

December 3, 2012

**BOARD OF SELECTMEN  
MINUTES  
DECEMBER 3, 2012**

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

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

**Public Service Announcements**

M. Dowling thanked the volunteers who had decorated the Town Common.

P. Gimas thanked the Publick House for their beautiful decorations.

P. Gimas expressed condolences to Lynne Girouard and her family on the loss of her sister.

**Forest Cutting Plan --James DiMaio o/b/o Hamilton Rod & Gun Club**

James DiMaio and Ron Komar appeared before the Board. M. Blanchard read the legal ad into the record. S. Suhoski had submitted to the Board the Forest Cutting Plan approved by the state forester through the Division of Conservation Resources and endorsed by the Conservation Commission. He noted that the DPW Director has requested a couple of conditions be met, which the Board may incorporate in any approval.

T. Creamer arrived at 6:42 p.m.

S. Suhoski said that the proper legal notice was advertised and it appeared that each of the certified abutters had been notified; however, it was not evident from his review of the application what the proposed date(s) and hours of operation would be for this project. J. DiMaio indicated that the hours of operation would be Monday through Friday from 8:00 a.m. to 4:00 p.m.

**MOTION: To close the public hearing, by M. Blanchard.**  
**2<sup>nd</sup>: P. Gimas**  
**Vote: All in favor**

**MOTION:** That the Board of Selectmen approve the Forest Cutting Plan submitted by James DiMaio on behalf of Hamilton Rod & Gun Club, Inc., 24 Hamilton Road, subject to the following conditions:

- Posting of \$5,000 road bond as approved by the DPW Director
- Placement of protective matting at access point #1 as approved by the DPW Director
- Hours of operation (Monday-Friday, 8:00 a.m. – 4:00 p.m.), and
- Approval valid through September 17, 2014
- Coordinate with the bus schedule for schools, by M. Blanchard.

2<sup>nd</sup>: P. Gimas

Vote: All in favor.

#### **Appointment of Seth Woolard as Part-time Data Collector (Assessing Dept.)**

Principal Assessor Bill Mitchell and Seth Woolard appeared before the Board for ratification of S. Woolard's appointment as the Part-time Data Collector. Following the withdrawal of the prior candidate, Mr. Mitchell interviewed the next three ranked applicants and administered verbal testing to gauge their qualifications. Mr. Mitchell then brought forward Mr. Woolard as the preferred candidate.

On November 19, S. Suhoski interviewed Mr. Woolard and found him to be personable and professional in his demeanor. S. Suhoski said that Mr. Woolard's knowledge of real estate, and demonstrated enthusiasm, will be an asset to the Town. Subsequently, Mr. Woolard received a vote of support from the Board of Assessors.

S. Suhoski was pleased to recommend that the Board of Selectmen ratify his appointment of Seth Woolard to the non-benefitted, part-time position of Part-time Data Collector at a starting hourly rate of \$17.89 (Grade 7, Step 5) subject to a six-month probationary period and pre-employment CORI review.

**MOTION:** That the Board of Selectmen ratify the Town Administrator's appointment of Seth Woolard, of Spencer, to the non-benefitted, part-time position of Part-time Data Collector at a starting hourly rate of \$17.89 (Grade 7, Step 5) subject to a six-month probationary period and pre-employment CORI review, by M. Blanchard.

2<sup>nd</sup>: P. Gimas

Vote: All in favor.

#### **Appointment of Wayne Dube as Heavy Equipment Operator (DPW)**

S. Suhoski informed the Board that DPW Director Greg Morse had received 10 applications for this new position, which was created to allow for experienced assistance with landfill operations and to supplement the DPW work crews as needed. Greg weaned the applicants to two in-house candidates and three external candidates

which were subsequently interviewed in mid-November. Both Greg and S. Suhoski came up with the same top candidate, Wayne Dube.

Wayne Dube has all of the needed qualifications for operation of heavy equipment and extensive successful experience in landfill operations. Mr. Dube happens to be a resident of Sturbridge and, as such, has displayed and will demonstrate ownership and commitment to high quality work for the Town. S. Suhoski requested and recommended that the Board of Selectmen approve the appointment of Wayne Dube to the position.

