

September 10, 2012

**BOARD OF SELECTMEN
MINUTES
SEPTEMBER 10, 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.

Town Planner: Whittemore Woods Release of Tri-Partite Agreement

S. Suhoski submitted to the Board a request from the Town Planner and Planning Board to have the Board of Selectmen ratify the release of the Tri-Partite Agreement and associated funds totaling \$31,756.75 so as to allow completion of as much work as possible on the Whittemore Woods subdivision. He said that Jean Bubon, Town Planner, has put together the best possible scenario to move this subdivision closer to completion.

S. Suhoski noted that a key piece of work (subject to the vote of the Board of Selectmen) is to complete the final course of paving on Turner Lane before the winter. DPW Director Greg Morse is working to help expedite this work, as he feels it is important to secure this roadway to prevent the binder course from deteriorating.

S. Suhoski said that another important benefit will be that final pavement will allow the stormwater structures in Turner Lane to function properly, which will reduce the volume of run-off that flows across Fairview Park Road where it is eroding a section of the shoulder and affecting the property of the Habitat home.

Jean Bubon, Town Planner, informed the Board that the Planning Board had approved the Whittemore Woods Subdivision (commonly called Turner Lane) in 2004. The subdivision was to contain two roads: Turner Lane and Woods Road; however, Woods Road was never constructed, since it failed to gain Conservation Commission approval. Turner Lane contains seven lots and a stormwater management parcel with a drainage easement.

J. Bubon said that the project was originally secured by a Covenant that covered all lots within the subdivision. In March of 2005, the Board released Lots 1-6 and on October 25, 2005 approved the release of Lot 7 in exchange for a Lender's Agreement in the amount of \$42,000.00 to cover the remaining work in the development. Under the state Permits Extension Act, the completion date was extended for a period of two years, giving the developer until October 14, 2012 to complete the development. The

developer of Whittemore Woods had stated that he will not be able to complete the development by October 14, 2012 and has agreed to allow the Town, through its Planning Board, to collect the funds from the bank and to complete as much of the work as the funds will allow. J. Bubon contacted the bank on behalf of the Board, and it is in agreement with the release of the funds provided the Town releases the bank from any further obligation under the Tripartite Agreement. She has also been in contact with the Homeowners Association, and it understands that the Town is under no obligation to complete this work, and that the funds remaining are not sufficient to complete all items for this subdivision to be accepted by the Town. The Association understands that it may be necessary for it to complete additional work and petition for acceptance of the road at a later date.

J. Bubon said that the Planning Board believes that the most appropriate course of action is to complete as much work as the funds will allow. Therefore, the Planning Board requested that the Board of Selectmen vote to release the funds under the Tripartite Agreement under MGL Chapter 41, §81U to complete as much work as possible.

MOTION: That the Board of Selectmen, pursuant to MGL c. 41, §81U, vote to release \$31,756.75 under the Tripartite Agreement between Swiacki & Company, LP, the Town of Sturbridge through its Planning Board, and Hometown Bank to complete work on the Whittemore Woods subdivision, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Department Head Reports

Police Chief Thomas Ford reviewed his report with the Board. He said that the Sturbridge Police Department had been awarded a \$5,000 Underage Alcohol Enforcement Grant from the Executive Office of Public Safety and Security. He noted that one of the enforcement initiatives conducted as part of this grant is Compliance Checks of licensed establishments to ensure that they are not serving underage persons. Prior to commencement of any enforcement actions or compliance checks, media releases were sent to local media outlets and notices were hand delivered and signed for by the manager of each establishment. On June 21, 2012 they began the Alcohol Compliance Checks, which were concluded on August 3, 2012. As a result, 32 licensed premises were checked, and two establishments failed the Compliance Check and served one underage operative. They were Kahula Restaurant and American Legion Post 109. Management was notified and each serving employee was criminally charged with serving alcohol to a minor. It was the consensus of the Board to conduct violation hearings for the two establishments on October 1, 2012.

Veritas Restaurant: Change in Hours for Liquor License:

The Board was copied on the application by K & J Catering LLC d/b/a Veritas Restaurant, 420 Main Street, to modify their hours of operation. This did not require newspaper or abutter notifications. The owners seek approval for hours of operation from 11:30 a.m. until 12:30 a.m. seven days per week.

