

February 6, 2012

**BOARD OF SELECTMEN
MINUTES
FEBRUARY 6, 2012**

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

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

Appointments to Sturbridge Lakes Advisory Committee

S. Suhoski submitted to the Board a copy of Sturbridge General Bylaw Section 1.95 which outlines the purpose and composition of the SLAC. There were three vacancies on the committee. He said that it is not clear if this is a Board of Selectmen appointment or via the Town Administrator, but in either event, he recommended appointment of the following individuals to the SLAC for terms to expire in 2015.

<u>Name</u>	<u>Lake Association</u>
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Theresa Ricard, 53 Beach Ave.	Cedar Lake to replace Greg Abrams
Bob White, 18 Woodlawn Dr.	Walker Pond to replace Greg Hale
Bruce Gran, 136 Lake Rd.	Big Alum to replace Tammy Chase

MOTION: That the Board of Selectmen appoint the following members to the Sturbridge Lakes Advisory Committee for terms to expire in 2015:

<u>Name</u>	<u>Lake Association</u>
Theresa Ricard, 53 Beach Ave.	Cedar Lake
Bob White, 18 Woodlawn Dr.	Walker Pond
Bruce Gran, 136 Lake Rd.	Big Alum

By M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; A. Ellison absent.

Appointment to Senior Municipal Service Program

Bernice Brioso, of Crescent Way, has been qualified by the Assessor's office for participation in the SMSP and her services are requested by the Principal Assessor.

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MOTION: That the Board of Selectmen approve Bernice Brioso 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; A. Ellison absent.

Angeline Ellison arrived at 6:35 p.m.

Logging Permit – Fiske Hill Road

William VanDoren appeared before the Board. The legal ad was read into the record.

S. Suhoski had submitted to the Board the Forest Cutting Plan by William Van Doren for property owned by Mark and Linda Stedman of 66 Fiske Hill Road. The property is an approximately 50-acres woodland lot that was severely damaged from the June 1, 2011 tornado. The plan had received approval from the Commonwealth and, following a site visit, was supported by the Conservation Agent who stated that the “operation will provide a significant benefit downstream” as it will remove tree debris that is blocking flow in a perennial tributary of McKinstry Brook. The DPW Director’s memorandum indicated his assent to the hauling route and confirmation that a road maintenance bond was in place. S. Suhoski suggested that the Board inquire and then determine appropriate days and hours of operation.

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

2nd: P. Gimas

Vote: All in favor.

MOTION: That the Board of Selectmen approve the forest cutting plan of William Van Doren, filed on behalf of Mark T. and Lynda M. Stedman, 66 Fiske Hill Road, subject to operations being performed in accordance with such plan and within the following hours of operation: Monday through Friday: 7:00 a.m. until 7:00 p.m., and to coordinate with the bus schedule and that the Board retain the right to modify hours as needed; Saturdays: 8:00 a.m. until 12:00 noon; such permit shall expire November 15, 2013, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Tantasqua Regional School Committee – Annual Town Meeting Article

Three members of the Tantasqua Regional School Committee were present: Pat Barnicle, Bill Haggerty and Sue Waters. S. Suhoski submitted to the Board the

September 7 memorandum from Supt. Daniel Durgin requesting all member towns of the regional school district to place an article on the next occurring town meeting warrant to change the method of filling vacancies for elected positions from the respective boards of selectmen to a joint vote of the respective board of selectmen and the remaining regional school committee members of the relevant town. As stated in S. Suhoski's December 9, 2011 update, his only input to this discussion was that the current process – whether followed by all of the member towns or not – provide an “as equal” basis for filling vacancies in each of the member communities. For Sturbridge, the change as proposed would create a different balance in the appointing authority relative to the other communities based solely upon the number of school committee representatives versus the number of selectmen. He said that it may not be a persuasive distinction, but it is a clear distinction between Sturbridge and the other member towns.

M. Blanchard said that she would support the TRSC request “as is.” P. Gimás said that there should be an equal number of representatives and votes. M. Dowling presented alternative language. A. Ellison said that she wanted there to be equity. T. Creamer supported an equal number of representatives and votes.

Enrico's Brick Oven Pizzeria: Alteration of Premises Liquor License Hearing

Attorney Jeff Chasse and Ted Metaxas appeared before the Board. S. Suhoski submitted to the Board a copy of the application of Metat, LLC d/b/a Enrico's Brick Oven Pizzeria, 500 Main Street, for an expansion / alternation of their licensed premises. A larger print with the proposed floor plan was available in the Selectmen office for review. In short, the proposal would roughly double the size of the eatery and provide additional kitchen and seating locations. S. Suhoski noted that this marks yet another positive example of economic growth in the Commercial Tourist District.

