

December 17, 2012

**BOARD OF SELECTMEN
MINUTES
DECEMBER 17, 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.

Public Service Announcements

T. Creamer read a statement regarding the tragedy that had taken place in Newtown, Connecticut. There was a moment of silence to honor the victims. P. Gimas announced that there will be a candlelight ceremony on the Town Common on January 14, 2013 at 6:00 p.m.

Department Head Reports

Police Chief Thomas Ford reviewed his reports for September, October and November with the Board. He noted that he, Lt. David Diogo and Officer Joseph Lombardi had attended the AAA Award Ceremony, at which Officer Lombardi received the Traffic Safety Hero of the Year Award and the Department received a Pedestrian Safety Citation for having six years with no pedestrian fatalities and the Silver Award for Outstanding Achievement in Traffic Safety. T. Creamer said that he would draft a letter of appreciation for the Selectmen's signatures.

Discussion with Library Trustees re: Children's Room Renovation

S. Suhoski informed the Board that this item is related to a warrant article requesting 50 percent matching funds for the proposed renovation of the Children's Room. Becky Plimpton, Library Director, and the following members of the Library Trustees appeared before the Board: Angela Cheng-Cimini and Steven Mullen. S. Mullen spoke to the needs of the Joshua Hyde Library, and noted that the project will include new furnishings. He said that the Trustees are requesting \$89,183, of which \$85,000 will go toward furnishings; the Trustees committed \$10,000. The Committee will do fundraising, and they have raised \$32,000 to date.

A. Cheng-Cimini read a statement into the record, and discussed the needs of the library. She noted that it has been 23 years since any work has been done on the room. She said that they will proceed with the lowest bid.

T. Creamer stated that in light of the successful fundraising efforts thus far and the fact that a local bank had made a significant donation, that he would support increasing the warrant article to \$50,000-\$55,000. He went on to say that this was an item that truly serves to the benefit of our community and our children, and something that was a worthwhile and commendable item for strong support from the Board.

MOTION: To increase the warrant article to up to \$50,000, by T. Creamer.
2nd: M. Blanchard
Vote: All in favor.

Zoning and Solar Warrant Articles / Coordinated Approach

S. Suhoski said that prior to completing the Special Town Meeting warrant in the next item, it would make sense to narrow and focus the Board's policy approach towards regulating large-scale solar PV systems in Town.

The Board had been emailed a pair of legal opinions: one from Atty. Joel Bard, principal Town Counsel with subject matter expertise in land use matters, and a separately developed opinion from Atty. Raymond Miyares, who also has specialized experience in land use and project siting. S. Suhoski informed the Board that the documents were protected by attorney/client privilege..

S. Suhoski said that based upon the totality of research recommendations contained within the legal opinions, and the Board's prior vote determining that the potential projects filed for property off Shepard Road and Fiske Hill Road "present a clear and present danger to the health, safety, and welfare of current and future residents of the Town of Sturbridge," S. Suhoski encouraged the Board of Selectmen to undertake the following actions:

as relates to existing ANR and site plan filings:

1. Make a determination, based upon legal advice, that solar photovoltaic arrays are not permitted in residential zoning districts under the Town's Zoning Bylaws,
2. Convey this determination to the Planning Board along with a pledge to defend the determination upon any appeal, and
3. Authorize the Town Administrator to release copies of the legal opinions to the Planning Board for their reference and to be held in confidence.

as relates to future large-scale projects (solar or wind):

1. Vote to place a warrant article on the Special Town Meeting warrant calling for a one-year moratorium on non-municipal, large-scale ground-mounted solar PV installations and large-scale wind energy systems, and

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2. Request the Planning Board to develop and recommend appropriate zoning bylaws for regulating large-scale solar and wind energy installations by December 31, 2013.

The proposed moratorium language is included on the STM revised warrant as follows (note that I have construed your Board's prior moratorium vote to mean the following intent and I requested the Town Planner to advance newspaper publication for a January 3 Planning Board hearing in anticipation of your assent):

To see if the Town will vote to amend the Town's Zoning Bylaw by inserting a new Chapter 28 – Temporary Moratorium on the Construction of Large Scale Wind Energy Systems and Large Scale Solar Photovoltaic Systems, to provide as follows:

Section 28.1 – Purpose

The Town of Sturbridge recently has been the target of interest for the construction of large scale solar photovoltaic energy systems which could potentially affect the Town as a whole. Though none are proposed, the Town as a whole would potentially be similarly impacted by large scale wind energy projects. With the exception of the immediate corridors along state highways, the Town of Sturbridge is predominantly a rural and undeveloped community. Currently there are no large scale wind, or ground-mounted solar photovoltaic, energy systems in Town although a municipal solar photovoltaic installation is being purposely planned for industrial-zoned, publicly-owned property along a state highway corridor.

