

February 13, 2012

**BOARD OF SELECTMEN  
MINUTES  
FEBRUARY 13, 2012**

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

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

T. Creamer made an announcement about a presentation by local artist Alberto Mercado: "Impressions of New England."

**Open Space Committee**

Elissa Gelfand, Carol Goodwin, Lynne Sarty and Pat McGarrah of the Open Space Committee appeared before the Board. They delivered a copy of the Open Space and Recreation Plan and outlined the key concepts and priorities. E. Gelfand reviewed §8, p. 153 Goals and Objectives #1-#7 and §9 p. 157 Action Plan. L. Sarty commented on the importance of open space and trails to tourism. P. McGarrah thanked Jean Bubon, Town Planner, for her help with the map. P. McGarrah spoke to the amount of town-owned property, and money for stewardship. C. Goodwin noted the importance of CPA to the goals and objectives of the Open Space Plan. She said that Sturbridge ranked 31 of 148 CPA towns. She thanked Jean Bubon, Diane Trapasso, Erin Jacque, Bill Mitchell and Pat McGarrah for their contributions.

**Patti's Place Live Entertainment License**

S. Suhoski submitted to the Board a copy of the application for a live entertainment license for IDIA LLC d/b/a Patti's Place, a family play area and learning center proposed for the Millyard at 559 Main Street by Patricia Affenito. P. Affenito outlined her business plan for the Board. She said that the proposed live entertainment is envisioned as acoustic music, live learning presentations, magicians, etc.

**MOTION: That the Board of Selectmen approve a live entertainment license to IDIA LLC d/b/a Patti's Place, 559 Main St., Units 103 and 104, in Fiskdale as described in application dated February 3, 2012, by M. Blanchard.**  
**2<sup>nd</sup>: P. Gimas**  
**Vote: All in favor.**

**Energy Advisory Committee: Recommended Partner for Negotiation of Solar Power Purchase Agreement**

John Schneider, Ken Elkinson and Kerry Fuqua appeared before the Board. S. Suhoski noted that the members of the EAC worked at length and with great diligence from October through January to vet seven responses to the RFQ issued by the Town in August. The EAC recommended that the Board authorize commencement of negotiations with BlueWave Capital, LLC (John P. DeVillars, Managing Partner) and to bring a proposed solar power purchase agreement back to the Board for consideration.

**MOTION: That the Board of Selectmen authorize the Energy Advisory Committee, Board of Selectmen designee Priscilla Gimas and the Town Administrator to open negotiations with BlueWave Capital, LLC to develop a solar facility or facilities at the municipal landfill, off Breakneck Road, and other potential sites, for future review and consideration by the Board of Selectmen, by M. Blanchard.**

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

**Vote: All in favor.**

**New Club Liquor License Classification and Fee**

As discussed at the last meeting of the Board of Selectmen, the survey of comparator and regional towns indicates an average fee of \$770 for “club” licenses. Further to the particular discussion, S. Suhoski inquired of Town Counsel the parameters by which a veterans’ service organization could be made a specific class. The answer is yes; however, the sale of liquor is limited to members, and, also to their guests if allowed by the local licensing authority.

Counsel advises that MGL c. 138, §13 allows issuance of an all alcoholic beverages license to *“any corporation the members of which are war veterans and which owns, hires or leases in such city or town a building, or space in a building, for the use and accommodation of a post of any war veterans’ organization incorporated by the Congress of the United States.”*

S. Suhoski confirmed that the Champeau-Vilandre Post 109 (American Legion) is formally designated as a veterans’ service organization under Internal Revenue Code Section 501(c)(19). See following guidance excerpt from [www.irs.gov](http://www.irs.gov):

**501(c)(19) - Veterans' Organizations** A post or organization of past or present members of the Armed Forces of the United States must file Form 1024 to apply for recognition of exemption from federal income tax. You should follow the general procedures outlined in chapter 1. The organization must also meet the qualifications described in this section. **Examples of groups that qualify for exemption are posts or auxiliaries of the American Legion, Veterans of Foreign Wars, and similar organizations** (*emphasis added*).

Accordingly, based upon the discussion at last week's meeting, the information received from Town Counsel and S. Suhoski's review of the tax-status of the American Legion Post 129, he recommended that the Board of Selectmen establish a new category of licenses for "Veterans' Organizations" and establish a uniform fee for any such organization that qualifies under IRC Section 501(c)(19).

S. Suhoski said that the impact of the fee is negligible in terms of the Town's finances and operations, and as such, the amount of the license fee is a simple policy decision for the Board if they elect to create this class of license. He offered a motion and recommended fees for the Board's consideration. He noted that this vote would establish a new class of club licenses that would be available for any qualified veterans' organization, not just the American Legion.