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

2nd: P. Gimás

Vote: All in favor

MOTION: That the Board of Selectmen approve the alteration of premises as proposed by Metat LLC d/b/a Enrico's Brick Oven Pizzeria, 500 Main Street, Sturbridge, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

Club License Fees

S. Suhoski informed the Board that Judy Knowles was able to poll the 10-town comparisons and neighboring communities to determine whether they issue, and at what cost, so-called “club” licenses. He submitted the report to the Board. He

noted that his annotations reflected the 10 towns that did report a cost (average \$770). He said that if Sturbridge were to reduce its club license cost to \$750/year the net result would be a drop of \$500 in annual revenue; and if the Board feels as a policy matter that the club license fee should be reduced (American Legion and Hamilton Rod & Gun Club are the two in town), given the minimal impact on local revenue, and conformance with the average club fee in comparator and surrounding towns, he would have no objection from a fiscal standpoint.

The American Legion Commander read a statement to the Board. A lengthy discussion followed regarding club alcohol license fees, with substantive input from the Commander. It was the consensus of the Board to defer action, pending more information and legal opinion, to February 13, 2012.

Application for Class II Used Car Dealer's License: Syl's Auto Sales, Inc.

S. Suhoski submitted to the Board a copy of the application received January 18, 2012, from Gabriel Burny, President and Treasurer of Syl's Auto Sales, Inc., 109 Main Street, Sturbridge. The uses for this site were recently approved by the Zoning Board. Please also note an email opinion I had requested from the Town Planner as we seek to ensure that BOS-issued licenses conform with Planning Board site plan requirements. In this case, Mr. Burny was requested to bring a plan with him that identifies the number and nature of vehicles to be stored on the property. He indicated that he may need an additional week to put the plan together.

It was the consensus of the Board to defer action pending receipt of the site plan showing vehicle parking areas.

Application for Amendment Fuel Storage License – Omer Akisik d/b/a Bee Zee Gas, 149 Charlton Road, Sturbridge

S. Suhoski noted that it was not evident from the materials he had received that the applicant has completed all publication and notice requirements under MGL c. 148, §13. He emailed the applicant's agent to determine whether they have completed same.

S. Suhoski submitted to the Board a copy of the application to amend the fuel storage license under MGL c. 148 §13 issued to Omer Akisik, of 51 Rambling Road, Sudbury, MA. The subject property is Bee Zee Gas, 149 Charlton Road, which is located roughly across from the entrance to Hobbs Brook. He noted that these licenses run in favor of the land owner, not the business entity on the site. He said that this application will modify fuel storage by eliminating the two above-ground storage tanks located to the right of the building in favor of two 20,000 gallon doublewalled fiberglass underground storage tanks (USTs) to be located under the pavement to the right of the fuel islands. The project is part of a larger

renovation of the fuel facility which will soon participate in the Stop & Shop Supermarkets gasoline rewards program. The project includes many site and aesthetic improvements that were stipulated through the wetland and site plan review process by the Planning Board. A copy of the full-size site plan was available for review in the Selectmen's office. Fire Chief Leonard Senecal reviewed the application and endorsed same effective on January 19, 2012. Subject to proper notification and public comment, S. Suhoski recommended the granting of the amended license as part of the renovation to the entire fuel facility.

It was the consensus of the Board to defer action on the fuel storage license application associated with renovation of Bee Zee Gas in conjunction with Stop & Shop Supermarket, pending proper legal and abutter notification, until February 21, 2012.

Merit Performance Pay Program / Town Administrator Merit Pay Request

S. Suhoski said that the merit pay program for department heads was completed in December 2011 and copies of the evaluations and merit pay schedule were provided to the Board. Department heads are eligible for merit pay of up to two (2%) percent of their annual wage. Given the heavy workload for all over calendar year 2011, all department heads received between 1.8 and 2.0 percent in merit pay. The Board of Selectmen completed the Town Administrator's review on January 9 with nine (9) "acceptable" ratings and two (2) "good" ratings. The review illustrated a range of opinion among the members of the Board. As part of that exercise, S. Suhoski had also submitted a self-evaluation. He said that based upon the evaluation, the heavy volume of work over calendar year 2011, and the funding, cost savings and cost avoidance examples totaling over \$47,000 as illustrated in his memorandum, he requested a 1.5 percent merit payment or \$1,606, which amounts to the lowest department head merit pay by percent, and the fourth-highest pay by actual dollar amount (Police Chief, DPW Director and Finance Director).

RE: Merit Pay Considerations

S. Suhoski requested that the Board grant him a calendar year 2011 merit payment in the amount of 1.5 percent of his annual salary. In addition to the Board's January 9 evaluation which included nine (9) "acceptable" and two (2) "good" ratings, and the heavy workload of 2011, he offered the following funding, savings and cost-avoidance activities estimated from \$47,300 to over \$55,000 for the Board's consideration.

