

September 19, 2011

**BOARD OF SELECTMEN
MINUTES
SEPTEMBER 19, 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.

Community Development Block Grant Status Update

Jim Mazik of the Pioneer Valley Planning Commission appeared before the Board to provide an overview on the development of a CDBG application to assist with wastewater compliance concerns at the Sturbridge Retirement Co-operative about five years ago, and why that application was not accepted. He said that the other issue was collection lines to the wastewater treatment plant. He noted that there did not seem to be enough public participation townwide in the process, and there was insufficient information regarding the financing situation as there needed to be a firm and formal commitment of funds. T. Creamer noted that there had appeared to be a lack of support by the Board of Selectmen and a lack of connectivity in terms of support from the community.

J. Mazik said that he had met with S. Suhoski, Jean Bubon, Town Planner, and Mary Berry and reviewed the issues. He said that there had been a meeting at the Sturbridge Retirement Cooperative about five weeks ago to update them and get their input and involvement. Another meeting was held on September 19th to discuss other components of the application, and an oversight committee was formed to play a role in the application process, involving residents from the Retirement Cooperative.

T. Creamer said that the Board of Selectmen had voted to implement the oversight committee, to consist of two members of the Retirement Cooperative, two members of the Board of Selectmen, two Planning Board members and one from the Master Plan Implementation Committee.

J. Mazik said that a public meeting will be held to finalize and endorse the strategy. He noted that the application is due on December 16th, and it is extremely competitive. He said that last year only three applications were funded from the CDF2 category. He said that a target area must be identified, and in order to be competitive there should be multiple activities. He said that the funding should address a significant portion of the wastewater treatment facility costs and a portion for rehabilitation assistance for the residents of the retirement community infrastructure improvements. He said that ideally

the committee will be in place at the beginning of October, then it could work on this and make a recommendation to the Board of Selectmen in mid to late November. He said that the public hearing would be scheduled in late November or at least 14 days prior to December 16th.

Liquor License Hearing – Empire Village

S. Suhoski informed the Board that Empire Village, Inc. d/b/a Empire Village at 446 Main Street was seeking approval of a change of manager, new officer/director, new stockholder and transfer of stock from Dong Yeou Ying and Chin Lien Chen Ying (each 50 percent current owners) to Jin Ziang Ren, who would become president of the corporation and the manager of the business. There appear to be no changes to the premises or operating hours. The Police Chief reported no substantive concerns.

MOTION: To close the public hearing, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

MOTION: That the Board of Selectmen approve the application of Empire Village, Inc. d/b/a Empire Village, 446 Main St., Sturbridge, for a new officer/director, new stockholder, transfer of stock, and for a change of manager to Jin Xiang Ren, of Malden, as detailed in application received August 25, 2011, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Discussion with Sturbridge School Committee Chair

Kate Alexander appeared before the Board to discuss the reasons that the Burgess School is not available for elections during the upcoming school year due to its renovation, with security and parking concerns. A copy of an email from Ms. Alexander detailing same, together with the correspondence from Superintendent Durgin, was submitted to the Board.

T. Creamer read a statement into the record. He said that regarding the safety concerns, a number of appropriate measures could be employed. He noted that the vote taken by the School Committee was for the 2011 and 2012 school year, involving concerns that are valid and completely supportable, due to the ongoing construction and lack of controllable access during construction, traffic congestion and the lack of parking, the School Committee expressed concern about the potential of vehicle conflict with other vehicles, pedestrians and students. He said that he supports the School Committee's decision as it relates to the period represented by their vote. He said that once construction has been completed, he is hopeful that there will be a collaborative and cooperative effort between the School Committee and the Board of Selectmen to address whatever outstanding safety and security concerns may exist, and works towards a successful conclusion. He noted that the information that had been previously

conveyed to the Board of Selectmen by a member of the Board was not fully representative of what had transpired at the School Committee meeting, and to that end, he personally apologized to the residents for any anxiety that had been unnecessarily created by any failure as elected officials to publicly vet the information provided to the Board that evening. M. Blanchard said that she was the person who had disseminated the misinformation; however, she did not recall saying that there was an infinitive no voting. She said that they had voted not to allow the elections at the school, then the Board discussed it. She apologized if there had been misinterpretation of it. She did not think it should have gotten to the level where an email has to be sent to 700 people indicating that somebody misrepresented this, and taking the School Committee Chairman's time to meet with the Board of Selectmen. She said that it could have been clarified by the Board. T. Creamer stated that it is his approach as an elected official to address misinformation quickly and definitively, as opposed to hoping things will be clarified at Board meetings.