MOTION: That the Board of Selectmen approve a change in hours for the sale of alcoholic beverages and Common Victualler license for K&J Catering, Inc., d/b/a Veritas Restaurant, 420 Main Street, to 11:30 a.m. until 12:30 a.m., Monday through Sunday, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

Department Head Report

Curt Meskus, Building Inspector, reviewed his report with the Board. He said that he has performed 85 inspections, issued 30 permits, with 19 permits pending during the month of August.

Attorney Robert Levite: Proposal re. Conservation Restrictions on CPA Purchased Land

Attorney Robert Levite provided the Board with his proposal for addressing the issues related to placing Conservation Restrictions on those properties purchased by the Town of Sturbridge with funds from the Community Preservation Act. He noted that each of the properties has its own issues, problems to be addressed and steps to be taken to complete a full record and associated paperwork that ensures the permanent protection of each property. He envisioned the steps to be taken to include the following:

- Review of all relevant paperwork, including Town Meeting votes and minutes;
- Examination of deeds and related legal paperwork;
- Review of all relevant data, information and documents, including local, regional and state mapping and biological assessments related to the existence and presence of various conservation values on or below each individual property;
- Review of the relevance of each property's conservation values as it relates to surrounding protected properties, recreational trails (including hiking, biking, water or other types of passive recreational trails) and protection issues relevant to other related conservation values that may affect or be affected by the protected property;
- Preparation of draft Conservation Restrictions;
- Collaboration and cooperation with the Executive Office of Energy and Environmental Affairs' Division of Conservation Services to complete state acceptable Conservation Restrictions;
- Recording of town and state approved Conservation Restrictions on each of those properties at the appropriate Registry of Deeds;

- Any related steps that will complete or enhance the existing information and complete the protection of the properties through state endorsed Conservation Restrictions.

R. Levite said that ultimately he would hope to have each property be represented by its own notebook containing all relevant information, documents and assessments. At that point, he would hope that the Town of Sturbridge would then have an ongoing permanent record by which to establish necessary steps to ensure the continued monitoring and stewardship of each of these properties under a legally enforced permanent recorded restriction. His proposed rate of pay: \$100 per hour.

MOTION: That the Board accept the proposal dated September 6, 2012 from Attorney Robert Levite, by T. Creamer.

2nd: P. Gimás

Vote: Four in favor; M. Blanchard abstained.

MOTION: That the Board vote to direct the Town Administrator, Community Preservation Committee, Public Lands Advisory Committee, Conservation Commission and Open Space Committee to release all documents, drafts in custody regarding the following properties: Long Pond, Heins, Shepard and Riverlands, by T. Creamer.

2nd: P. Gimás

Vote: All in favor.

Thomas Chamberland, Tree Warden re. \$50,000 DCR Grant

Tom Chamberland, Tree Warden appeared before the Board to report that Sturbridge is the recipient of an additional \$50,000 grant for planting trees after the tornado. He has set out 50 potential tree planting sites marked with white stakes. He noted that the grant should cover a total of 70 trees, and anyone who is interested in having a tree planted should contact him.

T. Creamer congratulated T. Chamberland for his work with the Boy Scouts.

Riverlands Environmental

S. Suhoski informed the Board that Tighe & Bond has completed the additional soil collection under Task #1 of the scope, namely for additional soil assessment for the so-called Drum Dump delineation, and the materials are currently at the laboratory for testing with results expected by the end of next week. After T&B reviews the results the Town will have an indication of whether we can remove the site from MassDEP oversight, or, whether additional remediation is required.

S. Suhoski said that if the results are favorable, he will request the Community Preservation Committee – or the Finance Committee – to authorize funds for

preparation of a Response Action Outcome statement at a fee not-to-exceed \$3,500 for the engineer plus a \$1,200 filing fee that would be due to the Commonwealth.

Energy Advisory Committee / Solar Project

S. Suhoski said that a very productive meeting and site visits were conducted with representatives from MassDOT, BlueWave and the Town to further advance this project. He noted that all parties are working collaboratively towards a beneficial project.

Other Matters

Following are brief updates on other pending matters.

