

March 19, 2012

**BOARD OF SELECTMEN
MINUTES
MARCH 19, 2012**

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

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

Mountain Brook Private Road Association – Discussion re. Drainage

Raoul Ricard, Beach Avenue and Tina Anderson, Mountain Brook Road, appeared before the Board. R. Ricard provided an update regarding the road project and the need to get a budgetary quote. He said that the Association had raised enough money to hire an engineer to do a cost estimate for the project, and it was put together after a site meeting with Greg Morse, DPW Director, S. Suhoski and Erin Jacque, Conservation Agent. He said that the estimate came in at \$200,000 to do the drainage at the bottom of the hill and the two culverts to support Mountain Brook Road. He asked whether betterment was an option. He noted that the problems are due to the stream and drainage impacting that road.

S. Suhoski had determined after discussion with Town Counsel that there is a provision under Title 14 Public Ways and Work that according to the way it reads, betterment could be an option to get the drainage areas fixed.

R. Ricard noted the need for Town betterment because there are only 35 residents in that area. S. Suhoski said that there is an arcane statute that allows municipalities (even on private roads) to adopt land public drainage facilities, and there is a mechanism to do that. He said that Town Meeting must approve it, but it can be done. He noted that there are a lot of questions to be answered.

T. Creamer asked the Board for input about the possibility of pursuing a path wherein the Town would undertake the work by way of a betterment for the 35 stakeholders, not to be shared by other residents, but solely the residents of Mountain Brook Road.

M. Dowling said that all 35 households would have to sign an agreement with the Town that they forever would relinquish any right to ask for an abatement in the future. She noted that the betterment runs with the land.

S. Suhoski said that it is a policy decision whether the Board or Town Meeting wants any sign off not to seek an abatement later on. He said that he would ask Town Counsel as to whether it will run with the land.

T. Creamer suggested seeking a deed restriction, which would become part of the deed, rather than a contract. M. Blanchard said that the Board needed specific details, and P. Gimás agreed.

S. Suhoski said that if the Town were to assume this project, it would then become a public drainage project, easements would be required from the property owners, and there would have to be a maintenance agreement to maintain the structure. T. Creamer said that if deed restrictions were obtained, the Town would be held harmless, and ensure that the betterment costs would be shared solely by those 35 residents that were part of the betterment project, with a maintenance agreement between the Town and MBRA. He noted that whatever the Board does with it will become a template for other private roads. He noted that it would apply to duly authorized private road associations only.

M. Dowling suggested that the Mountain Brook Private Road Association should get all households on board. R. Ricard said that it would be the Association's responsibility to get the signoffs. T. Creamer said that he would like to see the majority of the households sign off.

Barbara Barry, Finance Director, said that under the law, there could be a 20 year betterment.

R. Ricard said that residents have asked whether the Town would pick up a portion of the cost.

It was the consensus of the Board to further pursue details before making a commitment. The Board supported having S. Suhoski consult Town Counsel regarding the legality of it, and obtain numbers based on the current interest rates.

Wastewater Treatment Plant Noise Mitigation

T. Creamer announced that a member of the press was using a recording device.

Greg Morse, DPW Director, and Ian Catlow, Tighe & Bond appeared before the Board to discuss noise management at the Wastewater Treatment Plant. Ian Catlow discussed the proposed change order and apologized for the delay. I. Catlow said that he had encountered some additional problems in putting an enclosure on the roof. Someone in his office had suggested putting it on the west wall of the building, which would alleviate problems with the roof membrane leaking and structural concerns regarding weight on the roof. He said that they are re-routing all of the air intakes on the roof and shifting it out of the west wall

of the Wastewater Treatment Plant. He noted that the sound attenuating panels will reduce noise emission.

MOTION: To rescind the Board's vote of January 23, 2012 regarding noise, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

MOTION: That the Board of Selectmen support Option #2 from R.H. White for \$18,074 as per the sketch provided by Tighe & Bond dated March 19, 2012, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Budget Discussion

The Board discussed the budget items (which were previously put on hold) with the Town Administrator and Barbara Barry, Finance Director.

S. Suhoski explained the reason for the 2% wage increase for non-union employees, referencing the Consumer Price Index at 2.7%. T. Creamer was opposed to the increase, citing current economic conditions and the number of people locally and nationally who are unemployed or underemployed. He also cited the number of economically distressed homes that are in foreclosure or pre-foreclosure in the Central Mass. Region, more than a handful of which are in Sturbridge, and he did not feel that an increase was appropriate at this time, in the face of the economic suffering being experienced by all too many residents. M. Blanchard favored the 2% increase, and said that to reject it would pit non-union against union employees. A. Ellison said that she would support a maximum increase of 1.5%. P. Gimas suggested holding out on 2% at this time. M. Dowling said that there is not a substantial difference between 1.5% and 2%; she expressed support of the 2% increase, as she values the employees. A. Ellison agreed to support a 2% increase.