There is an immediate identified community need to establish long-term zoning regulations to ensure that such uses and development will be consistent with the Town's long-term planning interests. It is crucial that the Town act now to establish a temporary moratorium on the use of land and the construction of structures related to such large scale wind and solar photovoltaic energy systems and the issuance of building permits in connection with same.

Section 28.2 – Temporary Moratorium

Notwithstanding any other provision in the Town of Sturbridge Zoning Bylaw to the contrary, no building permit may be issued for the construction of any large scale wind energy system or large scale ground-mounted solar photovoltaic installation, until February 1, 2014, unless such facility is to be developed with the direct involvement of the Town of Sturbridge in the actual development of same, either as the property owner or as the consumer of the power to be generated. The purpose of this moratorium is to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

or take any action related thereto.

MOTION:

- (1) that, based upon the advice of legal counsel, the Board of Selectmen hereby determines that solar photovoltaic arrays are not permitted in residential zoning districts under the Town's Zoning Bylaws and that the Board convey this determination to the Planning Board together with its pledge to defend such determination upon any appeal, and that the Board authorize copies of the legal opinions be released to the Planning Board for their reference and to be held in confidence, by P. Gimas.

2nd: M. Blanchard

Vote: All in favor.

MOTION:

- (2) that the Board of Selectmen place a warrant article on the Special Town Meeting warrant calling for a one-year moratorium on non-municipal, large-scale ground-mounted solar PV installations and large-scale wind energy systems, and request the Planning Board to develop and recommend appropriate zoning bylaws for regulating large-scale solar and wind energy installations by December 31, 2013, by P. Gimas.

2nd: M. Blanchard

Vote: All in favor.

M. Dowling pointed out the need to remain confidential and indicated that she was pleased with counsel's advice, and that of special counsel.

Special Town Meeting: January 7, 2013 @ 7:00 p.m. – Tantasqua Regional High School Auditorium

The following items were listed on initial drafts of potential articles. S. Suhoski requested that the Board remove these from the current Special Town Meeting in favor of obtaining more information.

- CPA Funding – conservation restrictions: Atty. Robert Levite has written approval to undertake up to 15 hours of work on this project through currently available funds as was also approved by the Board. From this, he will develop a greater understanding of the need for any special studies or consultants and the costs that may be attributable thereto at which time a request for CPA assistance may be brought forward at a future town meeting.
- Community preservation act funding - Riverlands environmental: This project has become something like peeling back the layers of an onion. S. Suhoski's most recent conversation with the project engineer from Tighe & Bond was earlier this week. He stated that there were survey requirements and other actions that would need to be taken to develop and Activity and Use Limitation (AUL) for the property that would be recorded in the Registry of Deeds and "clear" the property from the Mass. Contingency Plan. S. Suhoski asked that he provide the Board with a written proposal for the AUL option, and, the best

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estimate for a remediation effort as well. He was to meet with the Licensed Site Professional last week to develop these proposals which will be presented in a Board of Selectmen meeting.

- Board of Selectmen zoning article re: solar: If the Board elects to follow the advice of Town Counsel and puts forward the moratorium article it would make things less confusing by removing the "extra" zoning article from the Warrant.

S. Suhoski retained generic notification language for the warrant relative to the building department interim staffing plan as he did hear that the Charlton Board of Selectmen is favorable towards having the Town Administrator put forward a contract proposal. However, S. Suhoski has not yet received same. He asked that the Board keep the article as -- in either event -- he will propose some funding adjustments for the balance of the fiscal year which can be addressed in a substitute motion at the Special Town Meeting.

