

July 16, 2012

**BOARD OF SELECTMEN
MINUTES
JULY 16, 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.

Hamilton Rod and Gun Club, Inc. – One-day Liquor License Request

S. Suhoski informed the Board that the Hamilton Rod & Gun Club dropped off a one-day liquor license request for their planned “Pre 1964 Hot Rod Show” scheduled for August 3 and 4. They seek to serve, under their license, in a tent-area and parking lot adjacent to the club building from 11:00 a.m. until Midnight on each day. This is the same event that was granted a similar license last year and Chief Ford has reviewed and signed-off on approval.

MOTION: That the Board of Selectmen grant a one-day liquor license to the Hamilton Rod & Gun Club to allow serving of alcohol in the tent-area and parking area adjacent to the pavilion at the club located at 24 Hamilton Road from 11:00 a.m. until Midnight on August 3 and 4, 2012, as detailed in application dated July 12, 2012, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Water Abatement Appeal – Christo: 440 Main Street

Mr. Christo appealed the denial of his request for an abatement of \$1,262.76 for the above property. The datalog from the meter clearly indicates that water passed through the meter during a two week period between March 3 and March 15. S. Suhoski, the DPW Director and Finance Director were unanimous in the denial.

Robert Christo explained that he, his wife and handyman check the property on a daily basis. He said that he has owned the property for 30 years and never had a bill so high. He noted that there are no outside spigots on the building. He requested an abatement to the minimum charge.

M. Blanchard said that there is no evidence that the meter is failing. T. Creamer indicated that prior to making an individual determination, he would prefer to have a printout of historical usage for the last several years with respect to the location in

question, so as to better weigh the possibility that this particular bill was an anomaly. He further stated that similar to the process undertaken with the Public House in 2011 where somewhat comparable circumstances may have existed, he believed, as one individual member of the Board, that it is proper to follow a similar course. It was the consensus of the Board to review several years' history of consumption, and take it up again on August 6th.

Cable Advisory Committee Appointment

Don Fairbrother and John Clancey of the Cable Advisory Committee appeared before the Board. S. Suhoski noted that prior to his employment, the Town Administrator was represented on the Cable Advisory Committee by a designee; now, with the hiring of a full-time production coordinator appointed by the Town Administrator, the CAC would be better served by having a fifth citizen to assist the committee. S. Suhoski will continue to provide administrative support and direction as needed (e.g. latest equipment IFB with Don Fairbrother). The CAC has reviewed the submitted qualifications of Jeff Bonja as a candidate for the fifth position on the committee. Jeff has extensive technical expertise that will assist in developing links from the Senior Center, Burgess School and Tantasqua Regional schools to the Town Hall to eventually facilitate live cablecasts from those locations. The CAC voted unanimously (5-0) to recommend Jeff Bonja be appointed, and S. Suhoski is very familiar with the applicant's qualifications and was pleased to put him forward.

T. Creamer asked if the vacancy had been publicly posted, to which S. Suhoski stated "no." S. Suhoski further stated that as it was a position currently held by the Town Administrator, he viewed it more as an appointment to the T.A. seat. T. Creamer indicated his concern that void of a proper posting based upon a general bylaw the Board of Selectmen had sponsored, he would be unable to participate in an appointment if the Board desired to move forward this evening. He further stated that he would have no reservations about supporting Mr. Bonja, but felt that the process needed to be adhered to.

It was the consensus of the Board to hold action, to revise the terms and move the vacancy posting to August 6th.

Dock Permit – 78 South Shore Drive

The Board conducted a site visit on July 2 relative to the alleged permit violation. On Friday, Mr. Allard dropped off a "special circumstance" application. S. Suhoski said that it appears there are two distinct issues: (1) whether there is a valid permit in place for the current dock placement, and (2) whether the Board will consider the special circumstance application.

- (1) Existing Dock Complaint/Location:** The Town Administrator's office received a complaint concerning the placement of a dock in the area of South Pond by 78 South Shore Drive without a valid permit. In response, S. Suhoski conducted a

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site visit and took a photo which verifies that a dock was returned to the pond in front of the 78 South Shore Drive property owned by Gary and Margaret Allard.

