BOARD OF SELECTMEN MINUTES JUNE 11, 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.

Taxi Operator License

The Board first reviewed the application of Mr. Rodolphe Colas at the June 4th meeting. Due to some prior driving infractions, and after a personal interview with the applicant, the Police Chief issued a conditional recommendation for approval. As noted in the Chief's June 5 memorandum attached, if the Board approves the applicant, the Chief reserves the right to request revocation of his taxi license if the Chief had reason to believe he was not properly operating the taxi, or in the event of any further motor vehicle offenses. Mr. Colas will be operating for Charles River Service, of 2 Main Street, which has an approved license from the Board.

MOTION: That the Board of Selectmen approve a taxi/livery operator license

for Rodolphe Colas, of Southbridge, based upon and conditioned upon the terms outlined in the memorandum from the Police Chief dated June 5, 2012. Such operator's license is granted under the taxi/livery license of Eric Cassim d/b/a Charles River Service, 2 Main

Street, Sturbridge, by M. Blanchard.

2nd: P. Gimas Vote: All in favor.

Sturbridge Gas, Inc.: Wine & Malt License and Common Victualler's License

M. Blanchard read the legal ad into the record. Joseph Daou and Jack Bouhanna appeared before the Board. S. Suhoski submitted to the Board applications for Sturbridge Gas, Inc., 173 Main Street, for a wine and malt package store license and a common victualler's license for their proposed convenience store. The Board had granted a fuel storage license for this facility, nearly constructed adjacent to the former Rom's restaurant, a few weeks back. The full application including financial information, CORI forms and citizenship forms is located in a file folder in the Board of Selectmen's office.

S. Suhoski said that the application appeared to be complete. The applicant provided evidence of the newspaper publication and required abutter notices. The proposal names Jacques C. Bouhanna (the corporate president and 66.67 percent owner), of 23 Fiske Hill Road, as the day-to-day manager of the license and lists his presence at the premises as 112 hours per week. Mr. Bouhanna lists prior employment from 1999-2007 as the manager of Jack's Gas, 40 Main Street. The co-owner and corporate vice president is Joseph Daou, 736 Worcester Street, Southbridge. Both parties have completed the required CORI forms for submittal and review by the ABCC. In reviewing the applications, S. Suhoski found the plans for the convenience store and separate service garage building; however, he said that the Board may wish to inquire of the applicant to identify where the alcoholic beverages will be displayed (whether in coolers or shelves) and whether the displays are in clear view of the cashier.

The Common Victualler application listed hours of operation at 6:00 a.m. until 10:00 p.m. Monday through Saturday, and 6:00 a.m. through 8:00 p.m. on Sundays. Under state law, the Board has the discretion as to whether or not to allow sales of alcoholic beverages on any day of the week before 11:00 a.m. (or after 11:00 p.m. though it is not applicable here).

The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that ... no such licensee shall be barred from making such sales on any such day after eleven o'clock antemeridian and before eleven o'clock postmeridian. Source: MGL c. 138, §12

T. Creamer inquired of the applicant what the hours of operation were to be.

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

2nd: P. Gimas Vote: All in favor.

MOTION: That the Board of Selectmen approve a Common Victualler's License

for Sturbridge Gas, Inc., 173 Main Street, as presented in their application dated May 9, 2012, with hour of operation: 6:00 a.m. to 10:00 p.m. on Monday through Saturday; 6:00 a.m. to 8:00 p.m.

Sunday, by M. Blanchard.

2nd: P. Gimas Vote: All in favor.

MOTION: That the Board grant a Wine and Malt Liquor License to Sturbridge Gas, Inc., 173 Main Street, as presented in their application filed May 15, 2012, subject to the following conditions:

- Liquor sales allowed daily from 11:00 a.m. until 10:00 p.m., and
- All liquor coolers or floor displays to be readily visible by cashier By M. Blanchard.

2nd: P. Gimas Vote: All in favor.

