

July 15, 2013

**BOARD OF SELECTMEN  
MINUTES  
JULY 15, 2013**

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

Priscilla Gimas was absent.

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

**Public Service Announcements**

M. Redetzke read a thank-you letter from the City of Springfield for Sturbridge Tree Warden for help he had provided after the June 2011 tornado.

M. Dowling noted that the Senior Center and Library are open for people who need to cool off during the heat wave.

M. Blanchard read the hours of operation for the Visitors' Center.

**Wetland Protection Fund Allocation**

S. Suhoski informed the Board that Glenn Colburn, Conservation Agent, has advised that, similar to past years, the Conservation Commission has voted to allocate \$4,240 from the Wetlands Protection Fund to cover five hours per week of wages for the part-time administrative assistant. Board of Selectmen approval is required to proceed. The amount has been verified by the Finance Director and S. Suhoski recommended the Board's approval, which would allow the current staffing level of 15 hours/week to continue for FY14. He noted that this is still a reduction in total hours from prior to FY13.

T. Creamer and M. Redetzke said that they wanted a specific job description and accountability report regarding the Wetlands Protection Fund.

**MOTION:** That the Board of Selectmen ratify the Conservation Commission's June 20, 2013 vote to allocate \$4,240 from the Wetland Protection Fund to the wages of the Administrative Assistant, by M. Dowling  
**2<sup>nd</sup>:** M. Blanchard  
**Vote:** Two in favor; two opposed.

**MOTION:** That the Board of Selectmen ratify the Conservation Commission's June 20, 2013 vote to allocate \$4,240 from the Wetland Protection Fund to the wages of the Administrative Assistant, subject to an accounting of time allocated to wetlands protection activities and job description, by M. Dowling

**2<sup>nd</sup>:** M. Blanchard

**Vote:** Four in favor; P. Gimás absent

### **Cumberland Farms Fuel Storage License: 506-510 Main Street**

M. Redetzke read the legal notice into the record. Paul Lombardo and Mary Paioa appeared before the Board.

S. Suhoski noted that the Board had made a prior vote to allow this project to advance. Cumberland Farms plans to demolish its existing facility and construct a new convenience store and fuel island in accordance with its Site Plan Approval by the Planning Board on June 12, 2013. To move forward, the Board's approval of an amended fuel storage license was required to accommodate the additional capacity of the storage tanks, which will include state-of-the-art monitoring systems. The site plans and application for the license have been available and reviewed by the Board.

S. Suhoski received and confirmed that Cumberland Farms complied with the newspaper advertising (Southbridge News – July 2nd) and notification requirements (certified mail receipts on file). The license has been endorsed by the Acting Fire Chief and reviewed by his staff.

**MOTION:** To close the public hearing, by M. Blanchard.

**2<sup>nd</sup>:** M. Redetzke

**Vote:** Four in favor; P. Gimás absent.

**MOTION:** That the Board of Selectmen approve an amended fuel storage license under MGL c. 148, §13 in favor of Cumberland Farms, Inc. for the underground storage, operation and maintenance of 32,000 gallons of flammable liquids and 8,000 gallons of combustible liquids at 506-510 Main, by M. Redetzke.

**2<sup>nd</sup>:** M. Dowling

**Vote:** Four in favor; P. Gimás absent.

### **Department Head Report**

Curtis Meskus, Building Inspector, reviewed his report with the Board. He provided updates regarding Basketville, the Blackington Building and the former Rom's building. He reviewed the status of 49 Main Street, Scottish Inn, Sweet Kiwi and Michael's.

C. Meskus informed the Board that he will ask the state inspector or Nick Tortis for assistance during the week of August 5<sup>th</sup>.

### **Bridge Discussion: Champeaux Road Residents**

T. Creamer said he had been approached by Champeaux Road residents to hold a meeting to discuss the bridge replacement.

S. Suhoski informed the Board that the engineering is being completed by CME Associates with an estimated one-year lead time for permitting.