Advocated and received approval to retain \$24,837.47 in state grant funds that were scheduled for close-out. These funds were utilized to complete full-width resurfacing of Picker Road (Technology Park), together with new guard rails, protective bollards for fire hydrants and line striping. These funds were scheduled for return to the Commonwealth after the June 30, 2011 closure of the

MORE Jobs grant, but through advocacy and initiative on S. Suhoski's part, were authorized in a contract extension brought to the Board in September 2011.

Initiated with outside vendor a comprehensive townwide review of all telephone, long-distance and cellular costs and contracts with projected FY13 savings (budget line reduction) of \$7,500 to \$13,500. These savings are still projected even after adding six telephone lines required for elevator, fire and burglar alarm systems in the Town Hall and Center Office Building. This project has brought all telephone costs within the Commonwealth of Massachusetts contract pricing and swapped out certain Plain Old Telephone Service (POTS) lines in favor of more-affordable Centrex pricing.

Initiated request and meeting with regional school administration to share Information Technology services at an approximately 30 percent savings or estimated FY13 budget impact of \$3,000-\$5,000. Following discussion in fall of 2011 initiated change-over in January 2012 to also include economies of scale and redundancy in replacement parts via school department's purchase power.

Through effective communication and negotiation, reduced customary 3 percent annual cost-of-living allowance (COLA) for non-union employees and collective bargaining units to more closely align with general economic conditions resulting in cost-avoidance of over \$10,000 in FY11-FY12. This is a recurrent and compounding cost avoidance as the wages were not paid and therefore are not added to the "base" wage in future years.

Worked in conjunction with Town Planner to ensure progress on various energy audits and assessments of municipally-owned buildings with an estimated \$2,251 in first-year savings. The estimated five-year savings is \$11,257, and, equally important, the building occupants all report that the new lighting is working and sufficiently brighter or brighter than the older fixtures (DPW garage, WWTP/WTF, nursery school and dance studio).

Outside Funding: \$24,800

Internal Savings: \$10,500-\$18,500

Cost Avoidance FY11-12: \$12,000 +

MOTION: That the Board of Selectmen approve a merit payment for calendar year 2011 to the Town Administrator in the amount of 1.0 percent of the annual salary, by M. Dowling.

2nd: P. Gimas

Vote: Four in favor; M. Blanchard opposed.

Bond Rating Review

On February 2, S. Suhoski collaborated with the Finance Director and Principal Assessor to outline the Town's strong fiscal health, management controls and economic development and job creation status to the bond rating analyst from

Standard & Poors. S. Suhoski said that notwithstanding the languishing economy, a strong case was presented for Sturbridge to maintain a stable AA rating for the next bond issue. Once the bond rating is issued, the Town's debt will be put out to bid in order to achieve the most favorable interest rates. Based upon discussion with the Finance Director, S. Suhoski was confident that a package of borrowing and re-funding of older debt will be put before the Board with very substantial interest savings over the term of the issuance. He requested that the Board execute those documents at the next meeting.

Miscellaneous Items

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

□□**FY13 Budget:** Based upon the Governor's budget numbers and an initial pass over the departments requests I anticipate putting forward a balanced budget proposal in the coming weeks. The Finance Director and I have committed to having the budget books distributed to the Board of Selectmen and Finance Committee by February 17 to allow more than a full week of review prior to the February 25 Budget Meeting.

□□**Walker Road Improvements:** CME is near completion of an initial plan, profile and cross-sections and expects to share preliminary drawings with Town staff by the end of February. After any further revisions required by Town officials, the draft plans will be shared with the Board of Selectmen and the DPW Director and I will seek a follow-up meeting with the residents of the road.

□□**Walker Pond Drainage:** DPW Director has made contact with Tighe & Bond with respect to proper pipe sizing for an existing, failed culvert that requires replacement at the corner of Falls Road and Wells Park Road. I am advised that this information will be forthcoming by the end of February.

□□**Route 15 Wastewater/Water:** Construction and design cost estimates for various water service options along Route 15 are near completion by Tighe & Bond. A summary report will be distributed to the Board of Selectmen by February 10 for review. Dave Prickett will make himself available to attend a future BOS meeting to discuss the report when scheduled by the Board.

□□**Mountain Brook Private Road Association:** Met with members of the MBPRA, DPW Director, Conservation Agent and association's consulting engineer on site to discuss priority drainage and roadway concerns. Staff provided feedback to engineer's proposals and agreed to meet in-office when reduced to conceptual plans.

□□**Riverlands Environmental Monitoring:** Progress continues with the environmental monitoring. Tighe & Bond reports that they completed the

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monitoring well installation and that drilling in the drum dump area is scheduled this week when they will collect soil samples and install three monitoring wells. I expect to have data and next steps to report by the end of the month.

