

February 4, 2013

**BOARD OF SELECTMEN
MINUTES
FEBRUARY 4, 2013**

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 informed the public about the potential end to the statewide ban on new incinerators, and indicated that if residents were concerned, they could offer comment by way of an online petition that had been started by Sturbridge residents. He said that the Board of Selectmen supports the statewide ban on new incinerators, and is hopeful that the state will not end the ban.

M. Blanchard reminded everyone of the tax assistance program.

M. Redetzke announced the Library Book Sale to be held on February 9, 2013 at 10:20 a.m. to 2:00 p.m.

P. Gimas announced that concerns regarding the Charter Communications contract should be forwarded to the Board of Selectmen.

Bill Kenyon – Photo Selected for Publication in MMA’s 2013 Calendar:

S. Suhoski noted that Bill Kenyon had taken a photograph of Hein’s Farm, which has been included on a Town brochure to promote the trails. When S. Suhoski learned of a contest to have local photos included in the Mass. Municipal Association’s 2013 calendar he had asked Bill if he would mind having his picture submitted. Dave Barnicle offered ideas for the cut-line that he submitted to go with the photo.

S. Suhoski said that in looking at the calendar, it was nice to see Bill’s photo of the Hein’s Farm vista – in its



russet autumn glory – representing Sturbridge in this calendar that will hang in state and local offices throughout the Commonwealth.

Fire Chief Leonard Senecal – \$78,518 Grant Announcement:

As you know, the Fire Dept. was awarded over \$78,000 in federal grant funds to acquire 29 sets of turnout gear for the department. This is a major cost avoidance to the local taxpayers. The local match of \$4,132 is available through the Town Administrator's matching grant line item (\$2,000 encumbered from FY13 in anticipation of the application with the remainder from FY14). The Chief has also acquired a forestry truck through innovative use of resources.

Tom Chamberland, Tree Warden – Spring Tree Planting

Tom Chamberland reviewed the Spring Tree Planting program with the Board, and noted that the deadline to request trees is March 8th.

Sandy Gibson-Quigley – Planning Board

Sandy Gibson-Quigley, Chairman of the Planning Board, appeared before the Board.

T. Creamer said that he had spoken to Sandy Gibson-Quigley after the Board of Selectmen had taken action on some appointments to convey to her the position that he had taken as a professional courtesy and as having served with her on the Planning Board. S. Gibson-Quigley had asked to be placed on the agenda to address the letter that she had sent to the Board of Selectmen. He instructed the Board that after S. Gibson-Quigley is finished, if a member of the prevailing side wishes to make a motion for reconsideration, that motion could then be seconded by any member present. He said that under Roberts Rules of Order or parliamentary procedure, a motion to reconsider should technically be made the night of a particular event or during the continuation of a meeting. He noted that it has been the past practice for the Board of Selectmen to allow a motion for reconsideration even past a particular meeting date or conclusion of the meeting. He said that he would honor that past practice as the Chairman. He asked that the Board not direct any questions or comments to S. Gibson-Quigley regarding her letter prior to a motion being made for reconsideration. If there is a question outside of the appointment process which the Board had taken the previous week with respect to any vagaries that any specific Board member might have, that would be allowed prior to a motion for reconsideration, as long as it doesn't get specific; if it gets specific, then it would be necessary to fall back on parliamentary procedure, and wait until a formal motion was made for reconsideration, as that is part of the reconsideration process.

S. Gibson-Quigley explained that she had sent the letter on her own, but the members of the Planning Board have a copy of it. She had sent it via email on January 23, 2013.

T. Creamer said that there was a technicality that needed to be addressed. He noted that the Planning Board had voted unanimously on their appointment, and it is within the Chairman's purview to send a letter on behalf of the majority, whether authorized or not in this case, because Ms. Quigley was simply stating a matter of fact that had taken course in that public vote. He said that there should be no question from any member of the Board of Selectmen as to whether or not S. Gibson-Quigley has the authority to speak on behalf of the Planning Board because she does so with respect to the vote that was taken, and her letter was specific to that.

S. Gibson-Quigley read the letter into the record.

T. Creamer asked whether there was a member of the prevailing side that wished to take the matter under reconsideration as presented to the Board by the Chairman of the Planning Board.

M. Blanchard requested confirmation that this subcommittee is not going to be presenting anything to the Board of Selectmen. S. Gibson-Quigley said that the subcommittee is working with consultants and the material will be presented to the Planning Board for discussion and vote.