K. Alexander said that the Sturbridge School Committee had voted unanimously not to allow the elections for the 2012 school year, as it seemed like the only logical thing to do. She noted that the school calendar is voted a year in advance, in response to the suggestion that a professional development day be scheduled on election day.

S. Suhoski and the Town Clerk have been in contact with the Host Hotel, and Old Sturbridge Village, to inquire of space availability in the event elections must be relocated.

Farquhar Road Drainage Discussion

S. Suhoski informed the Board that he, Selectman Gimas and Greg Morse, DPW Director, met on August 29th with three residents impacted from a deteriorating drainage line along Farquhar Road. G. Morse had completed some field review and said that he had done a sketch of the three houses where the existing pipe was located. He said that potential repair options would be to replace a common trench and install a new outfall. He noted that they staked a different line in the field and layout of a potential drain line, and a road crossing instead of a driveway crossing. He said that with a new alignment, they could use a larger pipe. He noted that there could be rocks or ledge there; it has not been tested, and blasting may be required. He said that the simplest approach would be to use the existing drainage, dig it up, replace it with larger pipe, but utilize the existing foundation.

P. Gimas said that three homes are being seriously affected, two with water damage, and another that can't be expanded because there is no place to expand to. She expressed concern after having seen these properties.

T. Creamer asked whether there was a way to sound the area to determine whether ledge and/or boulders were present, in advance of doing any digging. G. Morse said that it would be necessary to either drill using a geoprobe or open cut it. Dave Prickett, Tighe & Bond, said that there is no perfect solution, and they have to be cognizant of

what is downstream to analyze the existing drainage system. He said that it would cost approximately \$2,000 to get a drilling consultant to do borings with an auger or a geoprobe. He said that generally, when designing an infrastructure like this, it would be based on a two or 10 year storm event.

T. Creamer suggested that G. Morse put together a proposal with an alternate plan, and requested that S. Suhoski arrange an additional meeting with the residents from Farquhar Road, G. Morse and P. Gimmas to review the final plan. He said that if there are any further concerns by the residents, to bring them back to the Board.

Tighe & Bond Update – Walker Pond Drainage

Dave Prickett of Tighe & Bond reviewed the stormwater study findings with the Board. He said that the preferred alternative is a series of five related projects totaling in gross \$1,904,000 (inclusive of 40% engineering and construction contingency). S. Suhoski said that the key question is not the need for improvements, but the method by which to fund the improvements. He said that phasing is possible, as is a mix of betterment, pond association and taxpayer funding.

T. Creamer said that the Board had a copy of the prospective costs broken down into certain areas. He asked S. Suhoski to make the document available on the internet on the Town's website under Town Administrator updates. He said that the next step would be for a recommendation regarding the appropriate phasing mechanism. S. Suhoski said that there are grants for this type of construction.

T. Creamer asked what alternatives exist under Chapter 90. G. Morse said that Chapter 90 would not cover private road work. S. Suhoski said that he and G. Morse could break out the costs, public vs. private costs, and provide the Board with the information at a later date.

Route 15 Water Issues

T. Creamer said that Tighe & Bond had done a study as part of the Comprehensive Wastewater Management Study. He noted that Town Meeting authorized Tighe & Bond to conduct an updated study on Route 15 wastewater alternatives, as well as water alternatives. He said that there is nothing that can be done on Route 15 at this time regarding wastewater needs because it will be two or three years before the current plant would be approved by DEP, and the Town still does not have the permit. He said that the recommendation was to allow the property owners there to deal with on-site systems for at least the next two or three years.

S. Suhoski said that he would be in favor of extending the water lines on Route 15. G. Morse and Dave Prickett had provided some recommendations on a water line. He said that the contract for the study funding for Tighe and Bond was exhausted. He noted that a mailing was done to the property owners, with a 50% response. He said that the

prospect of having sufficient water flow to a site makes it more attractive for business use to that area.