☐☐ **AAB Variance Update:** The Contractor and I met on site last week when they took field measurements to commence fabrication. I am hopeful that installation will occur within the next three weeks to close-out this item.

☐☐ **Solar Power RFQ:** As you know, the Energy Advisory Committee has requested to be placed on your February 13 meeting agenda to make their presentation. BlueWave Capital, LLC is the recommended vendor. Also, the EAC committed to initiate a review of municipally operated electric utilities but will need additional time to complete research and recommendation.

☐☐ **Other Meetings / Miscellaneous:** Met with EDAC and Town Planner; participated in Land Use Division meeting; attended Friday session of MMA annual conference and attended seminar on employee relations to obtain MIIA credits; met with DPW Director and BOH Agent to discuss leachate costs and remedies; attended demo of GIS vendor; met with Class II licensee re: parking plans; attended portion of STA meeting to advocate for funds to keep visitor center open.

American Legion – Club Liquor License

Tim Brenner and Ron Komar appeared before the Board to discuss the American Legion's Club Liquor License fee. T. Creamer informed them that the Board had discussed it previously, and the Board had deferred action pending receipt of the site plan showing vehicle parking areas.

Correspondence

M. Blanchard read the correspondence list into the record. The Board discussed the Board of Health letter regarding the Sturbridge Landfill.

Ask the Selectmen/Citizens' Forum

P. Gimás reported that there were no calls.

Carol Childress and Barbara Search appeared before the Board. C. Childress said that they represented the residents who want to place a petition on the ballot for the April 9, 2012 Town Election. She said that the question will ask voters if they wish to revoke the Community Preservation Act. They requested that the Board of Selectmen authorize S. Suhoski to ask Town Counsel if the question has been properly written and will stand up to scrutiny.

T. Creamer said that traditionally residents are encouraged to send items to go on the Town Meeting Warrant to the Town Moderator for review, and there is no cost associated with that. He noted that this request was different, as the use of Town Counsel would be funded by the taxpayers for an individual resident's ballot question. He asked about the role of the Town Clerk as it relates to elections. He said that if citizens have a request to put something on a ballot at the polls, perhaps the Town Clerk should review it, as a paid elected employee of Sturbridge, as Town Counsel review for individual citizen ballot initiatives would require approval of the Legislative Branch.

C. Childress said that she had asked Lorraine Murawski, Town Clerk, about it and she had said that Town Counsel reviews and writes all of the warrant articles and ballot questions.

C. Childress said that she could not find template language to revoke the CPA.

A. Ellison asked about past practice relative to a citizen petition. M. Dowling said that residents are encouraged to take petitions to the Town Moderator to make sure that they have been drafted appropriately. T. Creamer noted that the difference in this case is that it is a ballot question, which is beyond the scope of the Moderator's work at town meetings. M. Blanchard said that Town Counsel is not there for the use of individual citizens; Town Counsel is there for the Board of Selectmen and Town Administrator to seek advice and counsel. S. Suhoski said that was correct, and Town Counsel is developing ballot questions regarding the Town Charter.

C. Childress said that when the Community Preservation Act was brought in, the statute stated that after a five year period the CPA could be revoked. She said that it must be taken out the same way it was brought in, by petition and by a ballot referendum at a town election. She noted that the purpose of the petition is to bring it before the voters so that the voters can decide on whether or not to keep the CPA.

T. Creamer said that any time a citizen petition is brought before the Board of Selectmen, the majority of the Board has gone out of its way to ensure that it was vetted by the Town Moderator, or in those cases where there was no time because the time expired, the majority of the Board has adopted a couple of citizen petitions as its own, just to ensure that it could get on the warrant. He noted that the difference with the ballot question is, if this has not originated as a policy by the Board as elected officials in the Town and it comes from a citizen petition, then the Board has to allow Town Counsel to be utilized by any resident who wants to bring a ballot question forward. He said that he had reservations about whether or not it was right to use Town Counsel for ballot questions that did not originate from the Board of Selectmen as policy makers. He said that it could set a precedent.

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M. Dowling said that she did not see how a group of private residents can require the Board to have Town Counsel draft language for a private ballot question like that. C. Childress said that if she went to the Secretary of State and had a lawyer draft the language, that should stand up to scrutiny and should be fine. M. Dowling said that the Board should be careful about giving advice. S. Suhoski said that he could contact Town Counsel for an opinion on the process.

Approval of Minutes

MOTION: To accept the minutes of July 11, 2011 as amended, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

MOTION: To accept the minutes of July 18, 2011 as amended, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling abstained.

MOTION: To accept the minutes of July 25, 2011 as amended, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

MOTION: To accept the minutes of November 21, 2011 as amended, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

MOTION: To accept the executive session minutes of November 21, 2011 as amended, to remain confidential, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; A. Ellison abstained.

MOTION: To adjourn, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date