremblay, Clerk appeared before the Board. Police Chief Thomas Ford related the compliance procedure and the facts of the violation.

Attorney O'Neill disputed the complexity of the facts presented to the Board in the police report. He said that a 23-year-old male had brought beer to the checkout counter and the ID of the 23-year-old was examined. The clerk had double-checked the ID, while the 19-year-old female operative handed over the money. Attorney O'Neill indicated that there was video footage to support the case. Chief Ford will review the video.

MOTION: To continue the hearing to January 17, 2012 by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; A. Ellison absent.

Habitat For Humanity

Michael Wimberly and Harriett Lebow appeared before the Board to provide an update on the extensive progress being made on Fairview Park Road, together with a presentation of a request to draw additional funding from the Town Meeting allocation of \$125,000. S. Suhoski provided the request of Habitat to the Board, and attached a blank copy of the grant agreement originally approved on November 15, 2010 in the amount of \$30,000 (along with a copy of BOS minutes). He noted that the Board may elect to amend this agreement by any such amount it deemed advisable to assist with completion of the project. He said that based upon the \$123,944 spent on construction to date, and the \$35,000 estimate of additional costs towards completion, it appears that total construction costs will be nearly \$160,000 for the home. In his opinion, it was

entirely reasonable for the Board of Selectmen to release an additional \$50,000+/- towards the project as it would essentially result in a 50/50 cost share between public CPA resources and donated resources. M. Blanchard noted that the Town had donated the land for the project.

MOTION: That the Board of Selectmen amend Section 2, Line 1 of the grant agreement dated November 15, 2010 by increasing the stated consideration from \$30,000 to \$82,305.17, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; A. Ellison absent.

Sturbridge Hills Residents – WWTP Noise Issue

A group of residents from Sturbridge Hills appeared before the Board to discuss the issue of Wastewater Treatment Plant noise.

Bob Lucier informed the Board about the droning sound which he considered to be very disruptive. He requested a date to rectify the problem.

Community Innovation Challenge Grant (Regional Application)

S. Suhoski said that the USEPA is currently revising the permit requirements for so-called Small Municipal Separate Storm Sewer Systems (MS4s). Under the current extended permit (pending adoption of the new requirements), the Town must file annual reports due in May that detail all of the Town's efforts at compliance with stormwater management. In anticipation of even more stringent and costly requirements relative to stormwater management (as indicated on the 14-page matrix identifying differences between the 2003 and draft 2010 permits) S. Suhoski requested that the Town of Sturbridge be included with a regional collaborative lead by the towns of Leicester, Spencer and Auburn to pool efforts at dealing with these increasingly complex requirements. In summary, a group of seven to 11 regional communities would seek a minimum of \$270,000 from the Community Innovation Challenge Grant program to provide:

- Collaborative Education and Training (for municipal personnel and the public),
- Regionalized Data Management Systems (GIS and Web based), and
- Standardized Recommended Policies and Procedures

S. Suhoski briefed the DPW Director, and he is in full support of any assistance that can be provided in this daunting area of stormwater management compliance. A copy of the draft scope of services dated January 6, 2012 was submitted to the Board. He noted that no local funding match was required. The application is due January 17 with awards to be announced no later than the end of February. This marks an opportunity that should not be missed and he strongly suggested that the Town participate in this endeavor.

MOTION: That the Board of Selectmen approve participation in a regional Community Innovation Challenge Grant due January 17, 2012 and authorize the Chairman to execute a Local Support Documentation Form and correspondence endorsing said application, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; A. Ellison absent.

Mass. Municipal Association Annual Business Meeting Credential Vote Form

S. Suhoski noted that last week the Board had approved Selectman Blanchard as its voting member at the Mass. Interlocal Insurance Association meeting. He submitted to the Board the designated vote form for the MMA's annual business meeting. Technically, the voting delegate is the Chairman, or, the Chairman's designee.

MOTION: That the Board of Selectmen ratify the Chairman's designation of Selectman Mary Blanchard as the Town's voting delegate at the 2012 Mass. Municipal Association's Annual Meeting, by T. Creamer.

2nd: P. Gimas

Vote: Four in favor; A. Ellison absent.

Miscellaneous Items

Following are some concise updates on other matters that are pending and have been updated since last week:

Riverlands Environmental Monitoring: Substantial progress is being made in the environmental monitoring. Tighe & Bond reports that "*drilling of the bedrock/deep overburden wells went relatively well. Three wells were installed to a depth of 50 feet, but we did not encounter bedrock. All three wells are exhibiting artesian characteristics, which leads me to believe there is some sort of confining layer somewhere between 20 feet and 50 feet. When the driller mobilizes the geoprobe to conduct the soil sampling later this month, I will have them conduct a boring near the newly installed wells so we can identify soil types and depths in the area and hopefully identify the depth of the confining layer.*" S. Suhoski said that he would expect to have some results of the next tasks by mid-February.

AAB Variance Update: This project was awarded to Three D Enterprises of Southbridge in an amount of \$2,985. Following fabrication, the work will be scheduled at the earliest opportunity to bring this matter to closure.

Solar Power RFQ: The Energy Advisory Committee will meet next on January 12 to finalize its task and presentation of the selected and recommended vendor to the Board of Selectmen at the next available meeting thereafter. Many, many hours of time and effort have gone into the procurement, review and recommendation process.

