

July 23, 2012

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

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

The Chairman called the meeting to order at 5:30 p.m. following the Pledge of Allegiance.

Approval of Minutes

MOTION: To approve the minutes of May 21, 2012 as amended, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Resignation of Building Inspector/Appointment of Interim Building Inspector

S. Suhoski informed the Board that David Lindberg, the Building Inspector since March 2010, has resigned effective immediately. S. Suhoski accepted his resignation with regret.

M. Dowling wished David Lindberg well, and noted that he had served the Town professionally.

MOTION: To appoint Curtis J. Meskus as Interim Building Inspector, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

MOTION: To appoint Shaun Suhoski as Interim Zoning Enforcement Officer, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Riverlands Environmental Testing

S. Suhoski introduced Tighe & Bond's proposal for the additional testing required at the Riverlands site. He also requested the consultant to frame the "exit strategy" from the Mass. Contingency Plan process:

From Tighe & Bond: The only way to get out of the MCP is to file an RAO [[response action outcome]] of some sort. Right now we can't show how big of an area is contaminated, so we can't RAO it, nor can I accurately tell you what your best alternative for an RAO is. I can tell you that in a perfect world, this additional sampling will show that

1. *contamination does not extend further horizontally than sample B-1 and B-11*
2. *Chromium is not hexavalent and below standard*
3. *PAH contamination is associated with coal or ash and historic fill activities*

If we can show these three things, we have established a permanent solution and we should be able to just package the info in a report and submit the RAO. Unfortunately, you have to be able to show where the contamination ends, which can only be accomplished by sampling. Hopefully this makes sense, but unfortunately the MCP doesn't go directly from point A to point B, it relies on if/then scenarios and you can't find out the "if" until it has been sampled.

The Board requested more information before making a decision, including an outline of the process.

Energy Advisory Committee / BlueWave Capital Solar Site Presentation

S. Suhoski submitted to the Board a copy of the February 13 presentation to the Board by the EAC.

S. Suhoski advised that the sites that were reviewed include Town-owned property at the landfill, the Riverlands and off Ladd Road; also, privately-owned sites off Fiske Hill Road and in the town of Palmer are options. And, as discussed previously with the Board, the Town continues to seek information from MassDOT on a potentially favorable site at the junction of Routes 20 and 49.

Kenny Fuqua and John Schneider of the Energy Advisory Committee appeared before the Board, as well as Trevor Hardy and John DeVillars of BlueWave.

It was the consensus of the Board to remove the Riverlands from the list of sites.

MOTION: That the Board of Selectmen endorse an order of priority for sites: #1 MassDOT property on Charlton Road; #2 Private property in Palmer; #3 Sturbridge Town Landfill on Breakneck Road, so that a power purchase agreement can be negotiated and brought back before the Board, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Public Hearing: Liquor License Application for Teddy G's Pub and Grille, Inc., 179 Main Street

Ted and Kelly Gidopoulos appeared before the Board, and said that all bartenders will be TIPS certified.

S. Suhoski informed the Board that this is an application for a new full-service liquor license and Common Victualler license for the restaurant that is being developed in the former Rom's building at 179 Main Street. Ted Gidopoulos is the principal and proposed manager of record. He is currently the co-owner and manager of Village Pizza on Main Street.

The restaurant and bar would occupy 5,300 square feet of the renovated commercial building and this represents yet another substantial re-investment on Main Street in Sturbridge. The newspaper advertisement ran on July 10th in the Southbridge News.

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 license for Teddy G's Pub & Grille, Inc., 179 Main Street, with hours 11:00 a.m. – 1:00 a.m. Sunday through Saturday, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

MOTION: That the Board of Selectmen approve an all-alcoholic beverages license for Teddy G's Pub & Grille, Inc., Ted D. Gidopoulos as manager of record, for the premises located at 179 Main Street, Sturbridge, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Recreational Trails Master Plan Public Hearing

S. Suhoski noted that although not required under statute, this public hearing was properly posted and advertised in the Southbridge News. It was S. Suhoski's understanding that the RTMPSC has revised the draft plan and map further to prior discussion before the Board.

Thomas Chamberland, Tree Warden, presented the final draft of the Recreational Trails Master Plan to the Board. He said that the Recreational Trails Master Plan Steering Committee wants to work on trails in the Town's open space properties, and create a town-wide trail system including bikeways and access for pedestrians. He outlined the visions, goals and objectives of the plan, which can be found on the Town's websites.

