

August 27, 2012

**BOARD OF SELECTMEN
MINUTES
AUGUST 27, 2012**

Present: Thomas Creamer, Chairman
Priscilla Gimas
Mary Blanchard
Mary Dowling
Mary Redetzke

Shaun Suhoski, Town Administrator, was on vacation. Greg Morse, DPW Director and Acting Town Administrator, appeared in his place.

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

T. Creamer noted that there was nothing on the agenda to necessitate having Greg Morse in attendance, so he was excused from the meeting.

Pre-Tax Classification Hearing Discussion

William Mitchell, Principal Assessor, appeared before the Board. T. Creamer noted that no members of the Board of Assessors were present. Speaking as an individual member of the Board of Selectmen, he said that he was going to issue a formal request that members of the Board of Assessors attend the tax classification hearing. He noted the importance of those individuals demonstrating a level of support for the actions of the Principal Assessor, as well as those recommendations made by them, while also being available to respond to questions from the public or the Board.

W. Mitchell gave a slide presentation to the Board for informational purposes; he noted that no votes would be cast that night. He reviewed the purpose of the classification hearing, which was to allow by vote of the Board of Selectmen a shift in the tax burden between property classes. He noted that the adoption of different tax rates for the different classes of properties does not change the total tax levy for the community; it simply determines the share to be borne by each class. He gave an overview of the revaluation and classification process. At the classification hearing, the Board of Selectmen will vote on four different issues: Selection of a Commercial, Industrial and Personal Property (CIP) factor; Open Space Discount; Residential Exemption; and Small Commercial Exemption.

M. Dowling said that she prefers the medial value, as it is a good indication of what the middle person is paying, especially if there are vacation homes. T. Creamer asked if it would be possible (in advance of the public hearing) for W. Mitchell to provide the Board with the residential median tax rate and impact as opposed to simply the average tax rate and impact. W. Mitchell said that he could. M. Dowling asked whether he could provide the commercial/industrial as well, because there are some extremes there too.

W. Mitchell said that the majority of the homes are within \$200,000 - \$299,000; only six homes are valued at \$700,000 or more.

M. Redetzke asked about the impact on commercial properties when the housing bubble burst. W. Mitchell said that the commercial property values did go down, but not as drastically as the residential properties.

Don Miller asked about the tax rates and values for the ten towns used for surveys. W. Mitchell said that he would get that information for the tax classification public hearing. P. Gimas said that there is a fiscal website where you can enter "Sturbridge" and get a comparison to other towns like it.

W. Mitchell said that if the Selectmen had any questions prior to the tax classification public hearing, they should email them to him a few days in advance and he will get the requested information.

**Quaboag Quacumquasit Lake Association, Board of Health and Conservation
Commission: Presentation re. NPDES Permit Renewal Process of the Spencer
Wastewater Treatment Plant**

T. Creamer said that the QQLA was seeking some guidelines and information from the community in terms of support for any actions they might take with regard to impacts on the Town's bodies of water.

T. Creamer said that Peter Levine had reached out to him and members of the Board of Health and Conservation Commission with respect to attending a QQLA meeting. T. Creamer attended that meeting, as well as Selectman M. Redetzke and Linda Cocalis of the Board of Health. He noted that no one from the Conservation Commission had attended the meeting. The QQLA asked for the opportunity to meet with the Board of Selectmen.

Peter Levine, President of the QQLA, appeared before the Board. He noted that there are about 60 properties on South Pond, and property values are related to water quality. He said that there are six great ponds in Sturbridge: Cedar Lake, Big Alum, Leadmine, Walker Pond, South Pond and Long Pond. The Sturbridge Lakes Advisory Committee reports to the Board of Selectmen to keep them up to date on problems and things that affect the lakes. He said that Sturbridge has been pursuing ecotourism as a future for the Town, and money has been spent on master trails plans, and the use of water resources for swimming, boating and fishing. He noted that South Pond has a state boat ramp that was recently updated by the state, so access to that lake has improved.