**MOTION: That the Board of Selectmen ratify the Town Administrator's appointment of Wayne Dube, of Sturbridge, to the position of Heavy Equipment Operator in the Dept. of Public Works at a starting hourly rate of \$18.84 and subject to the terms of the collective bargaining agreement between the Town and the SEIU Local 888 AFL-CIO, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

#### **Linda Cocalis, Sturbridge Board of Health**

Linda Cocalis appeared before the Board to provide an update on issues surrounding monitoring of the Southbridge Landfill and the role of MassDEP in monitoring same. T. Creamer provided the Board with a copy of a letter he had drafted for review, approval and submission by the Board to Senator Brewer, MA DEP and the Town of Southbridge. He read the draft letter dated December 3, 2012 into the record.

M. Blanchard expressed concern about filing at the last minute. L. Cocalis said that the Board of Health is unanimous and had just learned of the filing deadline from Senator Brewer.

**MOTION: To approve the letter as amended dated December 3, 2012, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

#### **Solar Zoning Bylaw Citizen Petition**

S. Suhoski submitted to the Board a memorandum from the Town Clerk indicating that she has certified 146 signatures on the citizens' petition submitted November 15, 2012 requesting a new solar zoning bylaw. In addition to being required to "place" the article on the warrant of the next town meeting, under MGL c. 40A the Board of Selectmen must make a formal referral to the Planning Board for its report and recommendation.

It was the consensus of the majority of the Board to hold the Special Town Meeting on January 7, 2013.

**MOTION:** That the Board call a Special Town Meeting for January 7, 2013 at 7:00 p.m. at Tantasqua Regional High School Auditorium, by M. Dowling.

**2<sup>nd</sup>:** P. Gimas

**Vote:** Four in favor; M. Blanchard opposed.

**MOTION:** To open the Special Town Meeting warrant, by M. Blanchard.

**2<sup>nd</sup>:** P. Gimas

**Vote:** All in favor.

**MOTION:** That the Board of Selectmen place the citizen petitioned solar zoning bylaw on the January 7, 2013 Special Town Meeting warrant as certified by the Town Clerk of sufficient signatures dated November 26, 2012, by M. Blanchard.

**2<sup>nd</sup>:** P. Gimas

**Vote:** All in favor.

**MOTION:** That the Board of Selectmen refer the petitioned solar zoning bylaw request to the Planning Board for its report and recommendation under MGL c. 40A, §5, by M. Blanchard.

**2<sup>nd</sup>:** P. Gimas

**Vote:** All in favor.

### **Town Sponsored Solar Zoning Bylaw**

Further to the above, S. Suhoski requested that the Board of Selectmen consider sponsoring its own zoning bylaw further to the draft being developed by Jean Bubon, Town Planner. He said that there are benefits to having a zoning bylaw crafted more precisely for the town of Sturbridge than simple “blanket” language as submitted in the citizen petition. Ultimately, Town Meeting voters can decide. A copy of the Town Planner’s initial review and language was submitted to the Board. He noted that this vote would allow these processes to develop in concert.

T. Creamer reviewed Jean Bubon’s proposed zoning bylaw. He said that Sturbridge is short on industrial sites. He noted that no new jobs will be created by this project. He stated that he was opposed to it being in an industrial area; if it is removed from a residential neighborhood, the likelihood of a subdivision development will be increased there. For example, the 40+ acres on Shepard Road could potentially contain a minimum of 30 lots, which would create an increased demand on the infrastructure, schools and other services, increased traffic, etc. He said that he would like to find a way via engineering controls that would limit the scope of a solar farm in a residential area. He said that he was not in favor of anything that would require 25% or more of deforestation in any area. He said that he would like to find a way of limiting the impact on the infrastructure, etc. and would like to find a cooperative solution.

Lisa Meunier thanked the Board for inviting the residents, and Jean Bubon for her work on the bylaw. She noted that they had made the bylaw very strict, and they had talked to Joe Sullivan and Senator Brewer regarding a moratorium on this. She noted that they would like it to be carefully planned, and they do not want such projects to start without a bylaw in place. She indicated that the residents like the January 7<sup>th</sup> date for the Special Town Meeting, and requested a snow date for it.