Joint Petition for Pole Location on Cedar Street

M. Blanchard read the legal notice into the record.

Paul Schneider of Verizon appeared before the Board. S. Suhoski submitted to the Board a copy of the joint application of Verizon and National Grid to add a new pole (#19S) across the street from an existing pole (#19) near the premises of 59 Cedar Street. The certified abutters have been notified. He noted that a copy of the DPW Director's memorandum dated May 24 was provided to the applicant in advance of the hearing and the Town received an emailed response from Paul Schneider addressing these concerns.

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

2nd: P. Gimas Vote: All in favor.

MOTION: That the Board of Selectmen approve a new joint pole location (Pole

#19S) for Verizon and National Grid along the easterly sideline of Cedar Street approximately 100 feet south of the centerline of Cedar Pond Road, and located approximately six feet from the edge of pavement of Cedar Street, as shown on revised plan for Verizon

Petition No. 9AD47E dated 4/25/12, by M. Blanchard.

2nd: P. Gimas Vote: All in favor.

Water Abatement Hearing: Basil and Patricia Michaeles

Basil and Patricia Michaeles appeared before the Board. This item was scheduled by the Chairman, and S. Suhoski copied an account print-out to the Selectmen's packets for reference.

S. Suhoski submitted a written report noting that on the fee schedule provided upon request of the Finance Department, among other charges, the water and sewer fees include:

• Base user rate: Set annually (FY13: \$4.98/100 ft³ water; \$7.97/100 ft³ sewer

• Quarterly minimum: Set annually (threshold is 1,000 ft.3 usage)

Termination fee: \$100 (last update March 2009 by Board of Selectmen)
Return of service fee: \$50 (last update March 2009 by Board of Selectmen)

S. Suhoski said that customers may request that the Water Department terminate service for a \$100.00 fee which included scheduling of work order, Water Dept. employee going to the property to deactivate the service and read the water meter,

closing out the work order, and Finance Dept. adjustments and final invoicing. He noted that the customers may reactivate the service for a \$50 fee.

- S. Suhoski said that for those customers that remain "active" there is a quarterly minimum cost to remain active on the system. The cost is based upon the minimum threshold of 1,000 ft³ of water usage, and has been for the past 18 years, according to the Finance Director.
- S. Suhoski said that customers have the choice of paying \$150 to terminate and reactivate services (which could span three months, six months or more), or to remain an active customer and pay the quarterly minimum bill (current water rate X 1,000 ft 3 + current sewer rate X 1,000 ft 3 = quarterly minimum). He noted that for FY12 the quarterly minimum bill was \$44.10 water plus \$79.70 sewer for a total of \$123.80. In FY13 the quarterly minimum is \$129.50.
- T. Creamer said that he had gone through all of the water regulations, and nowhere in the water regulations or bylaws does it talk about a minimum flow or a minimum rate to be assigned to individuals. He had spoken to the DPW Director and Shane Moody of Veolia Water North America, and S. Moody had indicated that the practice had originated from the Finance office. T. Creamer said that there is nothing to indicate to a resident that there is a minimum charge. He noted that Mr. and Mrs. Michaeles had stated that there was a zero flow to their home, as they had shut off their water.

Patricia Michaeles said that they had shut off the main valve in their home. T. Creamer said that the DPW Director had indicated that shutting off water is a service provided by the Town, because sometimes when the water gets shut off then turned back on, there are blockages.

- T. Creamer said that there are recommendations, but not a specific process. He submitted to the Board a ten-town survey comparison. He said that he had gone to each town's website and pulled out their water regulations, and noted that 9 out of 10 towns had easily accessible water regulations on their websites. He said that all of the towns have a minimum rate, and some call it "administrative fees."
- S. Suhoski said that there didn't appear to be a link to information regarding minimum usage on the Sturbridge website, but there is a fee schedule available on line, although it is not easy to find.
- T. Creamer said that other communities, such as Charlton, indicate that: "No allowances shall be made for non-use of any water unless an official notice is given that the service is shut off by the Commission." He noted that there would be a \$25 fee for that. He said that there is nothing that tells people about the process, and there is nothing to lend a reasonable resident to presume that shutting their water off amounts to a fine.