Randall Abbott of 44 Champeaux Road read a statement into the record. He expressed concern about the status of the bridge, and suggested a coordinated effort with the Town of Brimfield. He said that the road regulates itself, and expressed appreciation for police presence.

T. Creamer stated that the total anticipated cost for the project as previously identified could be between \$1.3 million and \$1.5 million, the bulk of which would be paid through Chapter 90 funds.

By consensus the Board directed the Town Administrator and DPW Director to meet with residents to review preliminary plans.

### **Special Liquor License Request: Hamilton Rod & Gun Club**

S. Suhoski informed the Board that the Hamilton Rod & Gun Club's 3rd Annual Milltown Auto Show is scheduled for Friday, August 2<sup>nd</sup> and Saturday, August 3<sup>rd</sup> at the club's 24 Hamilton Road location. A copy of the club manager's request for a Special License (commonly "one-day" license) for the event – as approved by the Chief of Police – was submitted to the Board. He noted that the Board is specifically authorized to issue these licenses under MGL c. 138, §14. As in past years, alcohol will be limited to the outside pavilion and adjacent field for vehicle display, which does not include the event parking area. Also, all target ranges will be closed throughout this event.

**MOTION:** That pursuant to MGL c. 138, §14, the Board of Selectmen approve a special all-alcohol pouring license to the Hamilton Rod & Gun Club for August 2, 2013 between the hours of Noon and 1:00 a.m., and August 3, 2013, between the hours of 8:00 a.m. and Midnight to be limited to the outdoor pavilion and adjacent car-show display field at 24 Hamilton Road and subject further to the limitations contained in application and approval by the Chief of Police dated July 10, 2013, by M. Redetzke.

2<sup>nd</sup>: M. Blanchard

Vote: Four in favor; P. Gimás absent.

### **Department Head Report**

Police Chief Thomas Ford reviewed his reports for the Police Department and Fire Department with the Board. He provided an update on the status of apparatus, training and awards.

### **Police Dept.: In-car Video System Police/Demonstration**

Police Chief Thomas Ford and Lt. David Diogo appeared before the Board. With the funding and acquisition of a video recording system for the police cruisers, the Department has developed appropriate standard operating procedures for same. Lt. David Diogo outlined how the system will work and informed the Board of the policy. From a management and civilian perspective, S. Suhoski twice reviewed and commented on the policy to Lieutenant Diogo and Chief Ford, and was very satisfied with the outcome.

M. Dowling noted that officers should state that offenders are being visually and audibly recorded.

**MOTION: To approve the Standard Operating Procedure for in-car video recording system as presented on July 15, 2013, by M. Blanchard.**  
**2<sup>nd</sup>: M. Redetzke**  
**Vote: Four in favor; P. Gimás absent.**

### **Taxi / Livery License: Patrick J. Langer**

Patrick J. Langer applied for a taxi/livery operator's license under the approved license for Charles River Service, Inc., 2 Main Street, owned by Eric Cassim. Chief Ford reviewed the application and endorsed same for approval.

**MOTION: That the Board of Selectmen approve a taxi/livery license in favor of Patrick J. Langer, of Holland, to operate under the business license of Charles River Service, Inc., 2 Main Street, by M. Redetzke.**  
**2<sup>nd</sup>: M. Blanchard**  
**Vote: Four in favor; P. Gimás absent.**

### **Open Meeting Law Complaint**

S. Suhoski said that on July 1<sup>st</sup>, his office received an Open Meeting Law complaint filed by James Zavistoski questioning the sufficiency of the meeting agenda and seeking a copy of the "written statement" of Chairman Creamer with respect to his commentary about the Town Administrator's performance. A copy of the complaint and S. Suhoski's July 2<sup>nd</sup> correspondence providing an acknowledgement and initial response was previously copied to the Board's mailboxes to summarize the information. As noted in S. Suhoski's July 2<sup>nd</sup> letter, the complainant was offered and did retrieve a DVD of the actual meeting on July 1<sup>st</sup>. The office does not have any copies or records of the statement made by Chairman Creamer and referenced in the complaint. S. Suhoski said that in his experience, it is very common for individual members of public boards to