Dave Prickett said that they were discussing a water main extension along Route 15 just shy of the I 84 crossing, and information had been sent to the property owners. He said that the water main extension would cost approximately \$1-2 million. He said that there was infrastructure available to extend the water main, and there was a parcel that could be developed for economic growth. He noted that sewers could be extended at a later date. He said that USDA Rural Development could provide at best a 25% grant for a \$150,000 unit cost. He recommended looking into the MassWorks program, as the state may consider funding a project of that type. He suggested that a public/private partnership with the developer to share the cost could be another avenue. He said that in some cases, communities have paid to extend infrastructure for non-residential development at the cost of general taxation. He said that when the land is developed there would be a cost per acre to be covered to offset the cost of the water main extension. He said that was another avenue for the Board to consider.

T. Creamer said that the Town would be assuming the risk of non-development either way. D. Prickett said that it is non-residential by nature, and his suggestions were appropriate. He said that four out of eight property owners had responded to the mailing, and were in favor of the project.

M. Blanchard said that the water extension would be a good idea, but without definitive numbers and funding there isn't much that can be done. P. Gimás stressed the need to find funding for it.

T. Creamer said that it should be done to attract economic development that would help to reduce the tax burden on residents. He noted that there will be a cost, and ultimately the decision will be made at Town Meeting. He requested that they provide some options that the Board could consider and make a recommendation based upon that to bring to the voters.

S. Suhoski said that they could make an excellent case for a million dollar contribution from MassWorks for this type of project, but before doing that, the Town also has a Commercial Tourist District Plan by the Planning Board.

G. Morse expressed the need to define the scope of the project first. Scope of work: Phase 1 design would be River Road to stop at Kelly Road; Phase 2 to Mashapaug Road when needed. M. Blanchard and P. Gimás said that they were comfortable with the Phase 1 scope of work. M. Dowling said that she would be in favor of getting the cost for both phases.

D. Prickett suggested that he put together a brief recap on the water portion of the Route 15 study, and the Board could look at the phasing of a water main extension on Route 15. He would summarize the potential funding mechanisms, the timetable, the applications and potential debt recovery strategies, both betterment or user fees. T.

Creamer said that he would not recommend to the Town Meeting to spend \$5 million to run water down the full extent of Route 15 without some level of private funding, because he believes there is no way the Town could cover that. He said that the area that the DPW Director has outlined as Phase 1 is the area that provides this Town with highest probability of economic development and a way to flatten the tax rates.

M. Blanchard said that the scope should be in the area that is the most feasible for development, which is down to Kelly Road. It was the consensus of the Board that the scope of work should be down to Kelly Road.

S. Suhoski said that Dave Prickett will put together a proposal for Route 15 down to Kelly Road.

Economic Development Matters

Economic Development Committee Appointment Process: S. Suhoski was pleased to report that there were seven individuals that expressed interest in participating on a re-purposed Economic Development Committee. He had offered interviews to all seven persons; one withdrew, two did not respond and four residents met with him over the past 10 days.

S. Suhoski said that he is reviewing his notes from the interviews and will be prepared to present three appointments for the Board's consideration on October 3.

Mission and Purpose of Economic Development Committee: S. Suhoski said that he and current EDC member Don Miller had the opportunity to discuss the status of the committee (and other items) recently. Mr. Miller has initiated thoughts of a new mission statement, a sentiment also expressed on several occasions by the Board's Chairman. Following were three examples of mission statements offered only to initiate the Board's thought process:

- To develop and sustain a robust, diversified, growing local economy that contributes to making Sturbridge an attractive residential and business community. (D. Miller, Member, Sturbridge EDC)
- To plan, develop and implement activities that advance the quality of life and business climate in the Town of Ayer. (S. Suhoski, Director, Ayer Office of Community and Economic Development)
- To promote a healthy local economy and strong employment levels through the creation, retention and expansion of industrial and commercial businesses in the Town of Ayer. (S. Suhoski, Administrator, Ayer Industrial Development Finance Authority)

Economic Development Tools and Resources: S. Suhoski said that he had the opportunity to meet at length with Rosemary Scrivens, the Regional Director of the

Mass. Office of Business Development. Ms. Scrivens was able to bring him up-to-speed on the several changes to the Economic Development Incentive Program from 2010 and some of the key linkages that MOBD can provide for new, expanding or existing businesses. A comprehensive program of community and economic development will offer the most balanced and successful approach towards strengthening the Town's tax base, stabilizing the employment sector and maintaining and improvement quality of life for the citizens.