- M. Dowling said that the Town needs to let residents know; Mr. and Mrs. Michaeles didn't know. For 18 years the Town has had a minimum rate. She said that she would give an abatement in this case, because people need to be put on notice, but at the same time, she didn't think that residents should turn their water off themselves, and in the future not have a minimum rate.
- S. Suhoski said that the minimum rate is on the rate sheet that is on the website for the Water Department.
- T. Creamer said that if you go to the DPW website, there is no link for water rates and services. He said that any reasonable person who tries to go online seeking that information can't find it. If they call Town Hall for that information, they get transferred around from department to department. He noted that Barbara Barry, Finance Director, has the information.
- M. Dowling stressed the need to make the information more prominent, and people who leave for the winter months have to pay a minimum rate.
- T. Creamer said that Muni Code is a database (of which Sturbridge is not a member) which serves as a central clearinghouse for all bylaws and regulations that they have. He considered it to be a useful tool.

MOTION: To approve a full abatement for two years for Basil and Patricia

Michaeles, by P. Gimas.

2nd: M. Redetzke

Vote: Four in favor; M. Blanchard abstained.

Joint Meeting with Recreation Committee to Fill Vacancy

Al Jones and Mark Rulli of the Recreation Committee appeared before the Board. S. Suhoski said that letters of interest from two applicants (Ryan Kane and Kadion Phillips) were previously distributed to both the Board of Selectmen and Recreation Committee. He said that each of the candidates looks very motivated and promising.

Al Jones advised that Kadion Phillips had withdrawn his application and would volunteer elsewhere or as an associate member. The committee spoke with both candidates.

MOTION: That Ryan Kane be appointed to fill the vacancy on the Recreation

Committee to serve until the next annual election, by Al Jones.

2nd: M. Blanchard Vote: Seven in favor.

The Board thanked both candidates for their willingness to serve.

Remote Meeting Participation Discussion

For the Board's convenience, S. Suhosk included the text of a November 2011 email from Kopelman & Paige outlining the new regulations that would allow the Board of Selectmen to adopt the ability to conduct remote participation at public meetings. In his discussions with other municipal administrators, caution is the key word as the Board's assent to this action opens up remote participation for all other town boards and committees until such time as the Board may rescind the town-wide approval. He requested that the Board review the following:

- S. Suhoski said that if the Board is interested in accepting this provision, he will need to estimate pricing and equipment required to ensure legible communication between the Board and the remote participant so that it is also legible to the audience in attendance.
- M. Blanchard discussed the training seminar in January and the potential for abuse. P. Gimas said that she would like to hear from other towns. M. Dowling said that she would like to get feedback from other boards, if they feel strongly about this. M. Redetzke agreed with M. Dowling to check with other committees and agreed with P. Gimas to check with other towns. T. Creamer agreed with M. Blanchard and P. Gimas, and said that it is a policy decision for the executive Board. It was the consensus of the Board to take no action, thereby NOT adopting the Remote Meeting Participation authorization for Town boards/committees and to wait one year and review it again. In the interim, the Board's position is that Town boards/committees are NOT authorized to engage in remote participation.

Board and Committee Appointments / Reappointments

- S. Suhoski said that there remain many vacancies on various boards and committees. Following letters that were sent out in April, there was an advertisement with a May 18th cut-off. Most recently, Judy Knowles has posted all vacancies yet again on the Web site, with the Town Clerk and in the newspaper with a June 22nd deadline. He noted that the posting is in accordance with the most recent bylaw. He submitted the notice to the Board so that the Board can help to spread the word and encourage participation.
- S. Suhoski said that he will fill as many seats as have applicants possible prior to July 1st. During the interim he had a couple of reappointments and two new appointments for the Board's consideration.