offer individual comments, questions, observations and criticisms during public meetings, and notably during “new business” sessions. He said that he was not convinced that any posted agenda could ever possibly capture what every individual member of a public body would state, and thus he did not see any violation with respect to Mr. Zavistoski’s allegation concerning the May 29, 2013 agenda, whereas Mr. Creamer did not seek a vote or any formal action from the Board. With respect, Mr. Zavistoski’s request for the “written statement” from which the complainant alleges the Chairman read his public statement during the meeting, S. Suhoski was advised by the Chairman that these have been deleted, and there is no such document, given that the complaint arose a month after the meeting in question.

S. Suhoski noted that the Board was also provided with an email from Town Counsel indicating that personal notes are not public record.

T. Creamer read a response statement into the record.

### **Interim Town Accountant Appointment**

S. Suhoski informed the Board that Jean Joel’s last day of employment was July 12<sup>th</sup>. The position has been posted on various government Web sites and with local newspapers with a closing date for applications of August 2<sup>nd</sup>. During the interim, he and the Finance Director discussed options for the interim position, including consulting firms or a one-day-per-week model similar to when the prior accountant was on sick leave.

Accordingly, S. Suhoski was pleased to submit the credentials of Valerie J. Bernier of Wales, for requested ratification as Interim Town Accountant. Ms. Bernier has a M.S. degree in Accounting and is certified as a Governmental Accountant by the Mass. Municipal Auditors and Accountants Association. She also has a wealth of experience as the city auditor in Easthampton for nearly two years, the part-time (evenings) senior accountant for the town of Wales for eight years and the full time finance coordinator / accountant in Palmer for over six years.

Her current position is Monday through Thursday, so she is available to Sturbridge every Friday. Payment will be \$50 per hour during the temporary appointment. The Finance Director concurs with the appointment and rate of compensation. S. Suhoski anticipates the interim appointment may last through August.

**MOTION: That the Board of Selectmen ratify the Town Administrator’s appointment of Valerie J. Bernier, of Wales, as Interim Town Accountant at a contract rate of \$50 per hour, by M. Redetzke.**

**2<sup>nd</sup>: M. Blanchard**

**Vote: Four in favor; P. Gimás absent.**

### **Mountainbrook Road Private Road Association – Notice of Betterment**

S. Suhoski noted that Town Meeting had approved proceeding with the betterment drainage project for the Mountainbrook Road neighborhood as has been frequently discussed. He said that he and the DPW Director had met with the executive board of the MBPRA to outline a schedule and next steps. The Town stands ready to initiate engineering upon execution and recording of the attached Betterment Assessment Notice prepared by Town Counsel.

**MOTION: That the Board of Selectmen of the Town of Sturbridge determines and orders that a system of main drains be laid out and constructed in Mountain Brook Road, Beach Avenue, Long Avenue, Eastern Avenue, and New Boston Road, and that betterments shall be assessed upon the properties benefitting therefrom, which properties are identified in the Betterment Assessment Notice executed by the Board today, and authorize Town Counsel to change the names of the owners of such properties to account for recent conveyances, if any, and to record said Notice, by M. Redetzke.**

**2<sup>nd</sup>: M. Blanchard**

**Vote: Four in favor; P. Gimas absent.**

#### **Roadway Funding / Local Paving**

S. Suhoski said that political gamesmanship between Legislature and Governor continues on Beacon Hill relative to the method of raising revenues for the FY14 state budget and transportation bond.

Sturbridge's operational budget remains balanced; however, the ongoing wrangling over the revenue plan is what has caused the Chapter 90 allocations to not only revert back to FY12 levels but to also be delayed until late in the paving season. The DPW Director has told S. Suhoski that some paving companies are even laying off workers early due to the lack of funding.