FEMA Tornado Reimbursement Update

S. Suhoski submitted to the Board an email from him to Bruce Sherwood of FEMA discussing the status of reimbursement and outstanding items that are underway. In short, FEMA has submitted the "Category B" Emergency Actions request. The Town's gross submittal for fire, police and public works (including emergency contracted debris removal) was \$135,930.45 with an anticipated FEMA contribution of \$101,947.83.

As requested, the Finance Director prepared an updated memorandum that further detailed the breakdown of the emergency costs as well as additional work that occurred after the initial response. In summary, the Town's total out-of-pocket costs are \$155,988.68 with a currently estimated reimbursement of \$153,012.71. The rate is higher than 75 percent due to force account labor and equipment.

S. Suhoski said that during the week of September 26, FEMA, Town officials and the Town's monitoring agent will meet in the field to review outstanding areas including the debris staging areas, and also to assess the Town Barn ballfields and portions of the trail system for possible eligibility for further debris removal reimbursement.

Miscellaneous Items

Tropical Storm Irene – FEMA Reimbursement: S. Suhoski filed the Town's intent to seek FEMA reimbursement for Category B costs associated with the emergency preparations and response to TS Irene. FEMA is expected to have a "kick-off" briefing sometime during the week of September 19. Although Town costs appear much less substantial (likely under \$30,000 total) than the tornado, the DPW Overtime account is under stress and we will vigorously pursue all potential reimbursement of disaster response costs.

Land Lease for Solar Power: Distributed Addendum No. 1 to 26 interested parties. A key change was to open the door for respondents to offer other potential municipal sites that may be suitable for solar power systems. The deadline for submittals is 2:00 p.m. on Monday after which the Energy Advisory Committee will begin its advisory review as a precursor to Board of Selectmen action.

Walker Road Drainage: CME has submitted a formal design and engineering proposal for Walker Road. Initial indications are a construction budget of \$600,000 to \$750,000 with the engineering proposal coming in at \$49,273.00. The DPW Director, Finance

Director and S. Suhoski need to further review the proposal and potential funding mechanisms. S. Suhoski plans to bring this forward for discussion on October 3.

Water / Sewer Rates: S. Suhoski still responding to calls and complaints about water and sewer invoices. He issued the Board a memorandum concerning the initial flurry of calls.

Personnel Committee: Revising draft Tree Warden job description per additional comments from incumbent and document will be proposed for finalization and classification rating at the Committee's September 28 meeting.

Charter Complaints: No complaints over past 14 days. Tom Cohan is scheduled to attend the October 3 BOS meeting.

Cable Advisory Committee: Interviews with two finalist candidates were conducted by the Production Coordinator, the CAC's Vice Chairman and Town Administrator earlier this week. A preferred candidate will be brought to the CAC on September 20 for advisory recommendation. S. Suhoski anticipates bringing a recommended appointee to the Board of Selectmen on October 3.

MIIA Insurance Matters: S. Suhoski met with chief claims manager of MIIA further to damages at Public Safety Complex and to Library ceiling.

Meeting Participation: Attended Land Use Division meeting; attended Burgess School Building Committee meeting; attended Central Mass. Chamber luncheon and discussion with Mass. Commissioner of Insurance; extensive meeting with Tree Warden, member of Tree Warden Advisory Committee and Town Planner to coordinate re-planting efforts and potential funding sources for spring 2012 effort.

Correspondence

M. Blanchard read the correspondence list into the record.

Old Business

M. Dowling asked the Board to consider some changes to the Town Administrator evaluation process. P. Gimás agreed that the evaluation tool needs improvement. M. Dowling said that as part of the review, there should be a grade point average. A. Ellison said that every category leaves room for improvement. M. Blanchard said that the Board should devote some time to discuss the matter during a work session. M. Dowling said that "poor" was similar to "unacceptable." She wanted something a little below "unacceptable" which states that if the Town Administrator does A, B or C, his performance will be "acceptable."

MOTION: That future evaluations have a grading system as follows: No lower than zero for the lowest category; that the Board adopt under the current evaluation form “unacceptable” for “0” and “excellent” for “4” by M. Dowling.

2nd: P. Gimas

Vote: Three in favor; T. Creamer and M. Blanchard opposed.

T. Creamer said that “poor” was not worthy of a point, as he was not in favor of rewarding failure. He said that he would support 0-3.

