

May 21, 2012

**BOARD OF SELECTMEN
MINUTES
MAY 21, 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.

Public Service Announcements

M. Dowling extended words of sympathy to the family of Carl Beane. She shared a story about how Carl Beane would pass his World Series ring around to the local ballplayers.

T. Creamer announced the Memorial Day activities.

M. Redetzke announced the next Meet the Selectmen, to be held on May 23rd at 10:30 – 11:30 a.m. at the Sturbridge Coffee House; and on June 1st at 10:30 – 11:30 a.m. at the Sturbridge Coffee House.

Dock Permit Application – 96 Allen Road

S. Suhoski submitted to the Board the dock permit application filed by John J. Elliott of 96 Allen Road. He said that based upon the sketch provided by the applicant, it appears that the dock is 125 square feet and will comply with the regulations.

MOTION: That the Board of Selectmen approve a dock permit for John Elliott, 96 Allen Road, as presented in application dated April 26, 2012, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Recreation Committee

Lynne Girouard, Recreation Director, and several members of the Recreation Committee appeared before the Board to discuss potential field development. Al Jones said that the Recreation Committee was seeking direction from the Board of Selectmen.

T. Creamer reminded the Recreation Committee that they were a sovereign body, duly elected by the voters of Sturbridge and that as such, the Board of Selectmen did not

have the authority to “direct” the Recreation Committee to do anything. T. Creamer further stated that the Recreation Committee reports directly to the residents of Sturbridge, and that as such, they have an obligation to do what they believe is in the best interests of the residents – whether the Board of Selectmen agrees or otherwise. T. Creamer encouraged them to exercise their sovereignty and follow the path they deemed appropriate.

A lengthy discussion followed regarding the Shepard parcel, field design, CPA funding, options and ledge removal. The general consensus of the Board was to support the Recreation Committee’s proposal, though T. Creamer indicated that any plan that does not rely upon a substantial level of funding from privately raised, donated, or otherwise solicited funds that contributed to the project, and that was not unduly reliant solely upon taxpayer obligations, would find no support from him as an individual member of the Board. He further stated that his support would be contingent upon a shared cost approach between outside private and donated funds, with taxpayer obligations serving only as a supplement. The support was split regarding the Shepard parcel, with T. Creamer stating that he would support an approach to use the Shepard parcel for active recreation, but only if it followed the Article 97 process to the letter – void of any hybrid approach by the Board or Town Counsel. He then outlined the Article 97 process as found in state law.

Information was provided concerning two interested parties for the vacancy on this committee. A joint election by the Recreation Committee and Board of Selectmen was scheduled for June 11th to fill the vacancy.

Walker Pond Drainage Update

Dave Prickett of Tighe & Bond, along with Greg Morse, DPW Director, appeared before the Board to outline a phased approach towards drainage improvements. Members of the Walker Pond Association had also been invited.

D. Prickett made a presentation regarding Walker Pond area drainage, and the need for \$50,000 for 30% of engineering costs.

It was the consensus of the Board to put Tighe & Bond’s recommendations on the Town’s website.

8:00 p.m. – Public Hearing to Lay Out Public Ways

M. Blanchard read the public hearing notice into the record.

S. Suhoski said that the notice for the hearings to lay out the following private ways was posted with the Town Clerk and mailed to all certified abutters in accordance with the statute. He noted that the Board would hear from any interested parties at the public hearing and then presumptively make a formal vote to lay out the public ways as per the

language provided by Town Counsel following. The ways and their respective Town Meeting articles were:

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)

Memoranda dated May 11, 2012 from the Town Planner have been distributed to the Board documenting the Planning Board's May 8, 2012 votes to recommend that each of the above ways be accepted as public ways. As-built plans have been submitted and the DPW Director has conducted final inspections of the roadways.

The only outstanding conditions identified were for Hunter Lane and Evergreen Lane where acceptance is recommended as being contingent upon a water line repair and installation of streetlights by National Grid.

Regarding Evergreen Lane, Judy Sroka of 16 Evergreen Lane brought up the issue of conservation land. S. Suhoski said that he would address it.

Regarding Regep Lane, Leonard Jalbert discussed the final plans and requested that the Town consider a conservation land gift.

MOTION: To close the public hearing, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

MOTION: REGE P LANE: That the Board of Selectmen, acting pursuant to G.L. c. 82, §§ 21- 24, having deemed that common convenience and necessity require the lay out as a public way of Regep Lane, hereby lays out Regep Lane as a public way as shown on the plan 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., which plan was referred to the Planning Board and which plan is hereby adopted as a part of this order, and all land lying within the above described boundaries of Regep Lane is hereby laid out as a town way, by P. Gimas.
2nd: M. Redetzke
Vote: Four in favor; M. Blanchard abstained, as she is an abutter.