**Excerpt from MGL c. 138, §13:** The local licensing authorities of any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, may, subject to the approval of the commission and irrespective of any limitation of number of licenses contained in section seventeen, issue a license to any corporation the members of which are war veterans and which owns, hires or leases in such city or town a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell such beverages to the members of such post only, and also, subject to regulations made by the local licensing authorities, to guests introduced by such members and to no others.

The Board noted that if the fees were eliminated, the clubs could only serve "members only." Discussion then focused on reducing the club fee.

**MOTION: That the Board reduce the Club All Alcohol Liquor License fee to \$450 and \$350 for Club Wine & Malt, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

### **Army Corps of Engineers Partnership Grant**

Tom Chamberland outlined the key components of the challenge partnership agreement. Essentially, the Town and Army Corps of Engineers are partnering to complete the upgraded trail off Holland Road to connect through to the East Brimfield Dam area. The local match is some DPW force labor and installation of pipe that has been agreed to by Greg Morse. The Corps is completing clearing of the trail's route as part of its match.

**MOTION: That the Board of Selectmen authorize the Town Administrator to execute the challenge partnership agreement with the Army Corps of Engineers as presented on February 13, 2012, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

### **Preliminary Discussion: Town Administrator's Goals**

To aid in this endeavor, S. Suhoski submitted to the Board a DRAFT "Calendar Year 2012 Workplan" for the Board's review. A concise statement of the *joint priorities* of the Board of Selectmen and Town Administrator lends substantial weight towards ensuring subordinate participation and ultimate achievement. There were 15 areas of focus in five categories:

- **Budget Procedures and Participation**
- **Personnel Policies, Wages and Benefits**
- **Community Economic Development**
- **Board of Selectmen Policy Guidance**
- **Special Community Projects**

The Board reviewed and discussed the preliminary Workplan and Goals for the Town Administrator.

### **2012 Bond Issue**

As noted in last week's report, 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 also prepared and submitted a further five-page supplemental statement advocating the Town's position.

**On February 6, Standard & Poor's affirmed the Town's AA bond rating and improved the outlook from "stable" to "positive."** This is a favorable third-party update that verifies the Town's management policies and improving economic trends. S. Suhoski submitted to the Board a memorandum dated February 10, 2012 from the Finance Director outlining the very favorable impact of this rating on the bid for the Town's \$10.8 million general obligation bond issue by Raymond James & Associates, Inc. The total interest cost is 2.3379 percent over the 20-year term of borrowing. Barbara Barry, Finance Director, also directed the Town's bond counsel to seek re-funding (refinancing) of other USDA sewer debt that will result in total savings of \$1,209,614 while reducing the term of borrowing.

S. Suhoski thanked Barbara Barry for coordinating this effort, and Bill Mitchell and Jean Bubon for providing necessary research for the bond rating call and supplemental statement.

**MOTION: I, the Clerk of the Board of Selectmen of the Town of Sturbridge, Massachusetts (the "Town") certify that at a meeting of the Board held on February 13, 2012, of which meeting all members of the Board were duly notified**

and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the Board in my custody:

**Voted:** That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town's (i) \$1,087,000 General Obligation Bonds dated October 29, 2003 maturing in the years 2013 through 2042 (inclusive), (ii) \$202,978 General Obligation Bonds dated October 29, 2003 in the years 2013 through 2042 (inclusive), (iii) \$1,034,440 General Obligation Bonds dated November 3, 2004 in the years 2012 through 2034 (inclusive) and (iv) \$867,000 General Obligation Bonds dated March 3, 2008 in the years 2013 through 2038 (inclusive), which were originally issued to the U.S. Department of Agricultural Rural Development Administration (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

**Further Voted:** That the sale of the \$10,801,000 General Obligation Municipal Purpose Loan of 2012 Bonds of the Town dated February 15, 2012 (the "Bonds") to Raymond James & Associates, Inc. at the price of \$11,199,682.91 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on November 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2012	\$601,000	2.00%	2022	\$575,000	3.00%
2013	595,000	2.00	2023	575,000	2.25
2014	595,000	2.00	2024	575,000	2.50
2015	590,000	2.00	2025	575,000	3.00
2016	585,000	2.50	2026	455,000	3.00
2017	585,000	2.50	2027	455,000	3.00
2018	585,000	2.00	2028	455,000	3.00
2018	585,000	3.00	2029	415,000	3.00
2020	585,000	3.00	2030	415,000	3.00
2021	585,000	3.00	2031	415,000	3.00

**Further Voted:** That in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated January 31, 2012, and a final Official Statement dated February 8, 2012 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: That the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: That the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: That we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: That each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c. 30A, §§18-25 as amended, by M. Blanchard.

