

April 23, 2012

**BOARD OF SELECTMEN
MINUTES
APRIL 23, 2012**

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

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

Fire Chief Leonard Senecal: Additional Budget Information

S. Suhoski submitted to the Board two memoranda from the Fire Chief responding to requests for information by Selectman Redetzke at the last meeting. The documentation provided confirms the warranties on the newer ambulance and also itemizes all of the equipment and modifications to the proposed Fire Chief's cruiser as approved by the Capital Planning Committee. Chief Senecal was present to answer questions from the Board.

Craig Moran spoke to the Board regarding the importance of a reliable vehicle for the Fire Chief.

MOTION: To open the Annual Town Meeting warrant for June 4, 2012, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

MOTION: To reconsider the vote taken on April 17, 2012 regarding the Capital Plan Article #14, by T. Creamer.

2nd: M. Blanchard

Vote: All in favor.

MOTION: That the Board vote to support Article #14, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; P. Gimas opposed.

MOTION: To close the Annual Town Meeting warrant for June 4, 2012, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Mimeault Dock Permit

S. Suhoski provided the Board with a copy of Peter Mimeault's dock application.

T. Creamer re-stated for the public record his previous position that all Dock Permits before him as an individual member of the Board will need to be in full compliance with the Town's regulations, and that ownership of waterfront property does not come with an inherent right to a dock if geography, hydrology, or topography present obstacles; otherwise, the Town would be required to mitigate these issues, and that is not an obligation or responsibility of the Town.

MOTION: That the Board of Selectmen, as Harbormaster, approve a dock permit for Peter Mimeault as presented, by M. Blanchard.
2nd: P. Gimas
Vote: Four in favor; M. Redetzke abstained.

Town Administrator Goals Discussion

A further revision of the proposed 2012 workplan was submitted to the Board as a separate document. Based upon the further discussion with the Board, S. Suhoski attempted to break-out duties inherent to the Town Administrator within the Charter versus specific goals and objectives for calendar year 2012 only. He noted that it is this section that would benefit from additional suggestions from the membership so that the goals can be finalized in the near future.

There was a lengthy discussion regarding the Town Administrator's goals. The members of the Board will send their list of goals to T. Creamer to compile.

Conservation Commission / Private Roads Discussion

The Chairman had distributed correspondence and a manual recently to the membership. The amount of staff time and effort spent on private road issues in the past year has been very burdensome. The discussion was postponed to April 30, 2012.

Department Head Reports

Based upon several discussions with the Board, S. Suhoski offered the following revised proposal for recurrent department reports. The suggestion of splitting the reports so that a few departments report each month was included, and should help to keep the meetings more timely and efficient. It was suggested that these reports be scheduled for the second meeting of the applicable month.

<u>Month / Year</u>	<u>Departments</u>	<u>Month / Year</u>	<u>Departments</u>
May 2012	Police Fire Building	November 2012	Police Fire Building

June 2012	DPW Water/Sewer Recreation	December 2012	Water/Sewer DPW Recreation
July 2012	Building Police Fire	January 2013	Building Police Fire
Month / Year	Departments	Month / Year	Departments
August 2012	Water/Sewer DPW Conservation	February 2013	DPW Water/Sewer Town Planner
September 2012	Fire Building Police	March 2013	Fire Building Police
October 2012	DPW Water/Sewer COA	April 2013	Water/Sewer DPW COA

The Town Planner and Finance Director were not included, as they typically appear before the Board several times per year on an as-needed basis.

MOTION: That the Board of Selectmen adopt the above schedule for department head reports as revised, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Annual and Special Town Meeting Warrants

S. Suhoski submitted to the Board the Annual Town Meeting warrant as closed by the Board with all revisions through April 17, and the Special Town Meeting as closed on April 10, in the event that the Board had any final recommendations to offer prior to posting and printing of the Finance Committee report.