T. Creamer said that as a courtesy, the Chairman of the Planning Board asked if she could read her letter into the public record, and as a courtesy he extended that to her and put it on the agenda. He noted that the motion to reconsider could only come from a member of the prevailing side. He said that he would entertain any questions or comments that were not specific to the fundamental issue in the letter itself.

M. Dowling said that in the past the Board has re-discussed issues when they are an agenda item without such limiting language. She objected to being told that she could not comment on an agenda item, and considered it to be extremely stifling. T. Creamer said that there have been a number of issues that have been put on the agenda, one of them a motion to reconsider a decision that the Board had made with respect to a particular proponent in Town seeking sewer for a project on Route 131. As soon as the individual had finished presenting that, the only thing the Board would have done at that point would be a motion to reconsider by a member of the prevailing side; in this case with respect to the Planning Board issue, none was forthcoming, so the discussion had ended. He said that he was confident that the Board would be consistent in its approach.

M. Redetzke said that in the past, a citizen had complained to the Board of Selectmen. The citizen was seeking appointment to a committee. The citizen was upset because the same policy had not been followed for all candidates. The Town Administrator, the appointing authority, had interviewed people, but they had not all been interviewed the same way, and the citizen was not interviewed prior to the appointment being made. The Board of Selectmen had taken the Town Administrator to task on that. M. Redetzke said that she sees no difference with this appointment in that there were three nominees and only two positions. There should be no difference in making sure that

everyone has a right to seek appointment by the appointing authority. She stated that the Town Administrator was the appointing authority for this committee, and all nominations should have been brought forth for his consideration.

T. Creamer asked whether a member of the prevailing side would be willing to offer a motion for reconsideration. He said that if there is a concern about the process that was followed, then a motion to reconsider the process would be in order, provided that the process in question is that of the Board of Selectmen and not the Planning Board. He said that if the manner by which the Planning Board made their appointments is being challenged, he would not be able to entertain that as a motion for reconsideration, because the Planning Board's motion and process was consistent with parliamentary procedure, therefore the Planning Board's actions were in no way improper and cannot be challenged. He noted that parliamentary procedure clearly states that the floor will be open to nominations after which the nominees voted on in the order they were nominated until a majority of the individuals supports either one or two individuals, depending upon the number of vacancies, at which time further voting stops and other members who are nominated don't get the opportunity to be voted on. He said that if there are concerns about the overall process, if there is new information, or if anyone is uncomfortable that maybe a process has differed in some way than previously undertaken, that would be an appropriate rationale to enter a motion to reconsider. If seconded, the entire process would be open up to discussion.

MOTION: To reconsider the votes of the Board of Selectmen's appointments to the Commercial Tourist District Working Group, by M. Redetzke.

2nd: M. Dowling

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

MOTION: That the Board of Selectmen approve the appointments of Charles Blanchard and Heather Hart to the Commercial Tourist District Working Group as recommended at the January 15, 2013 Planning Board meeting with a 7-0 vote on C. Blanchard and 5-2 vote on Heather Hart, by M. Blanchard.

2nd: M. Dowling

Vote: Two in favor; T. Creamer, P. Gimás and M. Redetzke opposed.

P. Gimás said that she did not see any difference between what had been done two weeks ago. M. Redetzke noted that when the vote had been taken two weeks ago, the names were separate in the motions; now the motions have been combined into one. M. Dowling said that both applicants are qualified; it comes down to respecting the autonomy of committees to determine who will sit on their on a subcommittee in an advisory capacity. She said that it creates a chilling effect for residents when they become involved in committees and they are charged with a certain function, depending upon the committee, and the Board of Selectmen does not honor who they have chosen to give them advice within the committee itself. She said that she would honor and respect the committee that is selecting its subcommittee.

T. Creamer said that the Board of Selectmen is not infringing upon the autonomy or the statutory responsibility of the Planning Board; the autonomy of any board or committee extends to its statutory responsibility or its charter designated responsibility or its general bylaw responsibility. He said that this is not a simple committee that consists only of Planning Board members, but three members of the public. The announcement was that the appointments would be made by the Town Administrator, with ratification by the Board of Selectmen. The Board of Selectmen, as the executive branch, has the responsibility to the voters to fulfill that responsibility and make sure that the best people are chosen to serve on committees. The Selectmen were elected by the residents to make executive decisions and to fulfill the charter and make sure that there is fair and objective representation. He said that he would have to challenge any assertion by any member of the Board that something that we are doing may have a "chilling effect."