The last valid dock permit was issued by the Board on August 1, 2011 and carried the following conditions:

1. That the dock extend no further than 25-feet into the water
2. That the dock be placed no closer than 20-feet from either side property line
3. That the dock be placed at an angle of approximately 90 degrees from the shoreline subject to visual review and approval of the Town Administrator as Harbor Master's agent, and
4. That the applicant be required to obtain a new dock permit should there be any future variance from the above conditions (emphasis added).

Based upon S. Suhoski's field observations, and review of the file, it appears that this dock was placed without a permit and in violation of conditions #2 and #4 of the Board's conditions as of May 30, 2012, but that a return site visit on July 16 showed the dock to be substantially compliant.

In addition, the current placement of the dock is partially in front of property owned by Thomas and Jacqueline Giguere near the mouth of a perennial stream. Mr. and Mrs. Giguere have indicated no objection.

MassDEP and Town Counsel have offered no prohibition, but both state that the boat should not be moored at that location absent a valid dock permit.

Gary Allard said that the local regulation allows placement of a dock in front of neighboring property, with the permission of the landowner (Giguere).

M. Dowling said that she believes that the dock is compliant with the August 1, 2011 permit. P. Gimás asked whether G. Allard had applied for a dredging permit. G. Allard said that the silt is from the Town, but held off due to hurricane, etc. He believes that the sand bar will dissipate over time.

T. Creamer discussed the numerous research that he had conducted involving dock regulations across the country. He further stated that nearly all dock regulations he had researched made reference to "high" and "low" water marks with respect to dock placement, and that the Sturbridge dock regulations have no such reference. Margaret Allard said that the dock is within the scope of their permit.

T. Creamer noted that the regulations do not provide enough guidance, and need to be rewritten, and shared his personal belief that waterfront property does not, in his view, come with a guarantee of dock access, as geography, topography, and hydrology are factors that may in fact prevent access. He said that based upon the conditions associated with the topography, geography and hydrology at 78 South Shore Drive, he believed that the Allards should not be able to have a dock in that location, but that he

was presently unable to identify anything in the dock regulations that he can rely upon to deny the dock.

Thomas Giguere said that he had no issues with the current dock placement.

John Seguin said that the Giguere property reserves "beach rights." He suggested checking the Giguere lot deed for restrictions. He said that all of the silt came from the Allard house construction, not the Town. T. Creamer informed Mr. Seguin that the Board of Selectmen had no jurisdiction with respect to deeded beach rights, and that such would have to be addressed via the courts, not the Board of Selectmen.

Peter Mimeault quoted Section B, #8 of the regulations. He spoke to hiring R.L.S. to lay out water riparian rights. He said that a 2-scale drawing is needed.

T. Creamer stated that based upon the professional engineering work done on Mr. Mimeault's property, he questioned how the Board could truly identify the proper boundaries with which to accurately determine whether Mr. Allard's dock was in compliance, and without such, he would be unable to support a dock permit.

The Board has visited the site and is familiar with the layout. T. Creamer offered the following motion for consideration.

MOTION: That the Board of Selectmen, acting in its capacity as Harbormaster, hereby finds that the dock placed in South Pond at 78 South Shore Drive has no valid permit and is in violation of the Board's August 1, 2011 vote, and

Further, that the Board of Selectmen hereby ORDER the dock to be removed within 21 calendar days hereof, or, relocated to strictly comply with the Board's August 1, 2011 vote, and

Further, that failure to comply with said order may result in the Town taking further enforcement action at the expense of the property owners of 78 South Shore Drive without further notice, by T. Creamer.

2nd: P. Gimás

Vote: Four in favor; M. Dowling opposed.

(2) Special Circumstance Dock Permit: S. Suhoski submitted to the Board a July 13, 2012 request from the Allards for a Special Circumstance Dock Permit. They submit an application form, letter detailing their request, a schematic representation of the proposed location, and schematic showing the size of the dock.

MOTION: That the Board of Selectmen, acting in its capacity as Harbormaster, vote not to consider a special circumstance dock permit for 78 South

Shore Drive at the present time, in accordance with the layout and application dated July 13, 2012, by M. Dowling.

2nd: P. Gimas

Vote: All in favor.

Cable Advisory Committee – Equipment Upgrade Bid Award

S. Suhoski said that bids were received until 11:00 a.m. on July 5th for the equipment upgrades for SCTV that will allow digital programming, predictable scheduling and video-on-demand playback once installed and operational. The bid opening was conducted by Don Fairbrother and himself, with Judy Knowles and Bruce Butcher witnessing the following three submittals.