The timeline for upcoming meetings is as follows:

Dec. 3:	BOS calls STM for January 7, 2013 and opens the warrant
Dec. 10:	BOS review of DRAFT STM Warrant Articles (copy of draft provided to Finance Committee)
Dec. 14:	Town Counsel review of warrant complete
Dec. 17:	BOS closes STM Warrant; votes recommendations
Dec. 18:	Town Clerk officially posts STM Warrant
Dec. 20:	Finance Committee meeting to review warrant
Dec. 27:	Planning Board Public Hearing on Zoning Bylaw Amendments (may continue this hearing to merge with new hearing scheduled on January 3)
Jan. 3, 2013:	Planning Board Public Hearing on Zoning Bylaw Amendments (including moratorium and any continuation from December 27)
Jan. 3:	Finance Committee meeting
Jan. 7:	BOS special meeting at 6:00 p.m. – TRHS dining area
Jan. 7:	Finance Committee meeting at 6:30 p.m. - TRHS
Jan. 7:	Special Town Meeting at 7:00 p.m. – TRHS auditorium

S. Suhoski submitted to the Board a final draft of the proposed Special Town Meeting Warrant which had been emailed to the Board. He said that the Warrant is under review by Town Counsel, the Finance Director and Town Accountant. He noted that there were 14 proposed articles remaining, namely,

Article 32, to accept Regep Lane as a public way. Because this item was passed over at the Annual Town Meeting, the Board of Selectmen must undertake the complete laying-out process again. S. Suhoski is awaiting a timeline and action from Town Counsel to see whether this can be accomplished prior to the Special Town Meeting.

MOTION: To place and support Article 32, by P. Gimás.

2nd: M. Redetzke

Vote: Four in favor; M. Blanchard abstained.

Article 33, to implement a temporary moratorium on all non-municipal large scale wind energy and solar photovoltaic installations through January 31, 2014. This article (if approved by the Board) would be subject to a Public Hearing by the Planning Board on January 3, 2013. S. Suhoski outlined this, and noted Town Counsel's recommendation for one year. Peter Zeh said that 18 months would be preferred.

MOTION: To place and support Article 33, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

Article 34, citizen petition to amend the Town's Zoning Bylaws for solar facilities.

This article is the subject of a Planning Board public hearing on December 27 (which may be continued to coincide with the public hearing on January 3, 2013). If the moratorium were to pass then this article would be recommended for "no action."

This article had been placed by the Board on December 3, 2012.

Article 35: Zoning Bylaw Amendment – Solar Facilities

Based upon Town Counsel's advice and Moratorium Article above would request the Board of Selectmen remove this article from the warrant.

MOTION: To withdraw Article 35, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

(Newly Numbered) Article 35, to accept MGL c. 59, §5N to authorize the Board of Selectmen to establish a Veterans Volunteer Service Program. This article was requested by the Board to allow creation of a program similar in nature to the Senior Municipal Service Program.

MOTION: To place and support Article 35, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

Article 36, to rescind prior borrowing authorizations totaling \$533,212. This is a "housekeeping" article for completed or abandoned projects dating as far back as the 2004 Annual Town Meeting.

MOTION: To place and support Article 36, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

Article 37, to transfer \$200,000 from free cash to a Tax Rate Relief Stabilization Fund. This corrects an error following the 2012 Annual Town Meeting and provides a vehicle to reduce the tax rate going forward.

MOTION: To place and support Article 37, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Article 38, to transfer up to \$50,000 from free cash to the Children's Room renovation projects at the Joshua Hyde Library. These funds would essentially serve as a 50 percent match to fundraising efforts to complete this overhaul.

MOTION: To place and support Article 38 as amended to "up to \$50,000" by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Article 39, to transfer \$29,139.90 from free cash to fund unreimbursed costs associated with the October 2011 snowstorm. While the Town has received over \$1.2 million in FEMA reimbursement, there are costs that were not covered or eligible for funding.

MOTION: To place and support Article 39, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Article 40, to transfer \$3,207.95 from free cash to fund replacement of the basketball goals at the Cedar Lake Recreation Area. These goals have been repaired and re-welded several times by the Dept. of Public Works, however, they now require replacement.

MOTION: To place and support Article 40, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Article 41, to transfer \$10,000.00 from free cash to fund removal of asbestos containing material from a pipe at 8 Brookfield Road.

MOTION: To place and support Article 41 as amended to \$10,000, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Article 42, to transfer \$1,500.00 from free cash to fund installation of an outdoor drop box at Town Hall.

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MOTION: To place and support Article 42, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Article 43, to transfer \$10,000 from free cash to the Town Counsel line item.

MOTION: To place and support Article 43, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Article 44, to transfer \$2,124.63 from free cash to pay two prior year invoices, and, to transfer \$508.63 from the sewer fund balance to pay a prior year invoice.

MOTION: To place and support Article 44, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Article 45, to transfer such sum or sums of money to fund building department operations for the balance of the fiscal year (actual cost to be determined).