T. Creamer said that because of a \$3.5 million potential savings on an item that is time based, it would not be possible to go beyond January 14<sup>th</sup>, due to the filing date for the application.

L. Meunier said that the residents were present as a neighborhood, and they want non-residential for the solar farm, and said that it needs an industrial facility. She said that it would denude the forest area, which is shocking to the residents. She also expressed concern about flooding, as her insurance agent had informed her that they would need a rider for flood insurance. She noted that the residents would lose 20% of the value of their homes.

T. Creamer said that it was his hope that sometime before or after Town Meeting that the residents would come to Town Hall and look at the different options.

M. Dowling stated that she was uncomfortable with discussing the merits of the bylaw when it had not been listed on the agenda. T. Creamer said that the legally mandated 48 hours was not met for posting, as he had just found out about the discussion on Thursday night.

T. Creamer pointed out that any discussion too detailed could jeopardize the Board by way of the Open Meeting Law violation as the proponents for the projects were unaware of this agenda item being added, so he stated that it would be necessary to limit discussion to general terms.

Jay Mallon, Walker Pond Road, asked when the proposed bylaw would be frozen, or could it be changed up until the Town Meeting. T. Creamer said that it could be changed on Town Meeting floor, with the exception of the citizens' petition, which cannot be modified without the assent of the signers. He noted that the citizens could submit a substitute motion on their proposal.

It was the consensus of the Board to discuss the bylaw as submitted by the Town Planner. T. Creamer asked the Board to entertain some modifications, to be more restrictive.

S. Suhoski provided an overview of the Town Planner's draft. He said that the Board of Selectmen will make a referral to the Planning Board so that the Town Planner's version will go through the public hearing process and give the Board time to schedule a special agenda item and go through it piece by piece.

P. Gimas suggested putting a moratorium on this until a proper bylaw is vetted that meets the needs of the residents, proponents and everyone else. She said that it may require a Special Town Meeting in February, March or April. S. Suhoski said that it would be a possibility, but they need to know the scope of it and whether it is legally enforceable. He said that a moratorium could have the unintended consequence of negating something that could save the Town municipal electrical costs of \$1 million + over the next 20 years. P. Gimas suggested that the moratorium exclude the municipality, and just be about projects that are going in or near residential areas, so that the municipality can do what it needs to do. She suggested that the Town and schools be excluded.

T. Creamer said that the Board needs to take immediate action on Jean Bubon's proposal in order to have some level of protection with respect to those projects on the table that the State deems "as of right" allowed.

Ed Goodwin said that this is a "gold rush with high pressure." He said that T. Creamer and J. Bubon want to put it into a residential area, and the residents don't want it there. He expressed disappointment that it had taken so long to get this together.

T. Creamer said that it was not possible to get a variance from the Zoning Board of Appeals based solely on zoning, because you want to expand a project. He noted that there are strict remedies for variances.

M. Blanchard suggested finding out about a moratorium. T. Creamer said that the Board cannot make changes to the citizens' petition, but they could modify the one written by Jean Bubon.

Ted Goodwin said that putting the solar farm into a residential area would not be a gain for the Town, as it would devalue the tax base and not change costs at all. He noted that quality of life is important. He said that it would raise everyone's taxes, and residents would get less in return.

Robert Meunier expressed the need to protect the citizens in residential property. He said that the risk would be great both to residents and the environment. He noted that if it is not done correctly, it will affect the Town and all of the residents in it.

It was the consensus of the Board to put the bylaw proposal forward for public hearing.

**MOTION: That the Board of Selectmen petition and sponsor a solar zoning bylaw as drafted by the Town Planner and refer same to the Planning Board for its report and recommendation under MGL c. 40A, §5 as amended in 27.2 to eliminate residential zoning districts as allowable zones, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas.**

**Vote: All in favor.**

### **Senior Municipal Service Program**

S. Suhoski informed the Board that two additional volunteers have been qualified by the Assessor's office for participation in the SMSP: Dolores Pelton, of Fiskdale, and Sandra Buckner, of Sturbridge, have each been requested to assist the Recreation Department to complete their hours. Because of a death of a prior-approved participant, the above two individuals will become the 28th and 29th citizens to participate. S. Suhoski noted that there is one additional applicant that is being reviewed at this time.