BOS Vote of Intent to Lay Out Public Ways

Further to recommendation by the Planning Board, Town Planner and DPW Director, the Board elected to include three articles for acceptance of five new Town ways on the ATM warrant, namely:

- Regep Lane (Article 27 ATM)
- Hunter Lane (Article 28 ATM)
- Evergreen Lane (Article 28 ATM)
- Highlands Lane (Article 29 ATM)

- Meadow View Lane (Article 29 ATM)

The next step was for the Board to formally vote its “intent” to lay out these ways. After the votes of intent, S. Suhoski will forward to the Planning Board the Board’s action and request their report. The Board will need to schedule the required public hearing at the first or second meeting in May to ensure compliance with statutory requirements and timelines.

Regep Lane

MOTION: That the Board of Selectmen vote its intention to lay out Regep Lane as a town way, as shown on the layout plan of land entitled “As-Built Road Layout, The Spaho Corporation (Owner), Regep Lane, Sturbridge, Massachusetts,” bearing a latest revision date of February 17, 2012, prepared by Jalbert Engineering, Inc., and that the Board of Selectmen forward the layout petition and plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§ 81G and 81I, by P. Gimas.

2nd: M. Redetzke

Vote: Four in favor; M. Blanchard abstained (as she is an abutter).

Hunter Lane

MOTION: That the Board of Selectmen vote its intention to lay out Hunter Lane as a town way, as shown on the layout plan of land entitled “The Sanctuary”, prepared by Thompson Liston Associates Inc., dated June 13, 2002, bearing a latest revision of September 3, 2002, and recorded with the Worcester District Registry of Deeds, Plan Book 789, Plan 63, and on a plan of land entitled “Acceptance Plan of Evergreen Lane and Hunter Lane in Sturbridge, Massachusetts, Prepared for Sanctuary Homes, LLC,” prepared by Thompson-Liston Associates, Inc., dated March 16, 2012, and that the Board of Selectmen forward the layout petition and plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§ 81G and 81I, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Evergreen Lane

MOTION: That the Board of Selectmen vote its intention to lay out Evergreen Lane as a town way, as shown on the layout plan of land entitled “The Sanctuary”, prepared by Thompson Liston Associates Inc., dated June 13, 2002, bearing a latest revision of September 3, 2002, and recorded with the Worcester District Registry of Deeds, Plan

Book 789, Plan 63, and on a plan of land entitled "Acceptance Plan of Evergreen Lane and Hunter Lane in Sturbridge, Massachusetts, Prepared for Sanctuary Homes, LLC," prepared by Thompson-Liston Associates, Inc., dated March 16, 2012, and that the Board of Selectmen forward the layout petition and plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§ 81G and 81I, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Highland Lane

MOTION: That the Board of Selectmen vote its intention to lay out Highland Lane as a town way, as shown on the layout plan of land plan of land entitled "The Highlands", prepared by Thompson Liston Associates Inc., dated August 16, 2002, bearing a latest revision of January 2, 2003, and recorded with the Worcester District Registry of Deeds, Plan Book 808, Plan 29, and on a plan of land entitled "Acceptance Plan of Highland Lane and Meadow View Lane in Sturbridge, Massachusetts, Prepared for Sanctuary Homes, LLC," prepared by Thompson-Liston Associates, Inc., dated March 16, 2012, and that the Board of Selectmen forward the layout petition and plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§ 81G and 81I, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Meadow View Lane

MOTION: That the Board of Selectmen vote its intention to lay out Meadow View Lane as a town way, as shown on the layout plan of land plan of land entitled "The Highlands", prepared by Thompson Liston Associates Inc., dated August 16, 2002, bearing a latest revision of January 2, 2003, and recorded with the Worcester District Registry of Deeds, Plan Book 808, Plan 29, and on a plan of land entitled "Acceptance Plan of Highland Lane and Meadow View Lane in Sturbridge, Massachusetts, Prepared for Sanctuary Homes, LLC," prepared by Thompson-Liston Associates, Inc., dated March 16, 2012, and that the Board of Selectmen forward the layout petition and plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§ 81G and 81I, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Miscellaneous Items

Following were items listed in the Town Administrator's report, some of which were publicly discussed:

- **Town Hall / Center Office Building Project:** The TH/COB Building Committee met last week to discuss the few open items remaining on the project including cracks in drywall in a couple of offices and, most notably, the inferior HVAC installation by the original filed sub-contractor. Currently, CAM HVAC has been working the past two weeks to repair all deficient workmanship. CAM has repaired a glycol leak in the system, rebuilt two pumps, re-oriented pumps as per manufacturer's installation instruction, resolved the back-feeding of individual heating units due to improper piping and several other maintenance issues. The cost of these necessary repairs may exceed the \$15,000 total retainage in the project budget. It is likely that, unless the division of costs is successfully negotiated with Forish Construction (the general contractor), the allocation of costs for the faulty HVAC installation may require litigation. On a positive note, it appears that the system was fully repaired and functioning. The change-over to cooling mode will occur on either May 1 or May 15 (the staff are being polled as to their preference) and at that time any remaining debugging of the cooling system will be completed. S. Suhoski will provide a financial reporting to the Board at the first meeting in May.

- **WWTP Noise Concerns:** A site visit to review the noise mitigation was conducted both at the WWTP and at Sturbridge Hills along with members of the board of directors and three additional residents. Project engineer Ian Catlow reviewed the mitigation and the group toured the plant. The parties agreed that the sound mitigation was successful. A single sound complaint received on Monday is believed to have occurred due to the very warm temperatures and several doors being opened in the building. The HVAC systems are being finalized and when complete will eliminate the need to open any doors. All parties appeared satisfied with the results.

- **Solar Power Project Status:** The solar negotiating committee has been meeting almost weekly to further vet the solar proposal for the landfill and to review any and all other available options to consider to develop a long-term, beneficial rate to obtain municipal power from this renewable resource. A productive meeting was held on Wednesday with BlueWave Capital and additional public and private sites will be reviewed for the most beneficial outcome. S. Suhoski anticipates that the Energy Advisory Committee may come before the Board of Selectmen with some options in June.

- **Mountain Brook Private Road Association:** (no change) Additional information relative to the method of enacting a betterment project was forwarded to your Board and S. Suhoski also shared this information with the road association so they may determine their next steps.

- **Riverlands Environmental:** (no change – in process) As reported previously, the groundwater sampling was recently conducted with a report and recommendation

expected by the first week in May. It is hoped that large portions of the site will be deemed “clear” and that any mitigation will be focused to specific areas.

- **Insurance Advisory Committee:** Conducted initial discussion with collective bargaining representatives, non-union personnel, retiree representatives concerning the status of the Town’s insurance plan offerings and potential modifications. Plan is to have follow-up meeting on Monday, April 23, and to negotiate to a written MOA for plan design changes to be effective in FY14.

- **Walker Road Improvements:** CME and the DPW Director field-walked and staked Walker Road to review potential impacts of a 21-foot wide ROW versus an 18-foot ROW. The draft plans will be shared with residents in the near future before bringing the matter back before the Board.

- **Walker Pond Drainage:** Dave Prickett of Tighe & Bond submitted a revised technical memorandum which was hard copied to the Board’s mailboxes. S. Suhoski had not yet had the opportunity to review the document and discuss with the DPW Director. However, he requested the availability of Mr. Prickett in May to discuss recommendations with the Board.

- **Route 15 Wastewater/Water:** (no change) The report was emailed to the Board last week. Tighe & Bond can undertake additional work seeking USDA or other grants at a separate cost.

- **Other Meetings / Miscellaneous:** S. Suhoski met with Assessor and Finance Director re: budget items; met with BOH Chair re: private road issue; telephone conference with Town Counsel re: solar power agreement principles; met with citizen offering a gift of land; met with defense attorneys and assistant district attorney re: trespassing / vandalism at water tank; attended Town Hall / COB Building Committee meeting same night as portion of Burgess School Building Committee; met with Tree Warden and Honor Roll committee volunteers regarding relocation of trees on Town Hall lawn.

Correspondence

M. Blanchard read the correspondence list into the record.

Approval of Minutes

MOTION: To approve the minutes of August 8, 2011 as amended, by M. Blanchard.