T. Creamer noted that the Board of Selectmen has no authority nor jurisdiction to commit the Town to any spending; that can only be done by the legislative branch at Town Meeting.

M. Dowling said that Goal #3 included "recreational" amenities, and noted that signage should be immediate. The Board had questions about financing, trails, lakes and user fees.

Carol Childress said that the Americans with Disabilities Act was not addressed in the plan, and she wondered if the estimated costs reflected the cost of bringing the trails up to ADA compliance. T. Chamberland said that the plan does take into consideration the standards for the Architectural Access Board, which are currently the only adopted standards for trails. He said that All Trek Sturbridge trails fully comply with those standards.

Some of the residents expressed concern about the costs associated with completion of the trails, noting that the plan estimates \$17,375,000 to complete the entire project. T. Chamberland explained that those costs were the worst case scenario estimates, and that they include no volunteer hours, grants or anything else. He said that when the Town takes federal grants and works through Mass DOT, it is required by law to build trails to that standard, so those costs cannot be avoided. He said that for a \$500,000 trail, it will only cost the Town \$11,000 to build, which would be the 20% match for the design portion of the trail.

A resident asked if the plan included costs to fund maintenance and monitoring of the trails and waterways. T. Chamberland said that the plan addresses maintenance by building sustainable trails, which require minimal maintenance.

T. Creamer noted that the Town recently expended millions of dollars to renovate Burgess Elementary School, Town Hall, Center Office Building and the Wastewater Treatment Plant, and purchased open space properties. He said that the Town has not done a good job in the past with maintenance of its properties, and considered it to be a valid concern.

One objective in the plan focuses on improving public access to the great ponds. A show of hands determined that the majority of residents in attendance were lakefront property owners. They expressed concern about the development of boat ramps, increase of traffic on the lakes and increase in invasive vegetation on the lakes.

M. Dowling said that she viewed the plan as a conceptual plan, a long-term project and long-term goal to enhance the life of residents.

MOTION: To continue the public hearing to September 4, 2012 at 6:35 pm., by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

Discussion with Atty. Robert Levite re: Conservation Restrictions

The chairman was able to schedule Atty. Robert Levite to come before the Board and advise of the conservation restriction process and discuss the needs in Sturbridge. S. Suhoski had previously reached out to Mr. Levite as he was involved in developing the Massachusetts Conservation Restriction Stewardship Manual for the Mass. Audubon Society (and endorsed by the MACC). This meeting should help educate and frame the next action steps.

Attorney Robert Levite, the attorney for the Mass. Land Trust Coalition, appeared before the Board. He informed the Board that he has a degree in environmental law, and has worked as general counsel for state agencies.

T. Creamer said that David Barnicle, Chairman of the Conservation Commission, has indicated that he is in favor of obtaining the services of Mr. Levite in support of conservation restrictions for the Shepard, Heins, Long Pond and Riverlands properties. He asked R. Levite to provide the Board with a summary as to challenges with those properties, the timeline and what additional things the Board could provide in support.

R. Levite said that the statute never gave the direction necessary to ensure that conservation restrictions are put in place. He noted that it is difficult to find an organization that will hold the conservation restrictions. He said that the fact that the Town owns the property, the conservation restriction takes some of that ownership away, and some other entity would keep track of the property to make sure it is properly taken care of and monitored so that conservation values are not diminished over time. He requested information on the conservation values on the properties, and what has been done in terms of research to determine the conservation values, in order to compose a conservation restriction that will protect those particular values (species, soils, groundwater, scenic, etc.). He suggested sending biologists to the sites.

T. Creamer said that the properties were purchased with Community Preservation funds and in light of that, Penny Dumas of the Community Preservation Committee could be able to provide documentation and minutes regarding the intended value of the properties. He asked Carol Goodwin to provide minutes from the Open Space Committee. Carol Goodwin said that she could provide what is in the Open Space Plan.

R. Levite said that one of the biggest things with land protection is that you don't want to undo what has been done; some people want to amend conservation restrictions after they have been done. He said that they try to avoid that as much as possible, and recommended spending some time on the values.