**MOTION:** That the Board of Selectmen approve the above-named applicants for the Senior Municipal Service Program to be assigned to the Recreation Department, by M. Blanchard.  
**2<sup>nd</sup>:** P. Gimas  
**Vote:** All in favor.

### **Historic Commission Appointment**

S. Suhoski had the opportunity to meet with a second applicant for a vacancy on the Historic Commission. He said that Ms. Sandra Fallon, of Fiskdale, has a keen interest in all things historic, including research. At one time she was appointed to the Council on Aging, but could not attend morning meetings due to work commitments. She now has more time available and is looking to become more active in the community. S. Suhoski said that she would be a fine addition to the Commission.

**MOTION:** That the Board of Selectmen ratify the Town Administrator's appointment of Sandra Fallon, of Fiskdale, to the Historic Commission for a term expiring June 30, 2015, by M. Blanchard.  
**2<sup>nd</sup>:** P. Gimas  
**Vote:** All in favor.

### **Hurricane Sandy Insurance Claim (updated)**

S. Suhoski said that as previously discussed, the Town fared well through Hurricane Sandy in terms of damage to municipal property. The following compiled list was shared with the Board in the last report and, and he included updates in parentheses:

- Town Barn ballfield phone connection box (repaired by Verizon – no cost)
- Asphalt roof on altitude valve (water shed at St. Anne's) (awaiting further info from DPW)
- Toppled flag pole at the Public Safety Complex (cost estimate submitted and awaiting coverage determination)
- Recurring leak in Library roof (MIIA's direct contracting agent, Paul Davis Restoration, was contacted by the Town Administrator and an initial site meeting was held earlier today ... more exploration to be completed)

### **Special Town Meeting**

Following is a slightly revised, bulleted list of potential warrant articles for a Special Town Meeting requested for early January 2013. S. Suhoski confirmed that the school, Moderator and Town Clerk are available on either January 7<sup>th</sup> or January 14<sup>th</sup>. In S. Suhoski's opinion, the latter date will afford more time for preparation of articles and Finance Committee review and to give folks more time to plan attendance on the heels of the holiday season. The following are submitted for your consideration and guidance on whether to develop formal language:

- Updates to Sewer Bylaw (awaiting Town Counsel opinion on authority of Sewer Commission to initiate by regulation due to April 27, 2009 Annual Town Meeting vote)
- Rescind and reallocate \$200,000 from free cash to Tax Rate Relief Stabilization Fund
- Citizen petition for "solar zoning bylaw"
- Board of Selectmen sponsored solar zoning bylaw
- Planning Board request to accept Regep Lane as a public way
- Library Trustees request for \$44,500 as 50 percent matching funds for Children's Room renovation project (total cost estimated at \$89,000) (NOTE: Trustees will present information at the Board's December 17 meeting)
- Potential free cash request for municipal building repairs per LPA report (this may entail abatement work at 8 Brookfield Road and plumbing/restroom repairs at the Sturbridge Cooperative Nursery School building)
- Transfer \$29,139.90 from free cash to fund unreimbursed costs to date for the October 2011 snowstorm
- Transfer \$2,532.95 from free cash to replace basketball goal posts at Cedar Lake Recreation Area + \$700+/- for installation.
- Transfer \$1,500 from free cash to fund a walk-up outdoor payment drop box to provide expanded and convenient customer service to taxpayers/residents for bill payment
- Authorize a Veterans tax abatement program
- Community Preservation Fund request relative to completion of Conservation Restrictions on CPA-acquired land
- Community Preservation Fund request relative to continuing environmental remediation at Riverlands parcel
- Rescind the following appropriations and borrowing authorizations:
  - \$166,565 from Elementary School Schematic Design (Article 69 of the 2/24/09 STM)
  - \$143,000 from Rt. 131 Water Main (Article 75 of the 4/27/09 STM)
  - \$105,874 from Pumper Truck/Dump Truck (Article 43 of the 4/28/08 ATM)
  - \$60,000 from Rt. 131 Sidewalk Design (Article 7 of the 4/26/04 ATM)
  - \$56,822 from Rt. Rt. 131 Sewer Construction (Article 70 of the 4/28/08 STM)
  - \$510 from Town Hall/ Center School Project (Article 47 of the 2/24/09 STM)
  - \$400 from Public Safety Complex Improvements (Article 42 of the 12/6/05 STM)
  - \$41 from Woodside Circle Sewer Project (Article 71 of the 4/30/07 STM)
- Curt Meskus for additional 10 hours for Building Clerk.