<u>Name</u>	<u>Position</u>	<u>Term Exp.</u>
Randy Redetzke	Trails Committee	2017 (re-appt)
Meg Germain	Trails Committee (Associate)	2017 (re-appt)

MOTION: That the Board of Selectmen ratify the following reappointments by the Town Administrator:

<u>Name</u>	<u>Position</u>	<u>Term Exp.</u>
Randy Redetzke	Trails Committee	2017 (re-appt)
Meg Germain	Trails Committee (Associate)	2017 (re-appt)

By M. Blanchard. 2nd: P. Gimas Vote: All in favor.

With respect to the Conservation Commission, S. Suhoski regretted to advise that Jeff Bonja has declined to seek reappointment and that Wendy Lilly-Hansen has resigned due to family commitments.

S. Suhoski said that one applicant had withdrawn, to remain an Associate Member. He said that fortunately, another Associate Member, Calvin Montigny, has expressed interest in becoming a voting member of the Commission. Mr. Montigny regularly attends the Commission's meetings and S. Suhoski was pleased to recommend his appointment:

NamePositionTerm Exp.Calvin MontignyConservation Commission2015

MOTION: that the Board of Selectmen ratify the following appointments by the Town Administrator:

Name Position Term Exp.

Calvin Montigny Conservation Commission 2015

By M. Blanchard. 2nd: P. Gimas Vote: All in favor.

Community Preservation Committee Reappointments

MOTION: That the Board of Selectmen ratify the Town Administrator's

reappointment of Penny Dumas and Heather Hart as citizen-at-large members of the Community Preservation Committee for terms to

expire in 2015, by M. Blanchard.

2nd: P. Gimas Vote: All in favor.

License Applications

Enclosed in the Board's packets were the following license applications for approval:

<u>Applicant</u> <u>License</u>

Zyacorp Entertainment d/b/a Cinemagic Comm Zyacorp Entertainment d/b/a Cinemagic Amuse Skerdilajd Koraqi d/b/a Old Sturbridge Comm

Pizza Restaurant

Common Victualler Amusement Machines Common Victualler S. Suhoski noted that the movie theater seeks approval for operating hours of 11:00 a.m. until 12:00 a.m. daily for their Common Victualler and Amusement devices.

Old Sturbridge Pizza Restaurant is the name the new owner has given to the former George's Pizza. He has updated his business certificate and seeks a Common Victualler license for daily hours of 11:00 a.m. until 10:00 p.m.

MOTION: That the Board of Selectmen approve the Common Victualler license

for Zyacorp Entertainment d/b/a Cinemagic, 100 Charlton Road, per application dated June 1, 2012, 11:00 a.m. to 12:00 a.m. daily, by M.

Blanchard.

2nd: P. Gimas Vote: All in favor.

MOTION: That the Board of Selectmen approve the Common Victualler license

for Skerdilajd Koraqi d/b/a Old Sturbridge Pizza Restaurant, 398 Main Street, per application dated May 22, 2012, 11:00 a.m. to 10:00 p.m.

daily, by M. Blanchard.

2nd: P. Gimas Vote: All in favor.

MOTION: That the Board of Selectmen approve a license for amusement

devices for Zyacorp Entertainment d/b/a Cinemagic, 100 Charlton Road, for the following 11 devices: Plush Crane, Tractor Time, Big Buck Safari, Warzaid, Air Hockey, Basketball, Dead Heat, Road Trip,

Key Master, Barber Cut. MP4 Crane, by M. Blanchard.

2nd: P. Gimas Vote: All in favor.

Auctioneer's Permit

S. Suhoski informed the Board that the Sturbridge Federated Church plans to hold their 63rd Annual Antique Auction on August 11 from 10 a.m. until 2 p.m. The auction would be conducted by Gwen Carbone (License #1647) from Robert H. Glass Associates, Auctioneers.

MOTION: That the Board of Selectmen approve the auctioneer's license to the

Sturbridge Federated Church (Gwen Carbone of Robert H. Glass Auctioneers) for the 63rd Annual Antique Auction on August 11, 2012

to be held from 10:0 a.m. until 2:00 p.m., by M. Blanchard.