P. Levine said that there are now garbage cans on the beaches because the QQLA has paid for them and taken responsibility for cleaning it out. He said that the Spencer Wastewater Treatment Plant channels the wastewater for the Town of Spencer and puts its effluent and discharge into the cranberry brook which flows into the seven mile

river, and five miles later it flows into Quaboag Lake. He said that this serves as a point source of nutrients and has been named this by the state DEP in a study done in 2006 because both North Pond and South Pond are considered endangered because of algae blooms and invasive weeds. He noted that the permit is a five-year permit and comes up for renewal this fall. He said that the QQLA wanted to meet with the Board to acquaint the residents and town officials with some of the issues and negative influences from the Spencer WWTP that are adversely affecting lakes in Sturbridge. He said that they will ask for open hearings from time to time and will submit written documents of their concerns. He invited the Town to join them in their efforts.

P. Levine introduced Don Taft, Vice-President of QQLA, who lives on South Pond and has worked with wastewater management in his career. He also introduced Mary Lou Knight, who had helped them put the presentation together. Other members of the QQLA were introduced to the Board: the Seyborns from East Brookfield and the Nielsons from Sturbridge.

T. Creamer introduced Calvin Montigny, a member of the Conservation Commission and Alyssa Rusiecki, Board of Health Agent. He explained that the Board of Health Chairman was unable to attend due to a family emergency.

Don Taft made a slide presentation regarding the Spencer Wastewater Treatment Plant National Pollution Discharge Elimination System (NPDES) Permit Renewal.

D. Taft then presented a set of slides that had been produced by ESS Environmental Corp. which had been hired to do testing and monitoring and take water quality measurements around the treatment plant itself. He said that an executive summary had been adopted. He quoted Oliver Wendell Holmes: "A river is not an amenity – it is a treasure."

M. Dowling asked about DEP's official position with respect to the concerns that have been raised. D. Taft said that he had spoken with Robin Johnson, who will be writing the new permit. Differences are reported to EPA and DEP every month. He noted that Robin Johnson is not aware of any significant differences.

T. Creamer said that he embraced the sovereignty of each individual community and each state. He said that he was loath to be party to anything that would dictate what another community can and cannot do. He also recognized that each community is responsible to do everything they can to make sure that its actions do not negatively impact abutting communities. He said that the Board has the right and responsibility to find a cooperative approach to try to solve any problems.

T. Creamer noted that North Pond had a significant weed problem that has not yet manifested in South Pond to the same degree. D. Taft said that they had spent \$7,500 this year and last year treating 10 acres of milfoil found in South Pond. He said that North Pond is inundated with it, and some of the weeds are getting into South Pond from North Pond via a channel that leads from North Pond to South Pond. When there

is a significant rainfall, North Pond back flushes South Pond, which carries weed fragments into that pond.

T. Creamer said that the facts and data suggest that 50% of influent is lost and unaccounted for with respect to what goes into the wastewater treatment plant and what is reported going out on the other end. D. Taft said that all of the figures were taken from the Spencer monthly reports. He said that DEP has required Spencer to come up with a plan to correct the INI problem.

T. Creamer said that the Board is adopting a cautious and conservative approach and will do due diligence to determine what is being done on DEP's part. The Board will make sure that it is done in a cooperative manner, and that the information they are all working from is vetted to the highest degree possible.

T. Creamer said that on the evening of the presentation, Peter Levine had indicated that they had spent a significant amount of money on having a study conducted. P. Levine said that \$22,000 - \$25,000 had been spent, and hundreds of hours of volunteer time. T. Creamer requested that the presentation provided tonight be send electronically to the Board, in order to see the colors on the charts. P. Levine agreed to send it to the Board.

Calvin Montigny asked whether the administrative branch in Spencer acknowledges that there is an issue. D. Taft said that they know that there is an INI problem with lost water, although they have no significant plans to correct it.

Peter Levine said that it is very unusual that a great pond is directly downstream from a sewage treatment plant.

Alyssa Rusiecki asked how typical it was, on a system of this design and age, and what would one expect for influent and effluent loss. D. Taft said that nationally INI influent in sewer pipes is a major issue, and EPA is concerned about it, and did a presentation to Congress about it in 2004 regarding health impacts of stormwater bypass and strong sewer overflows. Carl Nielsen, South Pond resident, explained that they are forcing 400,000 gallons + a day into a landfill which is a sieve, and noted that is not typical.