- **Conservation Agent Search:** S. Suhoski has a meeting scheduled on Tuesday with a potential appointee to discuss terms and conditions. If the meeting is favorable, he will provide the Board with the applicant's background and credentials one full meeting prior to any requested appointment. If we do not reach terms with this candidate, the Town will initiate a new search.
- **Municipal Buildings:** The HVAC contractor returned for the third time to ensure proper sealing around an intake unit that is the suspected culprit of a persistent leak into the Library. Next items are: (1) screening/protecting the HVAC units outside Town Hall and, (2) pursuing final warranty claims for the Town Hall / Center Office Building project (plaster / paint repair on first floor).
- **Insurance Advisory Committee:** The IAC is scheduled to meet on September 19 along with the Town's representative from the Mass. Interlocal Insurance Association. The IAC and MIIA will discuss potential plan changes and associated cost benefits for both the Town and employees versus a GIC-alternative plan.
- **Walker Pond Drainage:** Tighe & Bond is contracted to complete baseline survey in the Wells Park / Falls Road area. The baseline design will ensure correct elevations as phases of the system are developed. As the project develops, S. Suhoski will seek potential grant funds for portions of the work including a long-shot effort at a FEMA "Hazard Mitigation Grant."
- **Route 15 Water:** The Economic Development Advisory Committee has been provided an abutters list and will outreach to all potential property owners that would benefit from the improvements to identify their needs and wishes.
- **Other Meetings / Miscellaneous:** S. Suhoski met with department heads and discussed the Board's vote to have Town Hall open extended hours; participated in Energy Advisory Committee meeting with solar technical consultant; extensive meeting with DPW Director, Water Division manager, Finance Director regarding water meters, proposed water regulations and pending September 24 discussion

regarding exception water meters; met and discussed inspectional concerns re: local motel; met with DPW Director and Water Division manager regarding potential water main extension request; met with three citizen walk-ins and scheduled meeting with attorney regarding various matters; hosted and participated in meeting and site visits for potential solar project with developer, Town Planner, Assessor and various representatives from MassDOT.

Old Business

M. Blanchard asked whether the Town received any applications for committee vacancies. S. Suhoski said approximately 6-10 applications but that there are still more volunteers needed.

M. Blanchard inquired about the Community Development Block Grant process. S. Suhoski said that a meeting with Jim Mazik of Pioneer Valley Planning Commission was being set-up and that the Town might look at a regional application with one of the Brookfields to increase points.

P. Gimás discussed a query about tight tanks and that she would further discuss with the DPW Director.

P. Gimás inquired about whether a reserve fund transfer was requested from the Finance Committee for the Government Services Study Committee and whether the Town Administrator could set up a Web page for the committee. S. Suhoski said that he would complete the RFT once a budget was agreed upon and that he would submit to the Finance Committee based upon the Board of Selectmen's prior vote to support \$1,500 for the GSSC. He will also set up a Web page.

T. Creamer noted that, if a Special Town Meeting is to be held, that the Planning Board may seek to have Regep Lane accepted as a public way.

T. Creamer said that the Board will meet on September 24 to discussion water exception meters. T. Creamer asked BOS for final review on draft water regulations.

T. Creamer requested S. Suhoski to attend the October 4 Burgess School Committee meeting at 5:45 p.m. and that the presence of the Police Chief might be helpful as the committee discusses security for potential voting.

P. Gimás suggested that the schools scheduled professional development days on the same days as elections.

T. Creamer distributed a spreadsheet to the Board for trails grant tracking.

New Business

M. Redetzke submitted her proposed Harbormaster regulations to the Board. T. Creamer, who also had previously submitted proposed regulations, noted that the Sturbridge Lakes Advisory Committee also had some proposed changes, and he requested that the Board take the time to review all submittals for discussion at a future meeting.

M. Dowling commented that Old Sturbridge Village tied for "Best Place in Central Mass for a Day Trip" in Worcester Magazine's Annual Readers' Choice Awards.

M. Blanchard thanked S. Suhoski for providing the Rt. 20 information she had requested concerning the relocation of fog lines further from the edge of the pavement.

M. Blanchard noted that there is a new law (MGL Chapter 59, Section 5N) regarding veterans tax programs that was discussed in The Beacon. S. Suhoski to further research the law for potential applicability in Sturbridge.

Ask the Selectmen/Citizens' Forum

Carol Childress asked the Board to consider potential ballot questions for low income households and small business exemptions to the Community Preservation Act surcharges.

S. Suhoski advised the Board of the need to sign-off on the tax classification votes so that the MassDOR can set the rate.

MOTION: To convene in executive session under MGL Chapter 30A, §18-25, Paragraph #6: To consider the purchase, exchange, lease or value of real property; not to reconvene in open session, by M. Blanchard.

2nd: P. Gimas

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

The Board convened in executive session at 9:39 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date