2nd: P. Gimas Vote: All in favor.

Conservation Agent

S. Suhoski said that he and the Conservation Commission chairman reviewed over 40 applications for the vacant Conservation Agent position. From that group, six preliminary interviews were conducted this week and two finalist interviews have been scheduled for Wednesday. They were very pleased with the high number and quality of applicants and hope to bring a candidate forward by the end of June.

MIIA Participation Credits

S. Suhoski said that this week the Town received its participation credits from the Mass. Interlocal Insurance Association including \$10,176 rebate on its property and casualty insurance and \$5,602 on its Workers Compensation Pool coverage for a total rebate of \$15,778 for FY12.

Miscellaneous Items

Following are updates on other ongoing matters:

- Town Hall / Center Office Building Project: S. Suhoski distributed to the Board a copy of the HVAC work completed and payments. Over the next few weeks, he plans to meet with the general contractor to resolve the claims, or, the Town will pursue other methods to recoup costs. The work was completed and all systems are functional.
- **Solar Power Project Status**: With the knowledge and assent of the Energy Advisory Committee, the project developer and S. Suhoski met with the state senator to discuss potential siting options on land owned by an agency of the Commonwealth. The Committee is completing additional due diligence in advance of a presentation to the Board outlining the sites reviewed and suggested course of action. The Committee has targeted the June 25th meeting date for an update.
- Mountain Brook Private Road Association: The road association will meet and advise of their next steps.
- Riverlands Environmental: All testing has been completed and S. Suhoski is expecting a report from the engineer this week or early next.
- Insurance Advisory Committee: The Board included insurance review as a specific goal. Given the pendency of Town Meeting, S. Suhoski will seek to schedule additional meetings once completed.
- Walker Road Improvements: S. Suhoski requested from the DPW Director the final plans so that a meeting can be scheduled with the neighborhood residents. For some reason, it appears that engineer is slow to respond.
- Walker Pond Drainage: Dave Prickett of Tighe & Bond presented phasing options at the May 21 meeting. Further assessment and specific next steps are to be developed.

- Route 15 Wastewater/Water: The report was emailed to the Board. Tighe & Bond can undertake additional work seeking USDA or other grants at a separate cost. S. Suhoski worked with the Town Planner to seek that this project is included in the regional CEDS report in the event the Town seeks grant funding.
- Other Meetings / Miscellaneous: S. Suhoski met with DPW and FEMA regarding Nor'easter reimbursement; participated in "Pre-Town Meeting" with FinCom chairman and Moderator; conducted Department Head meeting; attended regional stormwater grant meeting with DPW Director; participated in Memorial Day event for new Honor Roll; completed BlackBoard Connect training with Police Chief and Lieutenant; met with Fire Chief re: various personnel and operational matters; participated in unified permitting system demonstration; participated in emergency management planning meeting; attended safety official award ceremony by Exchange Club; convened meeting with department heads and president and operations manager of Old Sturbridge Village; reviewed dock complaint on South Shore Drive; met with Finance Director and others re: Town Meeting; attended Annual Town Meeting; conducted water/sewer abatement meeting; met with Building Inspector re: various; met with Plumbing Inspector; met with DPW Director re: various; conducted six interviews for Conservation Agent position; attended Recreational Trails Master Plan presentation.

Correspondence

M. Blanchard read the correspondence list into the record.

Old Business

- P. Gimas asked about the status of the Community Development Block Grant application for the Sturbridge Retirement Cooperative. S. Suhoski said that that he had not received word yet, but that sometimes these announcements are delayed until the Governor wishes to release them. He noted that it could be two to six more weeks.
- M. Blanchard asked whether there was any input from the Police Department relative to the request for a fishing derby at the Champeaux Road area. S. Suhoski said that the applicant was successfully referred to the Army Corps of Engineers. M. Blanchard stated that there may still be some concerns with traffic or weight on the bridge. S. Suhoski will review further with the Police and DPW.
- M. Blanchard asked whether a report on the costs of the Farquhar Road drainage project and the Wastewater Treatment Plant were completed. S. Suhoski said that the DPW Director is compiling the drainage project costs, and that the WWTP report will be genereated by the project engineer, DPW Director and WWTP operator once the project has been completed.
- M. Dowling said that she is working on the community service recognition, and that she plans to meet with the new Superintendent to establish criteria.