FY13 Budget, Capital and Betterment Planning: Judy Knowles has made the appropriate copies of all capital and betterment requests and S. Suhoski will be seeking and scheduling meetings of these committees to occur prior to the month's end. He and the Finance Director have met on several occasions to refine budget development and, as stated previously, they remain committed to providing the budget documents to the Finance Committee and Board of Selectmen in a timely manner to achieve an annual budget meeting in mid-February.

Department Head Performance Evaluations: This week, completed minor modifications to goals for two employees based upon their feedback and additional discussion of priorities.

FEMA Public Assistance Approval (October Nor'easter): S. Suhoski provided the Board with a copy of Governor Patrick's January 7, 2012 press release announcing the additional public assistance to the FEMA disaster declaration for the October Nor'easter. He noted that this confirms the approach taken by the Town in clearing debris from the storm with an expected 75% federal reimbursement.

Director of Veterans' Services: S. Suhoski informed the Board that he will advance the appointment of Tim Hickey, part-time Veterans' Agent for the town of Leicester, for the Board's ratification on January 17th. S. Suhoski, Tim Hickey and Tom Chamberland met to work out transition details.

Walker Road Improvements: CME completed the survey and wetlands delineation in the field and is now working on design development options. It is expected that a further meeting with residents will occur before the end of February.

Walker Pond Drainage: Tighe & Bond is in the process of refining the project scope further to the discussion with the residents and Board. The DPW Director stated that he will coordinate with the engineer this week as the DPW also needs sizing of the replacement needs to be confirmed.

Farquhar Road/Blueberry Lane Drainage: Installation of the new 18 inch drainage pipe is complete and appears to be very functional. DPW will undertake final cleanup in the spring, together with discontinuance of the original drain pipe by injecting "flowable fill" into the pipe to prevent settling.

Mountain Brook Road Association: S. Suhoski and the DPW Director met with representatives of the road association. DPW crews installed additional rip rap surrounding a culvert and cold patch on a portion of the roadway. Both the DPW Director and Conservation Agent have agreed to meet with the road association's engineer to discuss more permanent solutions when requested. The DPW's actions are in compliance with the Town's standard private road guidance policies.

Correspondence

M. Blanchard read the correspondence list into the record.

Old Business

P. Gimas asked why no one from the Winebuyer's Outlet had been present at last meeting. S. Suhoski said that Attorney Neal will contact the office to reschedule.

M. Blanchard asked whether there was any further information regarding Hampshire Power. S. Suhoski said that he would contact them to inquire, and will provide an update to the Board.

M. Dowling suggested incorporating something in the budget for the cost of public transportation for seniors to transport them to town meetings.

T. Creamer asked about the status of dates for hearings to address the abandoned vehicles at Sturbridge Auto Body. S. Suhoski said that the Finance Director is the Parking Clerk and hearing officer; the Police Department liaison is Sgt. Mercier. He said that the next hearings will be before the end of the month. He said that he had just received the site plan approval and conditions for that site, and emailed the residents from Willard Road. He counted 50 + vehicles, and noted that under the plan that was approved, there is parking for 12 vehicles in front of the building; five for employees or customers, seven for display and a limit of 35 to the rear of the building. He said that the Planning Board also requires the installation of seven 2" diameter trees at the site.

T. Creamer said that the Traffic Safety Committee is scheduled to meet on Friday to discuss Burgess School Road and McGregory Road.

T. Creamer asked about the status of the Holland Road water bill payment and Connect CTY. S. Suhoski said that a demo will be scheduled for Connect CTY. He said that it has been included in the Police Department's budget request for FY13, and appears to be less than \$2 per household. He said that regarding Holland Road, there had been a break in the service line, and a special leak detection machine had come out to the site. He said that an estimated bill on water usage had been submitted along with the cost of the leak detection. He

noted that it will be part of the water invoicing that can be liened over to the tax bill.

New Business

There was no new business.

Ask the Selectmen/Citizens' Forum

T. Creamer received a phone call relative to the hand rails at Town Hall. The caller wanted to know when the hand rails would be installed, and whether there would be three hand rails at the front entrance of Town Hall. S. Suhoski said that they would be installed within the next month, and there will be two hand rails, per the code design that the architect had drawn and the AAB had approved.

T. Creamer noted that the Board had not set aside a time to discuss the Town Administrator's goals for next year. It was the consensus of the Board to discuss them on February 13th.

Regarding the Riverlands, T. Creamer asked if the Board had given any consideration as to whether or not to include as a goal the undertaking of conservation restrictions on different properties. He had received notification from the Conservation Agent that there will be a public meeting to discuss land use policies. He said that it was his intent (as one individual member of the Board) to have one of the Town Administrator's goals be the oversight and conclusion of conservation restrictions over the course of a certain period of time. He said that he would seek the Board's support on that.

M. Dowling said that a resident had called in regarding the discussion about the Wastewater Treatment Plant and that any silencer at the WWTP only works effectively when the compressor is working full out. He said that it is a design shortcoming, and hopes that the Town views it in that fashion. He compared it to an automobile muffler that only works when the car is going over 60 miles per hour. She said that his other comment was to express concern that the manufacturer might be difficult to work with if there is any resistance with the warranty not in effect, depending upon the type of mediation that is sought. She said that he wants to make sure that the Board takes a firm stance and that the coverage is "bullet proof" on the warranty. T. Creamer asked whether that individual would be amenable to meet with the Town Administrator, if he has some insight to share.

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

The meeting was adjourned at 10:43 p.m.

January 9, 2012

Respectfully submitted,

Judy Knowles

BOS Clerk

Date