MOTION: That the Board of Selectmen support a 2% COLA increase for all non-union employees, by M. Blanchard.

2nd: A. Ellison

Vote: Three in favor; T. Creamer and P. Gimas opposed.

It was the consensus of the Board to continue to hold the following line items: 7, 8, 21, 22, 42, 66, 69, 70, 75, 76, 80, 87, 94, 95, 99, 100, 104, 106, 110, 112, 167, 175 and 179.

MOTION: That the Board of Selectmen approve all of the line items that were released from being on hold this evening, by M. Blanchard.

2nd: P. Gimás
Vote: All in favor.

DRAFT Listing of Annual Town Meeting Warrant Articles

S. Suhoski requested guidance from the Board followed by a listing of all known warrant articles as of this date. He recognized that he is expected to present to the Board the official warrant by March 15; however, based upon the lessons learned last year, he wants to have the document substantially complete and vetted by counsel and finance to avoid confusion.

S. Suhoski said that in order to complete the document, there are a couple areas of policy guidance that he needed from the Board to complete the document, and it will be necessary to schedule a public hearing on the water and sewer rates at the Board's March 26 meeting.

S. Suhoski shared the DRAFT warrant with the Board to allow for efficient review of the official document on March 26th and April 2nd. He noted that despite all of the debate and citizen petitions, the Warrant is very concise.

Listing of potential articles:

1. Town Reports
2. Community Preservation Cmte. (CPC) Report
3. FY13 Town Budget
4. CPC – Undesignated Fund (Administration)
5. Water Department Budget
6. Sewer Department Budget
7. Sewer Project Debt
8. Community Preservation Debt Service
9. Revolving Fund Reauthorizations
10. Sturbridge Tourist Association Recs
11. Betterment Committee Recs
12. Capital Improvement Plan
13. Capital Improvement Raise Article
14. OPEB Raise Article - \$10,000
15. Ambulance Stabilization Fund (2/3 VOTE)
16. Stabilization Fund Raise Article (2/3 VOTE)
17. Commercial Tourist Dist. Plan Raise Article
18. Tax Rate Relief: Transfer from Free Cash
19. Zoning: Historic Commercial District Amendment (2/3 VOTE)
20. Regulation of Collection Bins (bylaw amend)
21. Planning Board: Accept MGL c. 41, s. 81U
22. Authorize BOS to Lease Land for Solar
23. Regional School District Agreement Amendment
24. Citizen Petition re: FY13 Budget

- 25. Citizen Petition re: Time of Annual Meeting
- 26. Citizen Petition re: Purchase of 310 Main St.

S. Suhoski said that regarding #19, the Planning Board will provide a report with language and a map.

The area that S. Suhoski needed guidance upon was with respect to several subdivision roadways that have achieved or nearly achieved completion. He said that the Town Planner and DPW Director have been working very closely with the developers of Regep Lane, the Highlands and The Sanctuary to finalize streetlight installation and other outstanding items as well as having the proper survey, road layout and legal descriptions and/or easements in place.

S. Suhoski said that the Spaho Corp. development (Regep Lane) may be in substantially complete form to place on the Warrant. The Town Planner and S. Suhoski were interested in whether the Board would put The Highlands and The Sanctuary on the Warrant as placeholders in the event the documentation is completed in the next few weeks.

T. Creamer noted that any citizen petitions can be brought forward until the Board closes the warrant, and the draft warrant was due by March 15th. M. Blanchard said that there is no detail on the list provided to the Board, and she did not consider the list to be a draft warrant.

T. Creamer said that the Board placed the citizen petition for 310 Main Street at the last meeting. He noted that the warrant must be officially closed by April 2nd. S. Suhoski assured the Board that they will have everything they need for the budget and a draft warrant that has been vetted by Finance by the next meeting.

MOTION: To place and not support Article 24, citizen petition regarding the FY13 budget being level funded, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

MOTION: To place Article 25, citizen petition regarding time of Annual Town Meeting, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

MOTION: To not support the request for an additional 18 hours staff time in the Conservation office at this time, by M. Blanchard

2nd: P. Gimás

Vote: Four in favor; M. Dowling abstained.