2<sup>nd</sup>: P. Gimás

Vote: All in favor.

### **Storm Related Vegetative Debris Removal Bid Award**

Based upon the project worksheets and recommendation of FEMA received on December 12, I ultimately determined that a "lump sum" bid process was the best method of achieving closures. Based upon the bids received, ***this method will result in cost savings of \$150,000 to \$200,000 total (or, \$37,500 to \$50,000 local share).***

Following is the canvas of bids received on February 9 for removal of all vegetative debris at the Route 20 boat ramp and Route 15 staging areas:

<b><u>Company Name / Address</u></b>	<b><u>Bid Price Site #1: Rt. 20</u></b>	<b><u>Bid Price Site #2, Rt. 15</u></b>
--------------------------------------	---	---

Leone's Landscaping & Const. 29 Grove Street Shrewsbury, MA 01545	\$53,595.00	\$65,422.00
---	-------------	-------------

<b>Mayer Tree Service P.O. Box 517 9 Scot's Way Essex, MA 01929</b>	<b>\$13,492.00</b>	<b>\$16,492.00</b>
---	--------------------	--------------------

R.J. Cobb Land Clearing Inc. 174 Maple Street Bellingham, MA 02019	\$22,000.00	\$26,500.00
--	-------------	-------------

J.B. Sawmill & Land Clearing Inc. 51 Fisher Street Westborough, MA 01581	\$28,877.50	\$35,293.50
--	-------------	-------------

Jennifer M. Cook Co. Inc. 252 Milford Street Upton, MA 01568	\$22,000.00	\$36,000.00
--	-------------	-------------

Rocky Mountain Wood Co. P.O. Box 1011 Wilbraham, MA 01095	\$27,000.00	\$33,000.00
---	-------------	-------------

Based upon the above, and review with the DPW Director, S. Suhoski recommended that the contract for debris removal be awarded to Mayer Tree Service, of Essex, MA in the amount of \$13,492.00 for the Route 20 site, and \$16,492.00 for the Route 15 site.

T. Creamer indicated his displeasure that it had taken the Town Administrator nearly seven full months to address this issue, despite the fact that on several occasions he had indicated that it would be taken care of prior to the winter snowfalls. T. Creamer further reminded the Board that during a previous meeting when he had raised this issue, the Town Administrator had indicated that he was in a state of analysis paralysis with respect to this issue, and that this removal was long overdue.

**MOTION:** That the Board of Selectmen award the contract for storm related vegetative debris removal to Mayer Tree Service, of Essex, MA in an amount not-to-exceed \$13,492.00 for the Route 20 site, and an amount not-to-exceed \$16,492.00 for the Route 15 site, by M. Blanchard.

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

Vote: All in favor.

Landfill / Leachate Update

The Board had received a correspondence from the Board of Health dated January 25<sup>th</sup> and determined to defer discussion until February 13<sup>th</sup>. Since receipt of the letter, S. Suhoski had several discussions with the Board of Health Chairman, DPW Director and Board of Health Agent and said that the following week he will have a proposed plan to ensure leachate removal, review and update landfill best management practices and enhance landfill and DPW staffing levels at a cost neutral or cost positive outcome. He was still receiving certain financial estimates and information to complete the actual cost-benefit analysis, but he told the Board that it would be completed by Friday to be included in the FY13 budget proposal. He said that the plan can also be discussed with the Board on February 21<sup>st</sup>. He said that he was reviewing several options:

**A. Bring leachate hauling operations in-house:** Requires hiring one full-time, benefitted staff that would be included in the DPW department but designated to hauling and landfill operations, and purchase of a minimum 4,000 gallon tanker truck; or

**B. Bring leachate and WWTP sludge hauling operations in-house:** Requires hiring one full-time, benefitted staff that would be included in the DPW department but designated to hauling and landfill operations, and purchase of a minimum 9,000 gallon tanker and tractor to pull the tanker; or

**C. Utilize outside vendor at competitive pricing:** During the interim, S. Suhoski worked with the DPW Director and Board of Health Agent to refine and issue bid documents for continued outside vendor hauling of leachate. The bid results will be known on February 24<sup>th</sup> and it is hoped that a competitive update on price will reduce costs short-term. Under scenario A or B, one-time funding for a consulting engineer for landfill operations will be included to review actual operations and update best management practices including leachate controls.