P. Gimas noted that the subcommittee consists of three residents and two members of the Planning Board. S. Suhoski said that the verbiage of the committee makeup was discussed by the Planning Board in July or August. Jean Bubon put together a draft. The Planning Board amended the language which came to the Board of Selectmen in September.

T. Creamer expressed concern that Charles Blanchard would be on a subcommittee that will be making recommendations to the Planning Board, then be voting as a member of the Planning Board on those recommendations, then sending those recommendations forward to the Board of Selectmen. As his spouse is a member of the Board, in effect the origination of ideas would then move to the Planning Board, potentially get adopted by the Planning Board, and then come before the Board of Selectmen. He expressed concern that there could be a situation wherein there might be a one vote swing. He said that he was unconvinced about the one vote swing on an issue when a spouse is that intimately involved in the project, and to do so with the appearance of objectivity. He noted that Charles Blanchard is the Chairman of the Housing Partnership Committee and is also the Vice-Chairman of the Burgess School Building Committee.

M. Blanchard noted that the Housing Partnership Committee has not met in two years, and the Burgess School Building Committee is a few meetings away from being dissolved.

MOTION: To ratify the appointment of Heather Hart to the Commercial Tourist District Working Group, by T. Creamer.

2nd: P. Gimas

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

Cable Advisory Committee Appointment

S. Suhoski informed the Board that longtime Cable Advisory Committee member and former chair Mary Afable has resigned, and Don Fairbrother has tendered his resignation upon the appointment of a successor.

In response to the advance notice of these resignations that S. Suhoski had posted for vacancies on this committee, he had received two responses from interested and qualified candidates, each of whom was interviewed over the past two weeks.

One candidate, Steven Greenberg, has already attended a CAC meeting and wishes to bring his talents to the committee. He has a background as a software engineer and has expressed interest in helping revamp the Town's Web site. S. Suhoski proposed Mr. Greenberg for appointment to Mary Afbale's unexpired term, which would run through 2013. As the Town Charter (version July 2012) now includes a three-year term limitation on the CAC (formerly "indefinite" terms) in Section 6-2, S. Suhoski proposed Mr. Greenberg be appointed through June 30, 2016.

MOTION: That the Board of Selectmen ratify the Town Administrator's appointment of Steven Greenberg to the Cable Advisory Committee for a term expiring June 30, 2016, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

S. Suhoski noted that he had initiated coterminous expirations for all appointments under the Town Administrator's jurisdiction to be June 30th of the applicable year. This avoids having to track dozens and dozens of various expiration dates as the appointments align with the fiscal year. It is also consistent with the amended Charter language in Section 6-1(C) that states appointments shall be made by July 1st of the given year.

Fuel Allowance – Part-time Inspectors

Over the past four months S. Suhoski has had several discussions with the part-time inspectors and interim building commissioner surrounding the increased cost of fuel for the personal vehicles of the part-time inspectors. Through logging of a large survey of site inspections completed by the plumbing inspector, an average mileage of seven miles per inspection is yielded (based upon round trip from Center Office Building). The inspectors strive to "route" inspections in an efficient manner; however, the competing schedules of private citizens and developers often require flexibility on the part of the inspectors.

S. Suhoski detailed the rationale for his request to implement a \$100 per month fuel allowance for the electrical and plumbing inspectors. He said that in looking at comparable communities, there is no consistent method of compensation, or vehicle use policies. Some communities do nothing, while others reimburse at the IRS mileage rate (currently 0.555 / mile), others provide a monthly or quarterly allowance, and one provides a town vehicle.

With no discernible trend, he relied upon Sturbridge-specific data to develop this recommendation.

First, the Town's Municipal and Personal Vehicle Use Policy adopted by the Board of Selectmen in November 2011 states the following:

Expense Reimbursement

It is the policy of the Town of Sturbridge to reimburse employees for reasonable and necessary expenses which they incur as a result of approved personal automobile use on Town business. Receipts and the Travel Reimbursement Form must be submitted in order for an employee to be reimbursed for such expenses. Expense reimbursement is intended for travel outside the Town of Sturbridge. Employees will not be reimbursed for personal automobile use within the Town without advance approval of the Department Head or Town Administrator, or, unless specifically authorized by a collective bargaining agreement.