MOTION: To not support the request for extra time in the Building Department office, by M. Blanchard.

2nd: P. Gimás

Vote: Four in favor; M. Dowling abstained.

A. Ellison said that she would not support adding a new position or hours in a piecemeal approach. It was the consensus of the Board to defer action on the request for additional staffing in the Assessor's office. T. Creamer suggested that the Board be provided with information regarding the cost to outsource vs. in-house staff.

M. Blanchard suggested an overall study on services the Town provides and what could be done to improve services and increase staff.

It was the consensus of the Board to defer action on the request from DPW, and the School Resource Officer pending further information.

Correspondence

M. Blanchard read the correspondence list into the record.

M. Blanchard said that Kevin Smith had sent an email to S. Suhoski which had been forwarded to the Board, indicating that the Finance Committee had taken a 7:1 vote to direct the Town Administrator to proposed a line item budget that meets the funding requirements proposed by the citizen petition to hold the budget at FY12 totals, to be delivered to the Finance Committee no later than April 19th. He said that they would also like the Personnel Committee to reconsider reclassifying the Clerk's position in the Assessor's office, to be in the same grade as other clerks. In addition, they would like the Personnel Committee to develop a job description and grade for the proposed Data Collection Clerk Assistant Assessor. T. Creamer indicated that the Finance Committee had no authority to direct the Town Administrator, and that such should have been voted as a request. He further stated that the Town Administrator is an employee of the Board of Selectmen, and that any direction to the Town Administrator would come from the Board, not the Finance Committee.

T. Creamer said that to comply with the budget request, it would be necessary to cut positions and funding to other projects. He again stated that it was inappropriate for the Finance Committee to direct the Town Administrator to do anything, but that the Board of Selectmen should expect a supplemental scenario from the Town Administrator so that residents could be better informed.

S. Suhoski said that it is unnecessary to level fund the budget, and residents don't want cuts to service or staff layoffs.

It was the consensus of the Board that the Town Administrator not proceed with the request made by the Finance Committee.

Department Head Reporting

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Based upon the discussion at last week's meeting, S. Suhoski offered the following revised proposal for the Board's consideration. He noted that it would maintain the more frequent bi-monthly contact with the major departments and still allow a rolling schedule for other departments to come before the Board. Also, it rotates the order of reports so the department heads each have the opportunity to get out early. This was offered solely as a suggestion to the Board.

April 2012:

Police
Fire
DPW
Water / Sewer
+ Conservation/Trails

October 2012:

Fire
DPW
Water / Sewer
Police
+ Conservation / Trails

June 2012:

Water / Sewer
Police
Fire
DPW
+ Recreation

December 2012:

Police
Fire
DPW
Water / Sewer
+ Recreation

August 2012:

DPW
Water / Sewer
Police
Fire
+ Council on Aging

February 2013:

Water / Sewer
Police
Fire
DPW
+ Council on Aging

The Town Planner and Finance Director were not included, as they typically appear before the Board several times per year on an as-needed basis.

It was the consensus of the Board to revise the proposal to maintain more frequent bi-monthly contact with the major departments and allow a rolling schedule for other departments to come before the Board, and rotate the order of reports so the department heads each have the opportunity to get out early.

It was the consensus of the Board to defer action until the next meeting.

Regional Community Innovation Grant Awarded (\$310,000)

As previously reported to the Board, S. Suhoski worked to include Sturbridge in a regional grant application that would provide technical assistance and education concerning the revised National Pollutant Discharge Elimination System (known as NPDES) requirements that are being imposed on all cities and town through

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the federal Environmental Protection Agency. Primarily, these requirements will include mapping of all stormwater outlets / discharge points, public education and more stringent stormwater management controls.

The 13-town regional collaborative was notified that Sturbridge's application for \$310,000 was funded in the first round of the CIC program.

The formal name of the program is "Regionalizing Municipal Stormwater Management in Central Massachusetts through Collaborative Education, Data Management, and Policy Development." Greg Morse and S. Suhoski will be participating in the effort to bring benefits to the Town. S. Suhoski anticipates more information to be forthcoming after organizational meetings are held in April for the grant recipients.

This program is a tangible example of why S. Suhoski participates in a monthly luncheon with other regional Town Administrators. Also, the part-time Veterans' Agent was recruited through this same forum.

Storm Related Vegetative Debris Removal

S. Suhoski informed the Board that final cleanup on both Route 15 debris sites (by Days Inn for the tornado, and the old Howard Johnson's pad for the October snowstorm), and the Route 20 boat ramp site, are now complete. Also, the DPW plans to re-seed the area off Route 15 in the coming weeks.