MOTION: HUNTER LANE: That the Board of Selectmen, acting pursuant to G.L. c. 82, §§ 21- 24, having deemed that common convenience and necessity require the lay out as a public way of Hunter Lane, hereby lays out Hunter Lane as a public way as shown on a plan 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, which plan was referred to the Planning Board and which plan is hereby adopted as a part of this order, and all land lying within the above described boundaries of Hunter Lane is hereby laid out as a town way, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

MOTION: EVERGREEN LANE: That the Board of Selectmen, acting pursuant to G.L. c. 82, §§ 21-24, having deemed that common convenience and necessity require the lay out as a public way of Evergreen Lane, hereby lays out Evergreen Lane as a public way as shown on a plan 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, which plan was referred to the Planning Board and which plan is hereby adopted as a part of this order, and all land lying within the above described boundaries of Evergreen Lane is hereby laid out as a town way, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

MOTION: HIGHLAND LANE: That the Board of Selectmen, acting pursuant to G.L. c. 82, §§ 21-24, having deemed that common convenience and necessity require the lay out as a public way of Highland Lane, hereby lays out Highland Lane as a public way as shown on the plan 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, which plan was referred to the Planning Board and which plan is hereby adopted as a part of this order, and all land lying within the above described boundaries of Highland Lane is hereby laid out as a town way, by M. Blanchard.

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

MOTION: MEADOW VIEW LANE: That the Board of Selectmen, acting pursuant to G.L. c. 82, §§ 21-24, having deemed that common convenience and necessity require the lay out as a public way of Meadow View Lane, hereby lays out Meadow View Lane as a public way as shown on the 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, which plan was referred to the Planning Board and which plan is hereby adopted as a part of this order, and all land lying within the above described boundaries of Meadow View Lane is hereby laid out as a town way, M. Blanchard.

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

8:15 p.m. – Public Hearing: Fuel Storage License – 173 Main Street

Mike Loin of Bertin Engineering made a presentation to the Board. S. Suhoski submitted to the Board the application by JCJ Realty Trust d/b/a Sturbridge Gas Inc., for a license to store flammable liquids on site under MGL c. 148, §13, namely, within two (2), 12,000 gallon underground storage tanks (USTs) for unleaded gasoline, and a split UST to contain 6,000 gallons of super unleaded gasoline and 6,000 gallons of diesel fuel. The Fire Chief has approved the plans and endorsed the application on May 8, 2012. This applicant will operate a convenience store and filling station at the property under construction next to the old Rom’s restaurant and will also need a Common Victualler license prior to operations.

Conrad Decker of Drake Petroleum said that the site is too small, and stated wetlands and safety issues. It was confirmed that there is 24 feet between the fuel island and store parking, and 22 feet at the other location.

T. Creamer stated that with respect to the Site Plan and the final as-built, those issues were vetted by the Planning Board as appropriate to their jurisdiction, and that the Board of Selectmen had no authority with respect to such, void of any irregularities by the Planning Board, which did not exist with the current project. He indicated his intention to support the process as undertaken by the Planning Board.

MOTION: To close the public hearing, by M. Blanchard.
2nd: P. Gimas

Vote All in favor.

MOTION: That the Board of Selectmen vote to approve the fuel storage license under MGL c. 148, §13 for JCJ Realty Trust d/b/a Sturbridge Gas, Inc. at 173 Main Street as endorsed by the Fire Chief dated May 8, 2012. Such approval is for two (2), 12,000 gallon underground storage tanks for unleaded gasoline, and a split UST to contain 6,000 gallons of super unleaded gasoline and 6,000 gallons of diesel fuel, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Sturbridge Lakes Advisory Committee Report

John O'Brien and Bruce Gran of the SLAC will presented the information to the Board. A discussion followed regarding recommended changes to the Harbormaster Regulations as presented by the Sturbridge Lakes Advisory Committee.

Ask the Selectmen/Citizens' Forum

Tony Celuzza called to ask how many of the speakers live on lakes; also, whether the depth of the lake is integral to the regulations.