- M. Redetzke asked whether Sturbridge Cable TV was able to offer closed-captioning. S. Suhoski said the he believes that the current equipment does not make this feasible, but that he will get a formal response from the Production Coordinator.
- T. Creamer asked when the remaining stumps from the post-tornado cleanup on Willard Road would be removed as it had been over a year. S. Suhoski said that the stumps were not deemed to be threats to public safety, and thus not eligible for FEMA reimbursement, and that the Town may need to fund directly or through a grant. M. Redetzke stated that there was not a problem with stumps on Streeter Road.
- T. Creamer asked about the status of the Tornado Relief Fund and whether a plan requested by the Board for expenditure had been completed. S. Suhoski said that there were no expenditures from the fund to date. T. Creamer said that a plan on how to expend and account for the funds must be developed. M. Dowling said that there should be a committee to review and recommend any expenditures. T. Creamer said that a committee was discussed last summer to include the Finance Director, Police Chief, Volunteer Resource Coordinator, Board of Selectmen representative and the Town Administrator. S. Suhoski said that staff do not want to be part of a committee making recommendations for disbursement to private parties. T. Creamer stated that the funds would be for public projects.

MOTION: To establish a Tornado Relief Fund Committee composed of Priscilla

Gimas, Chief Ford, Barbara Barry, Susan Waters and Shaun Suhoski to recommend a plan for Tornado Relief Fund disbursement, by M.

Blanchard.

2nd: P. Gimas Vote: All in favor.

T. Creamer said that the reporting on the concrete sidewalk repairs from the Betterment Committee should be more detailed.

New Business

- M. Redetzke advised that the next "Meet the Selectmen" would be on June 14th from 3:30 p.m. to 4:30 p.m. at Patty's Place at the Millyard Marketplace.
- M. Dowling asked the Town Administrator whether an Executive Session would be held on a certain matter. S. Suhoski replied that he was working through Town Counsel to ensure the matter was brought forward in a proper manner.
- M. Blanchard asked about the reappointment of Town Counsel. S. Suhoski said that he would advance the reappointment and proposed filling all known vacancies with all known applicants prior to the new July 1 deadline.
- M. Blanchard asked whether there had been any response from National Grid to a concern of low wires relayed by residents on Shepard Road. S Suhoski said that he

had been communicating with the residents, National Grid and Verizon, as the poles are owned by Verizon, and the utilities were reviewing the concerns. If the utilities do not respond adequately, the matter would be further discussed with the Board of Selectmen.

P. Gimas advised that she and M. Redetzke had attended the new Board of Selectmen member training conducted by the Mass. Municipal Association. She learned that many fellow Selectmen share frustration over certain components of the Open Meeting Law, in respect of limiting the ability to discuss and gain greater knowledge over subject matter.

MOTION:

To convene in executive session under MGL Chapter 30A, Section 21, exemption #3: To discuss strategy with respect to collective bargaining; and exemption #1: To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of or complaints or charges against, a public officer, employee, staff member or individual; and reconvene in open session, by M. Blanchard.

2nd: P. Gimas

Roll Call Vote: P. Gimas in favor; M. Dowling in favor; M. Blanchard in favor; T. Creamer in favor; M. Redetzke in favor.

The Board convened in executive session at 9:34 p.m.

The Board reconvened in Open Session at 12:50 a.m.

MOTION: To re-establish the Town Administrator's start time at 8:00 a.m., by

M. Redetzke.

2nd: M. Blanchard.

Vote: Three in favor; M. Dowling and P. Gimas opposed.

The motion carried by majority vote.

		Respectfully submitted,	
		Judy Knowles	
BOS Clerk	Date		