The Town will reimburse personal vehicle expenses on a per mile basis in accordance with the current standard Internal Revenue Service mileage rate. In accordance with IRS regulations/rulings, the mileage rate is intended to cover, but is not limited to, the cost of fuel, repairs, insurance, all operating costs, and general wear and tear on the Personal Vehicle.

S. Suhoski said that given that the Town does not have a sufficient fleet of vehicles to provide part-time inspectors at-will access to same, and given the clear benefit of allowing the inspectors the flexibility of scheduling inspections (estimated at 500 per year per inspector for FY14) at the convenience of the public they serve, it is appropriate to apply the Expense Reimbursement policy to these positions for the use of their personal vehicles.

500 insp. @ 7 mi./ea. = 3500 miles x 0.555 / mile = **\$1,942.50 / year**

Through discussion, I have determined that the actual fuel-only burden is closer to \$800 per year for the actual vehicles as follows:

500 insp. @ 7 mi./ea. = 3500 miles / 15 mpg = 233.33 gals @ 3.50/gal = **\$816.65 / year**

But, the sheer number of inspections make a literal implementation of the policy cumbersome, time-consuming and cost prohibitive. In the interest of efficiency and consistency, S. Suhoski proposed to implement a \$100 per month fuel allowance (\$1,200 per year) for the plumbing and electrical inspectors. This falls on the conservative edge of the range calculated above.

The cost of the fuel allowance falls within the annual revenues generated by fees collected for the inspections performed. Through six months of FY13, revenue of electrical and plumbing fees exceeds costs by nearly \$12,000 (\$26,780 in revenue versus \$11,785 expense). The addition of \$2,400 total in fuel allowance has a minimal

impact upon the revenue stream and will sufficiently compensate the inspectors for the use of their personal vehicles.

Lastly, S. Suhoski did not believe this action derogates from the intent of the Vehicle Use Policy which also contemplates the need for special circumstances:

Special Circumstances

This policy is intended to provide a basic framework governing the use of personal or municipal vehicles in the Town of Sturbridge, and as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy should contact the Town Administrator.

MOTION: That the Board of Selectmen support the Town Administrator’s proposal to initiate a monthly \$100 fuel allowance for the plumbing inspector and for the electrical inspector effective February 2013 subject to available funds, by M. Blanchard.

2nd: M. Redetzke

Vote: Four in favor; P. Gimas opposed.

It was S. Suhoski’s intent to seek a reserve fund transfer for the balance of fiscal 2013 and to carry this item in the proposed FY14 operating budget.

Incinerator Letter

P. Gimas read the letter into the record.

MOTION: That the Board of Selectmen sign the letter written by P. Gimas opposing the lifting of the moratorium on incinerators, by M. Blanchard.

2nd: M. Redetzke

Vote: All in favor.

Building Inspection Contract

The Charlton Town Administrator and S. Suhoski have exchanged parameters for the contract, and a formal Memorandum of Agreement is being drafted by Charlton Town Counsel at this time, with anticipated completion within the next 10 business days. Components are to include:

- Average 18 hours per week building commissioner services through FY13
- Established “office hours” for direct contact at Center Office Building
- Additional inspections as needed through local inspector

S. Suhoski noted that we are still operating under the fee-for-service interim arrangement until the formal agreement is executed.

Town Barn Recreation Field Design

In conjunction with the Recreation Department's desire to proceed with design of additional fields at the Town Barn area, S. Suhoski revised the contract with Waterfield Design to achieve final engineered plans, technical specifications and a construction cost estimate for potential field development at the Town Barn site while eliminating costs and scope associated with the Shepard Parcel.

The engineer will work primarily with the Recreation Director and Committee in terms of the nature of priorities and actual type(s) of fields. S. Suhoski will assist as needed and monitor the contractual terms. Town Meeting had approved funds for this purpose, and this was part of S. Suhoski's original goals developed by the Board in 2012. The reduced fee is not-to-exceed \$37,000.

Other Matters: Following are brief updates on other pending matters.