Board and Committee Appointments / Reappointments

S. Suhoski said that letters were sent out several weeks ago to gauge the interest of incumbent appointees in remaining active on their respective committees. He had received responses from about half of the parties. Also, an advertisement for all known vacancies ran in the Southbridge News with a deadline of May 18 to express interest. He said that it will take some more time to complete this process, but he recommended reappointment of the following individuals to their respective boards and committees as follows:

<u>Name</u>	<u>Position</u>	<u>Term Exp.</u>
James Cunniff	Planning Board	2015
Christian (Chris) Castendyk	Design Review Cmte.	2015
Blake Duzak	Historic Commission	2015
Edward Goodwin	Conservation Commission	2015

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

<u>Name</u>	<u>Position</u>	<u>Term Exp.</u>
James Cunniff	Planning Board	2015

Christian (Chris) Castendyk	Design Review Cmte.	2015
Blake Duzak	Historic Commission	2015
Edward Goodwin	Conservation Commission	2015

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

Conservation Agent

S. Suhoski said that postings for the vacant Conservation Agent position have been made in regional newspapers and through several professional organizations. He said that there has been a good response to date with the deadline for receipt of applications on May 24. He and the Conservation Commission chairman have outlined a selection process and committed to bringing forward a quality candidate as soon as practicable.

Resignation of Ginger Peabody from Planning Board

A copy of Ginger's email was provided to the Board. S. Suhoski said that unfortunately, she has had to resign due to health issues. He noted that her presence on the Planning Board will be missed.

MOTION: To accept the resignation of Ginger Peabody from the Planning Board, with regret, thanks and best wishes, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

WWTP Permanent Financing Documents

The Finance Director has compiled the final closing documents for the \$9,026,495 in USDA borrowing associated with the Waste Water Treatment Plant.

The Board approved the borrowing on April 19, 2011. The USDA advanced the funds for complete the WWTP and then informed the Town of its intent to finalize the borrowing in its next bond pool (which is why the Board included the additional sewer fund balance contribution for the year one interest).

No further votes were required, but Barbara Barry, Finance Director, has requested that the Board sign the original documentation.

Requests for Ch. 90 and Sidewalk Repair Information Status

In recent weeks members of the Board have requested information on projects completed with Chapter 90 funds and work completed on sidewalks through the Betterment funds. S. Suhoski said that the DPW Director was away on vacation for the past two weeks. Prior to his departure he provided S. Suhoski with a worksheet listing potential Chapter 90 projects, and copies of payables sheets from road maintenance or

the betterment sidewalk repair accounts; a copy of the Chapter 90 worksheet, and the accountant's printout of the Ch. 90 account, was submitted to the Board. S. Suhoski noted that the sidewalk information did not include specific locations/repairs; however, Greg Morse advises that 77 "squares" of concrete, primarily along Rt. 20, have been replaced in the past couple of years.

T. Creamer indicated that he wanted a specific breakdown as to work done consistent with the use of Betterment Funds, which are authorized each year.

Hampshire Council on Governments – Electricity Cost Comparison

S. Suhoski requested from the Executive Director a spreadsheet comparison of COG versus NGRID savings / (cost) through the Town's purchase contract. In searching through my emails, he noted that the Executive Director did provide him an email narrative at the end of January that included annual numbers indicating a savings of \$15,496 in FY10 and a cost of \$12,279 in FY11 for a net benefit of \$3,217.

Although FY12 started at a modest cost, the rates have turned to substantial savings over the past six months. S. Suhoski reviewed actual invoices available in his office since the Board's meeting with HCOG, and offered that for FY12 the Town has saved a minimum of \$8,588 to date through the HGOG pricing.

S. Suhoski said that given the reduction in natural gas costs, National Grid is expected to drop its default rate for the next rating period. He queried HCOG about the impact of this on the real-time pricing index and will share that information once it is available.

Miscellaneous Items

Following are updates on other ongoing matters:

Question on Burgess Construction: At the Board's May 14 meeting, Selectman Creamer said that he had received a call concerning "construction" activity on a Sunday at Burgess Elementary School. S. Suhoski followed up with the school principal, the project manager, general contractor and town DPW, and each reported no knowledge of any construction at the site. Aside from punch-list items, the general contractor will not return to the site until early July for the demolition and site work to finish the project.

Solar Power Project Status: (standing report) The solar power negotiating committee continues to meet and vet options for the Board to consider for the provision of a long-term, beneficial rate for electricity from this renewable resource. S. Suhoski still anticipates that the Energy Advisory Committee may come before the Board of Selectmen with some options in June.

Mountain Brook Private Road Association: S. Suhoski provided all available information to the residents and awaits the next action of the road association.

Riverlands Environmental: All testing has been completed. Awaiting final report from Tighe & Bond which is expected this week. 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: A follow-up meeting will be scheduled in June to advance the concept of health insurance plan reforms. The Board also recently included this as a performance goal for S. Suhoski’s next rating.