<u>Company</u>	<u>Address</u>	<u>Total Bid</u>
The Camera Company	Norwood, MA	\$39,488.00
Boreal Media Technologies	Hudson, NH	\$40,175.00
Valley Communication Systems	Chicopee, MA	\$46,992.32*
		<i>*not responsive</i>

The CAC reviewed each bid and voted unanimously to recommend award to The Camera Company, of Norwood, in the amount of \$36,628. He noted that the difference in price is the removal of two optional items not required at this time.

MOTION: That the Board of Selectmen award the bid for equipment upgrades for Sturbridge Cable TV to The Camera Company in an amount not to exceed \$36,628, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

M. Redetzke left the meeting at 9:30 p.m.

FY13 Senior Municipal Service Program – Initial Appointments

The Assessor's Office has qualified, and departments have requested, the next 11 applicants for the SMSP program. Your approval of these applicants will bring the total approved to 16 for as of Monday's meeting:

<u>Name</u>	<u>Address</u>	<u>Department</u>
Michael Stevens	Arnold Rd., Fiskdale	Recreation
Doreen Avallone	Adams Rd., Sturbridge	Board of Health
Louise Bonnette	Crescent Way, Fiskdale	Board of Health
Jacqueline Ciance	Crescent Way, Fiskdale	Board of Health
Rolland Provost	Crescent Way, Fiskdale	Dept. Public Works
Alexandria Nasto	Colonial Dr., Sturbridge	Planning Dept.
Modestina "Tina" Galati	Wallace Rd., Sturbridge	Veteran's Agent

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Janet-Rae Sinanian	River Road, Sturbridge	COA / Town Clerk
Nancy Giroux	Ridge Hill Rd., Sturbridge	COA
Susan Foskett	New Boston Rd., Sturbridge	COA
Madalyn Dion	Crescent Way, Fiskdale	Library

MOTION: That the Board of Selectmen approve the 11 above-named persons and assignments under the FY13 Senior Municipal Service Program, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Redetzke absent.

October Nor'easter – \$1.16 Million Reimbursement Announced

S. Suhoski said that he had logged a telephone message left from Sen. Kerry's office announcing that \$1,160,517 in disaster assistance was approved for Sturbridge relative to the October snowstorm. The press apparently reported on this today as well. The dollar amount matches the first reimbursement request that DPW and S. Suhoski worked to submit in early June (this was reported to the Board in S. Suhoski's June 22 Town Administrator update). Despite the press releases, the Town will still need to follow the customary reimbursement process that has been ongoing for the tornado and the tropical storm. Although we have not yet received the grant contracts, it is comforting to know that our request was fully-funded by FEMA.

Final Tornado Disaster Reimbursements Submitted

The Town has submitted its final three reimbursement contracts to MEMA for the June 1, 2011 tornado in the amount of \$38,554.88 bringing the total submitted reimbursements to roughly \$179,000.

Disaster	Agency	Work	Elig. Cost	Reimb. Tot. (%)
June 2011 Tornado	FEMA/MEMA	Debris / Rt. 15 & 20 debris piles	\$34,984.00	\$26,238.00 (75%)
June 2011 Tornado	FEMA/MEMA	Debris / guard rail replacement	\$11,102.50	\$8,326.88 (75%)
June 2011 Tornado	FEMA/MEMA	Debris / WWTP pipe and trees	\$5,320.00	\$3,990.00 (75%)

The Town is nearing the end of the cleanup and substantial administrative paperwork associated with the disasters of 2011.

Once all documentation and reimbursements are known a full and final accounting of all expenses and reimbursements will be made available to your Board and the public.

Other Matters: Following are updates on various ongoing items:

- **Municipal Buildings:** An outdoor water spigot will be installed at Town Hall in the coming week by Rovin Plumbing for a cost not-to-exceed \$1,100. The cost of screening the HVAC units at Town Hall was quoted at over \$6,000 due to prevailing wages and S. Suhoski is going to seek alternate pricing and options. Next will be to further advance the Town's HVAC and remaining warranty claim (plaster / paint repair on first floor). With respect to the Library roof, C&C Temperature Controls will return to the building on

Monday or Tuesday to seal around the intake fan on the roof as recommended by LPA Architects. Also, LPA has initiated site review of the buildings included in the Municipal Building Study.