MOTION: To place Article 45, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

Article 46: Fund Planning Department Operations

MOTION: To place and support Article 46 as amended at \$3,500, by M. Blanchard.
2nd: P. Gims
Vote: All in favor.

Article 47: Transfer of Funds – \$1,800 for Town Planner Laptop Computer

MOTION: To place and support Article 47, by T. Creamer.
2nd: P. Gimas
Vote: Three in favor; M. Blanchard and M. Dowling opposed.

M. Blanchard said that she supports the concept, but wants more information. M. Dowling asked whether other department heads use their own laptops.

MOTION: That the Board of Selectmen close the January 7, 2013 Special Town Meeting Warrant, by M. Blanchard.
2nd: P. Gimas
Vote: All in favor.

MOTION: That the Board of Selectmen sign the Special Town Meeting Warrant and authorize same for posting, by M. Blanchard.

2nd: P. Gimás

Vote: All in favor.

MIIA Grant Received for \$10,000.00 for Emergency Preparedness

Further to the Board's unanimous vote to establish emergency preparedness planning, adequacy of the emergency operations center and improved public safety communications (including the schools), S. Suhoski met on at least six different occasions with the Police Chief / EMD to advance these topics.

Through these meetings, and a series of discussions that also included various volunteer coordinators, it was determined that the Town's emergency planning should be improved to an All Hazards Emergency Operations Plan.

It was also determined by the Police Chief that the current mid-level at the Public Safety Complex provides an adequate amount of space (if utilized for such) to develop a functional Emergency Operations Center at this existing location.

In order to move from discussion to completion of these items, S. Suhoski was able to secure a \$10,000 direct grant from the Town's insurer (Mass. Interlocal Insurance Association) that will fund two activities:

- \$6,000 for consulting / support services to complete an All Hazards EOP, and
- \$4,000 to develop a formal program, cost estimate and visual depiction of needs to ensure a functional Emergency Operations Center at the Public Safety Complex (this professional plan would then be a catalyst to seek grants or other funds for implementation)

S. Suhoski submitted to the Board the recommended scope-of-work for Ric Skinner, GISP, to provide the technical assistance and support to the Police Chief / EMD, Town Administrator, Department Heads and Board of Selectmen to complete an All Hazards Emergency Operations Plan by June 15, 2013. This plan would provide a blueprint for municipal operations in the event of future disasters.

S. Suhoski also submitted to the Board Mr. Skinner's credentials to complete this project, together with the written endorsement of Chief Ford to move forward.

Although this project will be directly-funded from MIIA to the vendor, S. Suhoski wanted to be sure that the Board of Selectmen is comfortable with the approach. He asked for the Board's formal acceptance of the MIIA grant in order to proceed.

MOTION: That the Board of Selectmen accept the grant of \$10,000 from the Mass. Interlocal Insurance Association for emergency preparedness planning, by M. Blanchard.

2nd: P. Gimas
Vote: All in favor.

Pare Corporation Selected for Commercial Tourist District Plan

S. Suhoski informed the Board that the Planning Board completed interviews with three respondents to the CTD planning RFP (Pare Corp., Howard/Stein-Hudson Assoc., and VHB). The unanimous choice was Pare Corp. and the price proposal is within the project budget. This information will be shared once the contract documentation is developed.

CDBG Application Update: Package WWTP for Sturbridge Retirement Co-op

S. Suhoski informed the Board that the Pioneer Valley Planning Commission continues to work on the language of the proposed CDBG proposal for a package wastewater treatment plant to serve the Kelly Road area.

The overall program is expected to encompass the wastewater system and housing rehabilitation funds for the Kelly Road neighborhood, along with engineering plans and housing rehabilitation funds for the town of Brookfield. This regional approach will yield a stronger application and does not detract from the funding proposed for the wastewater system. The next meetings are:

- Community Development Advisory Committee Meeting: December 18 @ 10:00 a.m.
- CDBG Public Hearing / Board of Selectmen Meeting: January 14, 2013 @ 6:45 p.m.

Employee Performance Evaluations

S. Suhoski is in the process of completing the annual performance evaluations for all department heads. As he did last year, a folder will be placed next to the Board's mailboxes so that the Selectmen can review the evaluations themselves as they are completed. These will be completed in the coming week so that merit pay can issue Christmas week.

Other Matters

Following are brief updates on other pending matters.

- **Insurance Advisory Committee:** The Burgess School Committee ratified the MOU at its December meeting. This is still an Executive Session item and S. Suhoski will keep the Board apprised of further developments. He is hopeful of reaching a conclusion on this matter in the next couple of weeks.