"Days Inn" Site



"Howard Johnson's" Site

As reported last week, the only remaining debris activity associated with any of the 2011 storms is the forest cutting plan for Stallion Hill Conservation Area which was recently approved.

Remaining action items for the Town Administrator, Finance Director, Police, Fire and DPW staff are to ensure fulfillment of all documentation needed for FEMA / MEMA reimbursement. In the next few weeks, S. Suhoski will prepare a

spreadsheet to be included in the miscellaneous updates below that will track the Town's reimbursements.

Miscellaneous Items

Following are some updates from Tuesday through Thursday this week:

- **Mountain Brook Private Road Association:** The MBPRA was scheduled to speak with the Board. S. Suhoski will be able to share some information gleaned from Town Counsel to provide the Board with a general update and options.
- **Riverlands Environmental:** As reported previously, the groundwater sampling will be conducted March 29th or 30th, with the final report and findings/recommendations anticipated by the first week in May. It is hoped that large portions of the site will be deemed "clear" and that any mitigation will be focused to specific areas.
- **AAB Variance Update:** This work is complete. S. Suhoski will be documenting the work to the AAB to close out this item.
- **Walker Road Improvements:** (No change) CME has completed a draft plan, profile and cross-sections which the DPW Director expects to review in the immediate future. After any revisions required by DPW, the draft plans will be shared with the Board of Selectmen and the residents for further review and comment.
- **Walker Pond Drainage:** (No change) Dave Prickett of Tighe & Bond has advised that they have a bit more work to do to finalize next steps and recommendations. He indicated a report would be forthcoming this month.
- **Route 15 Wastewater/Water:** (No change) The report was emailed to the Board last week. Tighe & Bond can undertake additional work seeking USDA or other grants at a separate cost.
- **Other Meetings / Miscellaneous:** Discussion with MBPRI representative and Town Counsel re: private road issues; attended Betterment Committee meeting; participated in National Grid presentation; attend Capital Planning Committee meeting; attend Burgess School Building Committee meeting; met with Chairman of Historic Commission.

Old Business

P. Gimas asked about the status of painting the crosswalks. A. Ellison suggested that a crosswalk be painted on Rt. 131 in front of Shaw's. S. Suhoski said that the state had indicated that it was satisfied with the design of the

intersection at Shaw's as it is. M. Blanchard noted that there is no sidewalk on one side. T. Creamer said that he had previously spoken with representatives from MassDOT, and they had indicated that they were focused on one objective, and that is to keep traffic moving on Routes 20 and 131, as they are state highways, not side roads, and is reluctant to put in lights or crosswalks, as such would impede the flow of traffic.

M. Blanchard asked about the status of Syl's application for a Class 2 license. S. Suhoski said that he had received input from the Fire Chief and Town Planner regarding the layout of the cars on the lot. Gabriel Burny has asked an engineer to reconfigure the lot to meet the requirements of the Planning Board Site Plan approval.

New Business

M. Blanchard said that the Board had received a complaint from Henry Hope about noise in his neighborhood.

Ask the Selectmen/Citizens' Forum

A. Ellison received a phone call from a resident who asked how much time the Conservation Agent spends on trails. S. Suhoski said that he had met with Erin Jacque and reviewed her workload, and the trails do take a sizable percentage of her time, about 30%.

The caller's second question was about the total cost of the Habitat for Humanity project. M. Blanchard said that the Town had provided the lot, and up to \$80,000. T. Creamer said that the Habitat for Humanity home was funded by the CPA portion of affordable housing, as recommended by the Housing Partnership Committee. He suggested getting that CPA portion number for the next meeting.

Pat Jeffries announced that a "Taste of the Towns" fundraiser for Habitat for Humanity will be held on Wednesday, March 21st from 6:00 p.m. to 9:00 p.m. at the Sturbridge Host Hotel, \$35 per person.

MOTION: To convene in executive session under MGL Chapter 30A, §21, Paragraph #6: To consider the purchase, exchange, lease or value of real estate; not to reconvene in open session, by M. Blanchard.

2nd: P. Gimas

Roll call vote: M. Dowling in favor; T. Creamer in favor; A. Ellison in favor; P. Gimas in favor; M. Blanchard in favor.

The Board convened in executive session at 11:00 p.m.

Respectfully submitted,

March 19, 2012

Judy Knowles

BOS Clerk

Date