M. Dowling asked how much time it would take for each conservation restriction to do all of the research and send a biologist out. She also asked whether it needs to go back to Town Meeting for final approval of the conservation restriction. R. Levite said that the time will differ for each property, depending upon what is on that property and the

wording of the Town meeting vote. He noted that Massachusetts is the most sophisticated state in the country regarding conservation restrictions, as it is the only state with a statute. He said that it could take three or four months to complete the conservation restrictions. He said that he will look at the statute as to whether or not a conservation restriction had to go back to Town Meeting.

Penny Dumas said that the biggest challenge is finding someone to hold the conservation restriction. She noted that Opacum seems to be interested in the Heins parcel.

Howard Fife said that Opacum has voted on the Long Pond and Heins parcels, and he will have the President send a document of that vote to the Town Administrator.

R. Levite said that money from CPA funds can now be used to cover the cost of paying a separate entity to do monitoring and stewardship of a property. He noted that the Town does stewardship, but monitoring is a separate process. He said that they would do a baseline documentation report, take pictures all over the property, then each year go back and do the same thing, to find any changes to the property that might take away from the conservation values. He said that the conservation restriction holder would have the obligation to address any changes or disturbances to the property.

R. Levite agreed to prepare a proposal. He said that the land trusts will feel more comfortable in holding the conservation restrictions if there is money for the monitoring. S. Suhoski said that the Community Preservation Committee and the Conservation Commission should review the proposal from R. Levite.

FY13 Senior Municipal Service Program – Initial Appointments

The Assessor's Office has qualified, and departments have requested, the next applicant for the SMSP program.

<u>Name</u>	<u>Address</u>	<u>Department</u>
Therese Girouard	Shore Rd., Sturbridge	Recreation

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

2nd: P. Gimas

Vote: All in favor.

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 (delayed for

special part). The cost of screening the HVAC units at Town Hall was quoted at over \$6,000 due to prevailing wages and I am 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 sealed around the intake fan on the roof as recommended by LPA Architects and this will be monitored for closure.

- **Insurance Advisory Committee:** (No change) The Board included insurance review as a specific goal.
- **Walker Road Improvements:** The public hearing was scheduled, advertised and posted for August 6th. All abutters to the road will be reminded by letter as well.
- **Walker Pond Drainage:** Through FY12 encumbered funds, the DPW Director initiated baseline survey in the Wells Park / Falls Road area as was discussed at the May 21st meeting. This baseline design will ensure correct elevations as phases of the system are developed. The engineering work is being done by Tighe & Bond. Separately, S. Suhoski initiated inquiries about potential grant funds for portions of the work.
- **Route 15 Wastewater/Water:** At S. Suhoski's request, the Economic Development Advisory Committee is reviewing the Tighe & Bond report and will be conducting outreach to all potential property owners that would benefit from the improvements to identify their needs and wishes.
- **Economic Development Advisory Committee:** The EDAC met with the Town Planner and S. Suhoski and has agreed to participate in the Special Use District zoning review once the Planning Board initiates that process. The Planner and S. Suhoski are developing a targeted list of action items consistent with the Master Plan for EDAC to engage. Input into the sign bylaw sub-committee will be included.
- **Mountain Brook Private Road Association:** (No change) S. Suhoski sent courtesy email on 6/29 inquiring of status of road association's efforts.
- **Other Meetings / Miscellaneous:** S. Suhoski conducted various site visits and met with residents re: miscellaneous matters; met with Fire Chief re: staffing; attended land use division meeting; met with potential developer of vacant motel at Route 20 and New Boston Road; met with health agent, planner, building inspector; DPW director and others regarding department issues.

Government Services Study Committee – Applicant Review

MOTION: To appoint Aaron Smith to the GSSC, by P. Gimas.

2nd: M. Blanchard

Vote: Four in favor; M. Dowling abstained.

July 23, 2012

MOTION: To appoint Dick Vaughan to the GSSC, by M. Blanchard
Vote: M. Blanchard in favor; three opposed; M. Dowling abstained.

MOTION: To appoint Don Miller to the GSSC, by M. Redetzke.
Vote: M. Redetzke in favor; three opposed; M. Dowling abstained.

MOTION: To appoint Peter Levine to the GSSC, by P. Gimas.
Vote: Three in favor; M. Dowling and M. Blanchard abstained.

Aaron Smith and Peter Levine were successfully appointed to the GSSC.

There was no Old Business, New Business or Ask the Selectmen/Citizens' Forum.

MOTION: To adjourn, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date