- Three prior year bills.

### **Other Matters**

Following are brief updates on other pending matters.

**Insurance Advisory Committee:** The proposed health insurance MOU has been distributed to the five collective bargaining units involved. This is still an Executive Session item and S. Suhoski will keep the Board apprised of further developments. He noted that he expects further information after the first week in December.

**Riverlands Environmental:** Tighe & Bond has been requested to provide an action plan developed in collaboration with their Licensed Site Professional for presentation to the Board. S. Suhoski received a close-out report on another project last week and he expects that he will have the next phases of work in the coming week.

**Municipal Buildings:** As discussed above, the Library roof is now under review by the Town's insurance provider's preferred contractor. A meeting was held with the vendor, the Library Director and S. Suhoski, and this will be seen through to fruition. S. Suhoski did not have any new update on the two outstanding items: (a) advance the final warranty claims for the Town Hall / Center Office Building project, and (b) seek new pricing for screening the HVAC units outside Town Hall. He indicated in the last report that these items will be moved (and have been) into the Action List below for more consistent tracking.

**Walker Pond Drainage:** [No change] The Board received an update from the DPW Director at his last report. Tighe & Bond is expected to complete baseline survey this week or next. 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."

**Other Meetings / Miscellaneous:** Also this week: S. Suhoski reviewed and executed all contractor and sub-contractor ratings as completed by the Burgess School Owner's Project Manager for DCAM reporting; attended the signage bylaw forum and offered input regarding same; conducted signage enforcement sweep through town; worked to advance receipt of 10-town survey results in preparation for Personnel Committee meeting; extensive work on personnel matters; attended site visit to town of Mendon's joint police/fire venture with GSSC (met with Public Safety Director); research and work for sewer bylaw update and counsel opinions on various matters.

### **Correspondence**

M. Blanchard read the correspondence list into the record.

**MOTION: That the Board accept the resignation of Charles St. Pierre and thank him for his 27 years of service and contributions, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

### **Old Business**

M. Blanchard inquired about the status of the CDBG application; S. Suhoski advised to upcoming meeting schedule and BOS public hearing on January 14<sup>th</sup>.

M. Blanchard asked S Suhoski for an update on progress on goals #2, #3 and #6. S. Suhoski will put together a brief update.

T. Creamer outlined the Town Administrator review process with self-evaluation due no later than December 10, 2012, and individual Selectmen comments to chairman by December 13, 2012. T. Creamer will share the compilation with P. Gimas prior to dissemination. Actual review at Board meeting on December 17, 2012.

M. Dowling asked about the status of a land issue meeting with citizen that has taken six months. S. Suhoski advised to staff having already met with the individual on several occasions and having expended several hours of time on a complicated issue. The meeting had to be rescheduled from October to next week.

P. Gimas asked when the CDBG is due. S. Suhoski advised that he could not recall the exact date, but did hear that the state extended the application due date until February 2013.

P. Gimas spoke to a productive Government Services Study Committee trip and interview with the Mendon Public Safety Director (combined police/fire chief).

### **New Business**

None.

**MOTION: To convene in executive session under MGL Chapter 30A, §18-25, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation; not to reconvene in open session, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Roll call vote: P. Gimas in favor; T. Creamer in favor; M. Redetzke in favor; M. Dowling in favor; M. Blanchard in favor.**

The Board convened in executive session at 9:52 p.m.

Respectfully submitted,

December 3, 2012

Judy Knowles

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BOS Clerk

Date