#### **Blackboard Connect (Connect CTY)**

As noted in an email to the Board, S. Suhoski and the Police Chief will participate in an online test of the Connect CTY product that would allow emergency communication to residents across a variety of platforms including telephone, cellular, email, text and even social networking sites. The cost appears to be less than \$8,000 per year and the town of Spencer reports that the system works well. He submitted a copy of the brochure to the Board, and there were links to the Web site in the email. It was the consensus of the Board to move forward with it.

#### **IOD for Police Officer**

**MOTION:** To approve an Injured on Duty claim for Officer David Fortier, by M. Blanchard.

**2<sup>nd</sup>:** P. Gimás

**Vote:** All in favor.



## **Miscellaneous Items**

Following were some concise updates on other matters that are pending.

- **FY13 Budget:** The budget books will be 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<sup>th</sup> 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 S. Suhoski 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. S. Suhoski was 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<sup>th</sup> 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:** S. Suhoski 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 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. S. Suhoski expects to have data and next steps to report by the end of the month.

- **AAB Variance Update:** The Contractor and S. Suhoski met on site recently when they took field measurements to commence fabrication. S. Suhoski is hopeful that installation will occur within the next three weeks to close-out this item.

- **Other Meetings / Miscellaneous:** S. Suhoski facilitated final preparation and scheduling for Town Hall elevator re-test (certificate valid through November 2012); met with representatives of National Grid, BOS Chairman, Police Lt. Saloio and DPW Director to continue efforts at improved coordination; met with TH/COB alarm vendor concerning monitoring and annual testing contracts; met with dental plan provider to discuss potential improved benefit for employees; conducted debris removal bid

opening; participated in organizational meeting of Central Mass. Regional Planning Commission's Legislative Affairs Committee; offered welcoming remarks to Cub Scout's Blue & Gold Banquet.

### **Correspondence**

M. Blanchard read the correspondence list into the record.

### **Old Business**

M. Dowling asked whether free cash could be used to subsidize water/sewer rates. Barbara Barry, Finance Director, will be asked for her opinion.

M. Dowling asked whether there will be transportation provided for seniors to the municipal election. S. Suhoski said that he had discussed this issue with the Council on Aging Director, who indicated that she was developing a schedule.

T. Creamer and P. Gimás offered discussion relative to the Tantasqua Regional School Committee as it related to their upcoming scheduled discussion of the School Resource Officer. M. Dowling is planning to attend their meeting on February 21<sup>st</sup>.

M. Blanchard asked if the proposed regulation of clothing bins will be on the Annual Town Meeting warrant. S. Suhoski said that the language was being finalized, and that it would appear on the warrant for the Board's consideration.

M. Blanchard asked about the intersection of Main Street at Crescent Gate, and whether there were any plans to improve traffic flow. S. Suhoski said that this intersection would be looked at as part of the Commercial Tourist District Plan.

T. Creamer asked about the process that the Energy Advisory Committee would follow with respect to potential municipal power company. P. Gimás said that the EAC had discussed this effort and that it would learn how other towns with municipal power have managed, but that the solar project was the top issue for the committee at this time.

T. Creamer asked for an update on conservation restrictions for both conservation lands and the Riverlands. S. Suhoski said that the Riverlands conservation restriction should wait until the use for the site is properly planned as part of the Commercial Tourist District Plan and the pending Recreational Trails Master Plan. T. Creamer disagreed, stating that the two are mutually exclusive in that we already know what the CTDLP states with respect to the Riverlands, and we already know what we envision it relates to said property use. He further stated that there was no reason to further delay something that should have been addressed by vote at Town Meeting at the closing of the purchase.

M. Dowling left the meeting at 9:45 p.m.

**New Business**

T. Creamer advised the Board that he was working to complete the Annual Report.

T. Creamer said that a Town employee had submitted a proposal to the Sturbridge Tourist Association to do some consulting work. S. Suhoski said that the employee should contact him just to review and ensure that no conflict of interest is applicable.

**Ask the Selectmen/Citizens' Forum**

Don Miller asked whether the 2011 Master Plan was on the Town's Web site, and if email should be listed as correspondence. He asked about the schedule for the Annual Town Meeting and warrant articles. S. Suhoski said that work was being done per the Town bylaw, and that the draft warrant will be provided to the Board of Selectmen for the March 15<sup>th</sup> meeting.

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

**2<sup>nd</sup>: P. Gimás**

**Vote: Four in favor; M. Dowling absent.**

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Judy Knowles

---

BOS Clerk

Date