P. Levine said that they are trying to get EPA and DEP to see what is going on and see if they can make some progress. He asked the Board to respond to the facts and see if there is a way to make it clear that this type of influence on our environment should not be allowed to continue.

T. Creamer said that the Board recognizes its responsibility to protect our natural resources and its responsibility regarding the safety of the citizens in our community. He said that the Board would welcome the opportunity to be engaged in any positive collaborative and cooperative approach to try to solve the problem. He said that there needs to be some dialogue among the members of the Board of Selectmen to see that

support takes place, and suggested that the Conservation Commission and Board of Health be involved.

P. Levine announced that the QQLA will meet with Brookfield on Thursday, August 30th and with East Brookfield on September 10th. They will meet with the Connecticut River people on September 19th.

T. Creamer asked the Board to support the Sturbridge Lakes Advisory Committee liaison, Mary Redetzke, to continue to participate in the meetings while the Board of Selectmen develops up to date information with respect to what DEP requires. He requested that the information be provided online as soon as possible; then Alyssa Rusiecki and Calvin Montigny will bring this information back to the Board of Health and Conservation Commission, after which a meeting will be scheduled with the other entities and the Board can then develop what its approach will be.

Carol Childress asked whether any research had been done on the landfill itself. She noted that it is uncapped and unlined, and asked what had gone into the landfill and whether any testing had been done. D. Taft said that he had spoken to DEP about the landfill, and they don't know what might have gone into it because it was active prior to any regulations (1940 to 1970). He said that the Town had been cited for open pit burning in violation of regulations concerning landfills. T. Creamer added that it is fair to say that any landfill that pre-dated regulations may have been in violation of current regulations, but such is the case with many pre-regulatory situations. He said that the Board will take it under advisement and consideration.

CDBG Update

P. Gimas said that everyone except Jim Mazik was in attendance at the meeting; at 11:10 a.m. S. Suhoski phoned Jim Mazik, who was out sick, but his office did not have his schedule, and so had not canceled any of his appointments. They held an impromptu meeting with P. Gimas, Jean Bubon, S. Suhoski and Mary Berry.

P. Gimas said that Mary Berry will do her end of the paperwork to reapply for the grant. S. Suhoski had made it clear that they will need to approach the Board again for its approval and support of the grant. P. Gimas had asked S. Suhoski that if citizens can put a bill together and bring it before the legislature, whether there was anything that the citizens in that community could do to bring a bill forward to be declared affordable housing. Mary Berry said that the mobile home park citizens are against it. P. Gimas contacted the president of the Manufactured Home Federation of Massachusetts, Jesse Martinez, who lives in a mobile home park in North Adams. She asked him whether his organization advocated for or against mobile home parks being declared low income affordable housing. She said that Jesse Martinez responded that they do advocate manufactured home parks as low income affordable housing, and there are several in the state, including his park in North Adams. She said that J. Martinez did not know of any parks in communities that have completed wastewater treatment plants. Although several have been ordered to do so, none have complied.

P. Gimas said that affordable housing is defined by HUD. Mobile homes refer to the type that was produced prior to 1976, when HUD went into effect. Manufactured homes are factory built homes constructed in a controlled environment, and are on a permanent chassis, as opposed to a mobile home. She said that she would do more research on these communities.

M. Dowling suggested that the committee consider CPA money that is targeted to affordable housing. She asked P. Gimas to inquire that if the status is changed to affordable housing for manufactured homes, whether that would have tax implications for real estate in the Town. She noted that the land is taxed in the Sturbridge retirement community; they pay a fee, which could go up. She said that if manufactured homes are considered a more permanent structure, whether real estate taxes on the homes would be due.

M. Blanchard said that when the Housing Partnership Committee had advocated for affordable housing, the people on Kelly Road didn't want it because of deed restrictions. She stressed the importance of getting input from the residents.