2nd: P. Gimás

Vote: Three in favor; M. Redetzke and M. Dowling abstained.

MOTION: To approve the minutes of September 6, 2011 as amended, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Redetzke abstained.

MOTION: To approve the minutes of September 12, 2011 as amended, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Redetzke abstained.

Old Business

M. Blanchard requested information from DPW on sidewalk repairs.

M. Blanchard asked S. Suhoski whether he had spoken with Trish McCleary regarding the banner for Lyme Disease Awareness Month. S. Suhoski stated that he had not spoken with her, but that the Chamber of Commerce did agree to place the banner at the Visitor's Center, and that he would follow-up.

T. Creamer asked about the status of the "Blackboard Connect" program. S. Suhoski advised that the Town was assigned a dedicated product representative and that staff would need to first fill databases for the program before unrolled to the public.

T. Creamer requested an update on the status of the abandoned motor vehicle hearings. S. Suhoski advised that the hearings resumed in January, and that there were at least two rounds of hearings. He said that a written report would be forthcoming, and advised the Board that the process includes several advance written notices, a hearing notice, the hearing itself, a period for redemption and then a notice prior to destruction, and that for every car the process could take three to six months. He said that the report from the Finance Director and Chief of Police should be informative.

T. Creamer reminded the Board that it had voted by majority to proceed with forming a Government Services Study Committee, not to duplicate the Town Administrator's role, but to support same. T. Creamer will further advance this at an upcoming meeting.

P. Gimas asked S. Suhoski when the DPW was planning to de-commission the old drainage pipe along Farquhar Road that was abandoned last fall. S. Suhoski noted that the DPW Director had indicated that this work would occur in "the spring" but that it wasn't yet scheduled. S. Suhoski will inquire of Greg Morse and advise.

M. Redetzke asked about the status of discussions with neighboring towns relative to the Charter contract and the concerns raised by Mary Afable. T. Creamer responded that he reached out twice to neighboring boards of selectmen with no response to date.

M. Redetzke raised the potential of BOS “meet and greet” programs at various locations through town. There was discussion about whether to have posted, open meetings or to schedule so as to ensure no quorum present. M. Redetzke said that she would bring back dates for further discussion at an upcoming meeting.

New Business

M. Blanchard reported that she had attended the flag raising for the “Donate Life” month along with the Town Administrator and that she and S. Suhoski had also participated in the Council on Aging luncheon to recognize 35 years of the Meals on Wheels program.

Ask the Selectmen/Citizens’ Forum

Don Miller inquired of the Board’s plans to inform residents of the Town Meeting. The Board membership and Town Administrator listed off various avenues including the Web site, local media, local access TV, signage, the electronic sign board, and potentially Blackboard Connect. M. Dowling noted that it is ultimately up to voters to attend.

D. Miller advised that he hoped that the Pre-Town Meeting meeting show will still occur, but that it could use a new name, and requested that the “Town Meeting and You” program be re-played on local access. S. Suhoski will so advise the production coordinator.

D. Miller inquired about the Board of Selectmen’s budget and if there was a copy available online. S. Suhoski stated that the budget documents, once finalized by the Town Administrator, Board of Selectmen and Finance Committee, will all be placed online, but that the Board of Selectmen-only document can be emailed to Don Miller. D. Miller asked about the five-year tax rate projection figures in the preliminary budget documents. S. Suhoski responded that he does not utilize those tables, and they are there for illustrative purposes, apparently as a past practice of the Town. S. Suhoski pointed out that multi-year revenue or expense projections cannot predict changes to the economy or state aid, as was just evident in the past budget cycle.

D. Miller asked about the tornado after-action report and whether it was written. S. Suhoski advised that the public safety officials held a very thorough and candid debriefing after the event, but that a written report had not yet been developed.

MOTION: To convene in executive session under MGL Chapter 30A, §21, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation; not to reconvene in open session, by M. Blanchard.

2nd: P. Gimás

April 23, 2012

Roll call vote: M. Blanchard in favor; P. Gimás in favor; M. Redetzke in favor; T. Creamer in favor; M. Dowling in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date