- **Riverlands Environmental:** S. Suhoski had a telephone discussion with the project engineer at Tighe & Bond, who indicated that he and the Licensed Site Professional were developing a formal proposal for presentation to your Board. S. Suhoski also had a separate conversation with staff at the CMRPRC regarding potential USEPA “brownfields” grant funding and can update you Monday night. Given the funding cycles, it would appear that the Town would develop any application in late summer for submission in the fall of 2013.
- **Municipal Buildings:** Paul Davis Restoration has been actively working to effectuate repair of the persistent leak in the Library roof (funded through Town’s insurer). The insurer has also agreed to cover the repairs to the roof at the St. Anne’s water tower and Paul Davis Restoration has been notified. The flagpole at the Public Safety Complex has been ordered and will be installed by All American Flagpoles once the material is received.
- **Walker Pond Drainage:** The DPW Director updated the Board at the December 10th meeting. S. Suhoski intends to remove this from the weekly update, as he and the DPW Director can update the Board as the project progresses.
- **Other Meetings / Miscellaneous:** Also this week: S. Suhoski met with Town Planner, Planning Board Chair, DPW Director to finalize CTD interview process; met with interim Building Commissioner relative to future staffing/consulting plan; extensive meeting with Town Planner and teleconference with Town Counsel regarding solar zoning matters; as interim ZEO, met with Planner, Assessor, interim Building Commissioner and landowner regarding pre-existing, non-conforming lot and related issues; extensive meetings with two department heads regarding personnel matters; met with cable TV production coordinator regarding new equipment and training schedule; met with Division of Fish & Wildlife, DPW Director, Conservation Agent, Planner and project engineer regarding Hamant Brook dam removal project (public meeting to be scheduled early in 2013); prepared for and attended special BOS meeting; telephone conference w/ Blue Wave LLC regarding town / state solar project.

Approval of Job Description for Temporary Assistant to Fire Chief

On December 13, the Personnel Committee approved the job description and compensation plan rating (Grade 5: FY13 hourly range \$15.74 to \$18.81) for the Temporary Assistant to the Fire Chief. This is a six-month position. After approval by the Board, the Fire Chief will post the position internally. No budget adjustment is required.

MOTION: That the Board of Selectmen approve the job description for Temporary Assistant to Fire Chief at Grade 5 in the town’s compensation plan, as approved by the Personnel Committee on December 13, 2012, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Intent to Lay Out Regep Lane as a Public Way

Although recommended for acceptance by the Planning Board and DPW Director, Regep Lane was not accepted at the Annual Town Meeting in June 2012 due to concerns raised about issues on some privately-owned lots. The Planning Board reviewed this again in October and requests that the road be accepted. In checking with Town Counsel, the Board of Selectmen must re-vote and re-initiate the same process yet again. To meet the January 7 deadline, the Board will need to convene a special meeting for the actual vote to lay out the way.

MOTION: That the Board of Selectmen vote its intention to lay out Regep Lane as a town way, as shown on a plan entitled “As-Built Road Layout, The Spaho Corporation (Owner), Regep Lane, Sturbridge, Massachusetts,” revised through February 17, 2012, prepared by Jalbert Engineering, Inc., and that the Board of Selectmen forward the layout petition and plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§81G and 81I, by P. Gimas.

2nd: M. Redetzke

Vote: Four in favor; M. Blanchard abstained.

Old Business

M. Dowling said she would re-distribute a proposed community service recognition policy to the Board on December 28 in hopes of reaching closure.

P. Gimas related a concern with Charter Communications related to an Internet upgrade and how she was not able to get a security code for the NetGear router.

New Business

T. Creamer had read a statement concerning the holiday season at the beginning of the meeting and opened the floor for the membership to do the same.

M. Blanchard extended Christmas wishes to all.

M. Dowling wished the community Happy Hannukah, Christmas, New Year and Kwanza.

M. Redetzke noted that the smallest memories are the most special.

P. Gimas was hopeful for the New Year.

M. Redetzke left the meeting at 9:35 p.m.

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Ask the Selectmen/Citizens' Forum

T. Creamer received two phone calls: The first caller wished the Board of Selectmen a Merry Christmas. The second caller also wished the Board a Merry Christmas and was thankful for the solar project response and the vigil to be held on January 14th.

MOTION: To adjourn, by M. Blanchard.

2nd: M. Dowling

Vote: Four in favor; M. Redetzke absent.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date