- **Insurance Advisory Committee:** Additional progress has been made which S. Suhoski will advise the Board in Executive Session.
- **Riverlands Environmental:** Tighe & Bond presented an update to the Board on January 22nd. This information, together with a separate cost estimate for both engineering and survey costs, is being developed for presentment to the Community Preservation Committee.
- **Municipal Buildings:**
 - ***Town Barn Roof (new)*** – An estimated 20' x 20' section of membrane roof over the garage bays at the Town Barn was blown back during the wind and rain storm of January 30th. This is an insurance-covered item which will be handled by Paul Davis Restoration. During the interim, DPW crews pulled the membrane back into position and utilized sand bags as ballast. The DPW Director noted that there was a good amount of moisture present from this event.
 - ***Library Roof (updated)*** – The Library Director and S. Suhoski will meet with an architect next week to review the status of the skylight area of the roof and other areas of need identified in the Lamoureux-Pagano report. Previously, Paul Davis Restoration completed repair of improperly installed flashing at the base of the skylight windows, as well as a roof scupper that was leaking on the Main St. side of the building. These repairs seem to be holding even through this week's wind and rain event.
 - ***Public Safety Complex Flag Pole (updated)*** – A new flag pole has been installed. It is a few feet shorter in height, but appears to be in scale with the surroundings.

- **8 Brookfield Road (no change)** – American Environmental, Inc. was on site and did not note any asbestos from a visual inspection. S. Suhoski contacted ATC on January 4th for a second opinion, and his inquiry was re-routed to the proper individual. He sent a reminder via email.
- **Sturbridge Nursery School Bathrooms (updated)** – Replacement of the sagging flooring and outdated toilet fixtures in each bathroom will be completed during the school vacation week beginning on February 18th. A “wobbly” toilet has been secured during the interim. Any larger renovation or cosmetic project will be discussed more thoroughly with the Board and the Finance Committee before proceeding.
- **Center Office Building Front Door (updated)** – S. Suhoski authorized The Lock-Out Locksmith of Webster to proceed with the installation of a commercial-grade exterior door handle and lock on the Main Street entrance of Center Office Building for an estimated cost of \$296. The keying will match our existing system so staff office keys will also operate the front door.
- **Town Hall (updated)** – The annual elevator inspections were recently completed, and there is a new code requirement relative to the operation of the two “doors” that slide open. The Town received a 90-day permit, and Worcester Elevator will quote and install this additional code requirement (applicable to COB as well) prior to the 90-day re-inspection. Otherwise, the units are operating fine. Also, during the elevator test, S. Suhoski had American Alarm present as required and have scheduled an additional meeting with them to discuss remote “panic” alarms that can be operated through the existing alarm panels. There are a couple of existing hard-wired panic alarms that need to be activated, and American Alarm will quote a cost for remote units that can be in key offices and available for the meeting rooms generally in the event of emergency.
- **Other Meetings / Miscellaneous:** Recently: completed water/sewer abatement review with Finance Director and DPW Director (reviewed all outstanding abatement requests prior to new January 1, 2013 regulations); participated in teleconference with Lt. Governor re: local aid package for FY14; met with president of Hamilton Rod & Gun Club and Town Planner regarding various matters; met with resident concerning incinerator moratorium and MassDEP issues; met with candidates for Cable Advisory Committee; extensive meeting with Finance Director re: various matters and FY14 budget planning; met with Police Chief and Fire Chief re: personnel matters; attended Western Mass. Casino Coalition meeting; convened meeting of key stakeholders regarding Hamant Brook Restoration / Dam Removal project design; attended Personnel Committee meeting; successfully completed required Conflict of Interest Law training update.

Harbormaster Regulations Discussion

M. Redetzke made a presentation to the Board regarding the need for Harbormaster regulations.

Michael Miller of Brimfield (who owns a summer place on Leadmine Lake) spoke to the Board using a cautious approach regarding regulations.

Bill Kenyon requested a copy of Selectman Redetzke's presentation. He asked that the Board of Selectmen go out to review the lakes before finalizing the new regulations.

A resident asked about special circumstances granted by a prior Board of Selectmen and financial commitments.

P. Gimas noted that when the draft was issued, the Board of Selectmen had not yet decided upon a number of items.

Correspondence

M. Blanchard read the correspondence list into the record.

Old Business

M. Blanchard suggested setting a time for the Town Administrator's goals.

M. Blanchard asked about the status of the MPIC report.

M. Dowling thanked S. Suhoski for working on the medical marijuana moratorium.

M. Dowling announced the Town Clerk deadline of 1/31 for Conflict of Interest testing.

P. Gimas announced that the Government Services Study Committee will distribute a binder of information to the Board of Selectmen / Finance Committee with department responses for Monday, February 11, 2013.

New Business

M. Dowling asked about the status of the conduit on Route 20.

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; Paragraph #3: To discuss strategy with respect to collective bargaining or litigation, not to reconvene in open session, by M. Blanchard.

2nd: 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.

February 4, 2013

The Board convened in executive session at 10:50 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date