M. Blanchard asked about the status of the Riverlands. S. Suhoski said that one suggestion was to wait until the ground is frozen so that the drilling rig would not sink, or to find another drilling company to do the job.

M. Blanchard asked about the status of the Ebenezer Crafts sculpture. S. Suhoski said that it is being sheltered at the Visitors Center on Route 20. M. Blanchard said that the Town had spent grant money on it, and it has been packed away since March. S. Suhoski said that he had sent emails to the Cultural Council, DPW, the Chamber of Commerce and the Public House, because they were going to do some landscaping. He noted that the Chamber was unsure whether they were going to stay in their present location.

P. Gimas announced that the next tornado relief meeting would be held on Wednesday, September 21, 2011 at 6:30 p.m. at Town Hall. She said that she would be unable to attend, as she would be teaching a class.

A. Ellison said that Don Miller had proposed some ideas to increase participation at Town Meeting. She suggested making it an agenda item for discussion and to direct someone to implement the suggestions. It was the consensus of the Board to schedule another meeting on September 26th to discuss the suggestions and the articles to be placed on the Special Town Meeting warrant. S. Suhoski said that he needed to attend another meeting that night, and could provide the Board with the warrant on October 3rd.

A. Ellison suggested changes to the Town’s website to make it more user friendly.

A. Ellison said that she had received an email from a resident who asked why he was billed for water that was not going back into the sewer system, since he was using water to fill his pool. S. Suhoski said that he had met with the Finance Director, DPW Director and Veolia Water North America to review the process of invoicing water and sewer, which is standard. He noted that the annual budget is funded through the rate, and the same customers are being charged the same amount to run the same system. He suggested that the Board set aside time during a work session to bring the residents in to discuss it. T. Creamer noted that the system that is being used is consistent with the bill process used throughout Massachusetts. He said that in communities that allow restriction meters, residents have to request it, and if approved, then pay an additional charge to have the meter installed at their home as well as the maintenance associated with it, and in the end it would be more expensive to add the meter. He said that

whatever water goes through the customer's system, the customer pays for that water, which is the fairest way. A. Ellison said that it is important to have an open discussion so that people can understand the process.

T. Creamer said that under state law, there must be an equal amount of party representation for poll workers. He had sent an email to the Republican Town Committee and Democratic Town Committee Chairmen, but they have not sent a list to him yet.

T. Creamer said that he was still getting complaints about sounds from the air handling units at Burgess School, and suggested that stockade fence be installed to muffle the sound. He said that there have also been complaints from residents of the Sturbridge Hills Condominiums about noise from the Wastewater Treatment Plant emanating from the air handling system. He said that Greg Morse, DPW Director, will look into ways to muffle the sound.

New Business

M. Blanchard said that the grass at the top of Farquhar Road has grown very tall, making it dangerous to pull out of the road. S. Suhoski said that he would find out who is responsible for cutting the grass. T. Creamer noted that the Town is responsible for the sidewalks on Route 20 and Route 131. He did not think that the state would be willing to cut the grass. He suggested that the Board add that area to its policy to have the DPW crew cut the grass. He noted that it is a safety hazard and it obscures the fire hydrant on Farquhar Road.

M. Dowling suggested moving "Ask the Selectmen" to 8:00 p.m. or at a time before the Board takes a break to make it more convenient for residents to phone in.

Ask the Selectmen/Citizens' Forum

M. Dowling received a call from a resident who was in favor of leaving "Ask the Selectmen" at the end of the meeting because people may have questions about topics discussed at the meeting. The caller suggested having it twice, at 8:30 p.m. and also at the end of the meeting.

M. Dowling said that Carol Childress called to report that the cable access channel is not working properly, because on Sunday night the Selectmen's meeting aired from 11:00 a.m. – 1:30 p.m., after which the channel went black. She noted that the same thing happened twice last week, that the meetings have not been running consistently throughout the day. S. Suhoski said that he had spoken with Bruce Butcher, Production Coordinator, and the Cable Advisory Committee. He noted that there is a new piece of equipment that has been introduced into the control room that has to do with graphics and there is an interface problem with it. He said that Bruce Butcher has been working with Valley Communications and Don Fairbrother of the Cable Advisory Committee to

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address the problem. He said that there may have been a power surge that affected the cycling of the programs.

It was the consensus of the Board to postpone executive session to the October 11th meeting.

MOTION: To adjourn, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date