T. Creamer asked for clarification regarding how Selectman Blanchard was told that the Association is against this move toward affordable housing, yet the report indicates that they were advocating for manufactured homes as low income affordable housing. He said that he was not convinced, without hearing it directly from the residents, that the Board is getting all of the accurate information from the management. He stressed the importance of Selectman Gimas' continued attendance at all discussions with respect to this matter so as to ensure that the Board is provided with credible information.

Old Business

M. Dowling said that she had a revision on the Certificate of Appreciation. She asked the Board to look at it for the next meeting. She made the changes that the Board had talked about.

M. Dowling said that if the Town has a certain project that is only eight hours or five hours on Earth Day, they would get acknowledged. She noted that the National Honor Society standards are national standards, and suggested dovetailing with them. She still would like to put "or completion of the community services project" or "a minimum of 20 hours." She left it at four. She hopes to meet with the new Superintendent of Schools soon. T. Creamer said that he would support the 20 hours on #6. M. Blanchard said that she would like to read it. T. Creamer requested that she raise it under Old Business at the next meeting.

P. Gimas said that the Board had received an email about going to a Tantasqua School Committee meeting to discuss the School Resource Officer. She questioned whether it was the intention to bring the two boards together to do relationship building and talk to the Police Chief. M. Dowling said that it was the consensus of the Board to meet with

the Sturbridge contingency. She said that this meeting is just to try to improve relations because they had become strained with respect to the interim appointment, but the Board also wanted to meet with them to discuss the SRO, and the Board will go before the whole School Committee to discuss that. T. Creamer said that was consistent with his recollection, and the Board fundamentally supports the concept of a School Resource Officer. He noted that two members wanted it only if it was to be paid for by the district and endorsed by the School Committee; two other members felt that it was important enough to support it, and to pay for it out of the Police Department's budget. He asked whether the Board wanted to attend the meeting on September 18th. He suggested that the Board determine what information best represents its position. P. Gimas said that the School Committee requested that information be submitted to them at least ten days before the meeting. It was the consensus of the Board to postpone it until the School Committee's October meeting, in order to have more time to be better prepared.

T. Creamer said that he would send a request to the Chairman of the Tantasqua School Committee to postpone the discussion with respect to the SRO until September or October, and request having the Police Chief in attendance as will on September 10th. P. Gimas said that she did not feel the need to meet with the Sturbridge representatives. The Board agreed.

New Business

M. Blanchard said that S. Suhoski had sent an email about appointing two people to the Senior Municipal Service Program.

MOTION: To verify the Town Administrator's appointment of Richard Treadway to work for the Recreation Department; and Allen Butts to work for the Board of Health, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

M. Redetzke requested a breakdown on the seniors who are serving under that program.

P. Gimas requested \$1,500 on behalf of the Government Services Study Committee for secretarial services and conference costs. She said that there will be a conference at Holy Cross in Worcester on September 10th from 9:00 a.m. to 3:00 p.m. on regionalization in different areas. Peter Levine and Aaron Smith want to attend.

M. Blanchard asked for more background information, and a breakdown on the hours for the secretary, and specifically where the money would come from. P. Gimas said that they are looking for someone to take the minutes and transcribe the minutes, and do all of the other secretarial work that need to be done. She said that the GSSC meets for about two hours. M. Dowling said that she would abstain from the vote because she was not behind the committee to start with.

MOTION: To approve a funding allotment of up to \$1,500 for the GSSC for secretarial and/or conference reimbursement purposes, pending review of the availability of funds by the Town Administrator, by P. Gimas.

2nd: M. Redetzke

Vote: Three in favor; M. Blanchard opposed and M. Dowling abstained.

T. Creamer said that a request had been provided to the Board from the Town Administrator.

MOTION: To approve the request from the Town Administrator, effective on September 4, 2012, by P. Gimas.

2nd: T. Creamer

Vote: Three in favor; M. Blanchard and M. Redetzke opposed.