Walker Road Improvements: (no change) The DPW Director advised S. Suhoski prior to his vacation that the plans for this construction project are now in a form ready for review. S. Suhoski has not yet seen the plans, but both he and Greg Morse intend to meet with the residents upon his return and then provide a report and feedback to the Board. S. Suhoski met with a resident of the road at their request last week, and had staff contact Mr. Langevin by telephone to advise that another group meeting to review the actual plan will be scheduled in Town Hall upon the DPW Director’s return.

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.

Other / Miscellaneous: Discussion with Town Planner re: MassDOT issues; meeting with Fire Chief re: F/F contract and personnel matters; met with land use personnel; met with Planner and sign vendor for COB; participated in emergency management planning meeting; met with Energy Advisory Committee; met with EDAC and Chamber executive; met with DPW re: Town Hall and Common cleanup for Memorial Day; attended legislative breakfast on transportation issues at CMRPC; met with Finance Director re: budget.

Correspondence

M. Blanchard read the correspondence list into the record.

Approval of Minutes

MOTION: To approve the executive session minutes of May 14, 2012, to remain confidential, by M. Blanchard.
2nd: P. Gimás
Vote: All in favor.

MOTION: To approve the minutes of May 14, 2012 as amended, by M. Blanchard.
2nd: P. Gimás
Vote: All in favor.

MOTION: To approve the minutes of January 17, 2012 as amended, by M. Blanchard.
2nd: P. Gimás

Vote: All in favor.

Old Business

M. Redetzke asked whether members of the Board of Selectmen had filled in the availability sheet for the “Meet the Selectmen” program.

M. Dowling advised that three members of the Sturbridge contingent of the Tantasqua Regional School Committee had responded to the invitation to meet, and that she was awaiting further responses. She stated that she hopes the discussion will be positive.

M. Dowling will meet with Nancy Sawyer and the school Superintendent regarding the community service recognition program. T. Creamer had distributed a generic certificate for review by the Board.

M. Blanchard asked whether Wetland Protection Act funds could be used to fund the Conservation Agent. T. Creamer said that information was needed so the Board could determine whether to offer a substitute motion for Town Meeting.

T. Creamer noted that a resident had questioned why the newly renovated Town Hall had no outdoor water spigot, and was incredulous that there was none included. S. Suhoski noted that the general contractor cost was exorbitant and that the building committee thought it better to wait until the project had closed-out before seeking local cost quotes.

T. Creamer scheduled the discussion of remote meeting participation for the June 11th agenda.

T. Creamer relayed the concerns of Willard Street residents that tree stumps still remained from the tornado. S. Suhoski will check with the Tree Warden on the status.

New Business

M. Blanchard relayed information from a “Meet the Selectmen” convened with M. Dowling. A resident suggested that department heads meet with a facilitator to discuss level of services and staffing.

M. Dowling said that she had met with a retired couple who said that the current Board of Selectmen was overly critical of Town staff and the Town Administrator, and that it could hurt recruitment.

M. Dowling said that she was not comfortable being copied on individual Board members’ emails to residents that may contain opinions, and that she would like to be left “out of the loop,” as she would then be unable to offer an opinion outside of a public meeting, for fear of violating the Open Meeting Law.

P. Gimas agreed with M. Dowling regarding the email issue. She expressed concern that residents may assume the emails represent the will of the Board.

P. Gimas recommended that the Board of Selectmen build relations back from scratch with the Tantasqua Regional School Committee and Finance Committee.

M. Redetzke suggested that Sturbridge Local Access explore the use of closed-captioning for the hearing-impaired.

MOTION: To convene in executive session under MGL Chapter 30A, Section 21, 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; not to reconvene in open session, by M. Blanchard.

2nd: P. Gimas

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

S. Suhoski informed the Board that proper notice had not been provided to him. He noted that T. Creamer's letter as a private resident was not acceptable; only the Board of Selectmen can provide notice. P. Gimas read a statement into the record. T. Creamer read a statement into the record. T. Creamer said that any member of the Board can request Executive Session, and such would be followed by a vote of the full Board as to whether or not such a request was appropriate. Thus, his request was not as a private citizen, but rather as an elected representative of the Town of Sturbridge. He further stated that as the votes were in place for Executive Session, the Board – by majority vote – had authorized/granted his request. T. Creamer went on to say that out of respect for the request of the Town Administrator – who had already been provided with ample time as required by law – he would agree to a two-week delay in the Executive Session and set the date at June 11. The other members in support of the Executive Session agreed to the delay.

MOTION: To adjourn, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date