- **Solar Power Project Status:** The Energy Advisory Committee – together with Blue Wave Capital – is prepared to present an update on the solar project to the Board and the public on July 23 at 5:30 p.m. if there is no objection from the Board.
- **Riverlands Environmental:** The draft final report was provided to the Town and disseminated by email to the Board. S. Suhoski requested Tighe & Bond to present their next recommended actions with a cost estimate for same at the earliest convenience.
- **Insurance Advisory Committee:** (no change) The Board included insurance review as a specific goal. S. Suhoski hopes to have a couple of tentative meeting dates by Monday.
- **Walker Road Improvements:** The public hearing is scheduled, advertised and posted for August 6. All abutters to the road will be reminded by letter as well.
- **Walker Pond Drainage:** (no change) Dave Prickett of Tighe & Bond presented phasing options at the Board's May 21 meeting. S. Suhoski learned recently from the DPW Director that Mr. Prickett is no longer with the firm. Separately, S. Suhoski has initiated inquiries about potential grant funds for portions of the work.
- **Route 15 Wastewater/Water:** In addition to the CEDS report, through the Planning Board meeting on July 10, this project will be incorporated in another regional plan (the "Central 13" report) being developed by the CMRPC. Further, S. Suhoski requested the Economic Development Advisory Committee to review the Tighe & Bond report and to issue a recommendation. The EDAC meets on July 18 and both the Town Planner and S. Suhoski will attend the first portion of the meeting to coordinate responsibilities and timelines.
- **Mountain Brook Private Road Association:** (no change) Sent courtesy email on 6/29 inquiring of status of road association's efforts.
- **Other Meetings / Miscellaneous:** Met LPA to discuss additional maintenance scope for building study; met with Fire Chief re: various operation/personnel matters; met with (2) citizen walk-ins re: Walker Road; conducted resident meeting with DPW Director for Walker Road Improvement project; prepared and submitted tornado recovery grant; met with D. Fairbrother re: cable equipment bids; met with walk-in citizens re: late tax payment (tendered in pennies); reviewed, assisted and posted vacancy notices for part-time data collector and part-time clerk for Board of Health.

T. Creamer said that he was very pleased with the Action Item Re-Cap.

Old Business

P. Gimas noted that a caller to Ask the Selectmen from the prior week complaining about the sign bylaw had actually praised the sign bylaw during its development. M. Dowling said that she had taken the call, and the caller's main focus was on the Town not allowing vendors to display their wares outdoors.

T. Creamer said that he had a discussion with Attorney Bob Levite further to initial discussion by the Town Administrator. Mr. Levite is an expert in conservation restrictions, and he agreed to meet with the Board on July 23rd to discuss the topic.

T. Creamer asked S. Suhoski about his calendar year goals, and noted that quarterly reports were to commence. S. Suhoski reminded the Board that the first quarterly reports on economic development issues were distributed on July 2nd, but that he would provide another copy. S. Suhoski asked the Board to offer feedback on the reports to ensure that the product met the needs of the Board.

New Business

M. Blanchard noted that she saw weeds growing between the curb and concrete of the Rt. 131 sidewalks. S. Suhoski will advise DPW and report back.

Approval of Minutes

MOTION: To approve the minutes of April 10, 2012 as amended, by M. Blanchard.
2nd: P. Gimas
Vote: Four in favor; M. Redetzke absent.

MOTION: To approve the minutes of May 7, 2012 as amended, by M. Blanchard.
2nd: P. Gimas
Vote: Four in favor; M. Redetzke absent.

MOTION: To approve the minutes of June 4, 2012 as amended, by M. Blanchard.
2nd: P. Gimas
Vote: Four in favor; M. Redetzke absent.

MOTION: To approve the minutes of June 11, 2012 as amended, by M. Blanchard.
2nd: P. Gimas
Vote: Four in favor; M. Redetzke absent.

MOTION: To approve the minutes of June 18, 2012 as amended, by M. Blanchard.
2nd: P. Gimas

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Vote: Four in favor; M. Redetzke absent.

MOTION: To adjourn, by M. Blanchard.

2nd: P. Gimás

Vote: Four in favor; M. Redetzke absent.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date