M. Dowling said that if the nature of the question warrants no discussion whatsoever, it should be done in executive session. T. Creamer said that it is not an executive session item. M. Dowling requested that there be a future agenda item asking the majority to reconsider their position with respect to the policy that was reached in open session which requires the Town Administrator to report to work no later than 8:00 a.m. She said that the Board should discuss the matter and reconsider that policy. T. Creamer said that M. Redetzke and M. Blanchard would have to make a motion as a member of the prevailing side at an upcoming meeting to reconsider that vote, as he personally was not inclined to do so as a member himself of the prevailing side. He said that he would not change his position with respect to that.

MOTION: That the Board support the request from the Town Administrator, by T. Creamer.

2nd: P. Gimas

M. Dowling said that it was a reasonable request, and she agreed with the sentiments expressed by M. Redetzke that if it is not executive session material, it is a matter for open session, and a discussion should take place. If it is of a personal nature that is protected by the exemptions, the open meeting law, then the Board should convene in executive session. She said that she was very uncomfortable with any motion when there is no discussion whatsoever. She said that it sets a poor precedent. She said that the request is reasonable, but a request without a discussion of the policy that was reached in open session is very confusing and does not give a clear direction. T. Creamer said that a policy was established; an individual is asking for an exemption to the policy, not to modify the entire policy, but for an exemption for a specific period of time for a specific reason. He said that in his view there is no need to bring someone's personal life into the public eye.

M. Dowling said that the Town Administrator works under the direction of the Board of Selectmen, and part of being a good manager is giving clear direction as to what the

expectations are for hours of work. She said that it is a re-visitation of a policy that will not be in effect for the majority of the year, and is a modification of the policy. She said that to grant the request without revisiting the policy sends mixed messages.

T. Creamer said that the Town Administrator has stated that he fully understands the Board's expectations, and has made a simple request. M. Dowling said that it is a request to report to work at 8:30 a.m., which is reasonable, but it is directly at odds with the policy reached by a 3:2 vote that he has to report to work no later than 8:00 a.m. She said that the policy should be modified to 8:30 a.m. for the school year in order to be consistent.

P. Gimas said that she was disappointed that S. Suhoski's personal business has become public. She did not want the public to have the misconception that S. Suhoski has not met the Board's expectation. She noted that his request was regarding a personal family issue.

T. Creamer said that since the Board determines policy and establishes policy, it can also allow exemptions to a policy for specific reasons for a specific period of time, and still not negate the original policy.

M. Redetzke said that she was in opposition to this, as everyone has family issues. She said that when we have a job that starts at 8:00 a.m., we need to meet that obligation and not ask for a personal exemption. She did not support an 8:30 a.m. arrival time.

P. Gimas noted that S. Suhoski has extended to several employees who have extenuating circumstances, family situations, a later arrival or early leaving time. She said that the Board should be able to say "yes" to our Town employees.

M. Blanchard said that she was not in favor of granting the request because when S. Suhoski took the job, he knew what it entailed. She felt that 180 days is well beyond an exemption. M. Dowling said that his starting time had been set at 9:00 a.m.; 8:00 a.m. is extremely rigid. She noted that industry has become extremely understanding of the fact that people have lives.

Vote: Three in favor; M. Blanchard and M. Redetzke opposed.

On another matter, T. Creamer raised the issue of comments made by a member of the Board stating that member's view that the previous Building Inspector has performed professionally. He said that there are a number of town employees who work extremely hard and they are professional. They do not come before the Board of Selectmen, and when asked a simple question, provide an answer that is untruthful and inaccurate. They also don't state that they do things as a matter of practice in their job when it is clear that they do not, nor do they fail to document inspections and work that they were directed by the Board of Selectmen to document. He did not believe that the level of service that was provided by the former Building Inspector was professional; he misrepresented the truth to the Board of Selectmen and indicated that he had never

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asked anyone to sign off on paperwork for him. It has been proven that someone had signed off on documents for him, which is inappropriate. He further stated that to categorize this behavior by the former Building Inspector as professional is a disservice to the employees of this town who truly are professional.

Approval of Minutes

MOTION: To approve the minutes of August 6, 2012 as amended, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

MOTION: To approve the minutes of August 13, 2012 as amended, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling abstained.

MOTION: To adjourn, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date