S. Suhoski said that in order to "button up" the central neighborhoods around Fairview Park Road, the DPW Director has initiated resurfacing through the Town Meeting appropriation. This work includes Fairview Park, Simpson, Plimpton and Gideon and builds upon the completion of Turner Lane as well.

The DPW Director will present a Chapter 90 road plan to the Board of Selectmen once the Legislature and Governor (as they eventually will) clarify the amounts and schedule for FY14 Ch. 90 allocations.

#### **MIIA Rewards Credit - \$6,367**

S. Suhoski said that participation by the Town Administrator and department heads in risk avoidance trainings provided through the Mass. Interlocal Insurance Association has resulted in a credit of \$6,367 that the Town has applied towards its FY14 premiums.

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

• **Municipal Buildings:**

o ***Library Roof (updated 6/14 – no change)*** – Annual Town Meeting approved completion of architectural plans for replacement of the skylight system as part of the Capital Plan article. S. Suhoski advised DRA and the Library Director that further work on this project can commence after July 1<sup>st</sup>.

o ***Town Hall (updated 7/12)*** – A notice to proceed was issued to Jerry Day Fence company to complete the screening / protection of the HVAC units on the north side of the building. The burglar alarm monitoring is ready to accept remote “panic alarm” signals for which the hardware must be purchased. Replacement of HVAC “contact” switches will be completed in the coming month.

o ***Sturbridge Nursery School (updated 7/12)*** – The leak in the roof of this Town building was confirmed as repaired by both the contractor (Paul Davis Restoration) and by the school director. The work to replace some moisture damaged interior ceiling was anticipated to be completed this week.

• **Other Meetings / Miscellaneous:** Other items include: S. Suhoski met with the Acting Fire Chief, Deputy Fire Chief and National Grid regarding emergency preparedness and communication; conducted site visit w/ BOH Agent for asbestos removal project (cease and desist ordered – MassDEP oversight initiated); various meetings with Acting Fire Chief regarding department operations; completed and approved various position vacancy notices (town accountant; admin. asst. to assessor; building inspector); responded to citizen concerns regarding utility issues; assisted citizen with housing issue through referral to BOH and resources; extensive work on solar power agreements; prepared and attended Energy Advisory Committee meeting with Town Counsel, Beacon Integrated (subject matter expert), Principal Assessor, member of BOA and, separately, with BlueWave Capital LLC; chaired Legislative Affairs Committee meeting at CMRPC; prepare and attend Traffic Safety Committee meeting; met with DPW Director regarding paving program; met with DPW Director and three members of Mountainbrook Private Road Association to advance drainage project; met with various citizen walk-ins for business certificates, etc.; met with Finance Director and Assessor regarding staffing issues.

**Old Business**

M. Blanchard said that Doreen Avallone needed to be reappointed.

M. Dowling informed the Board that there had been no attendees at the last Meet the Selectman.

M. Dowling said that she was honored to attend the Naturalization Ceremony held at Old Sturbridge Village.

### **New Business**

M. Blanchard inquired into the nature of what she termed a meeting of Board of Selectmen meeting at the Fire Department. T. Creamer said that he and Selectman Gimas were asked to meet with firefighters, that it was not a meeting of the Board of Selectmen, and that the meeting with he and Ms. Gimas had been requested by the firefighters themselves. M. Blanchard said that she was told the meeting was requested by the Chairman of the Board of Selectmen and liaison, to which T. Creamer reiterated that he and Ms. Gimas had been invited to meet with the firefighters, and read the request into the record.

M. Dowling announced that she would be on vacation on August 5<sup>th</sup>.

T. Creamer announced that the Board of Selectmen will meet on August 5<sup>th</sup> and 19<sup>th</sup>.

### **Citizens' Forum**

No one appeared.

**MOTION: To convene in executive session under MGL Chapter 30A, §18-25, Exemption 3: To discuss strategy with respect to collective bargaining or litigation; and Exemption 6: To consider the purchase, exchange, lease or value of real property; not to reconvene in open session, by M. Redetzke.**

**2<sup>nd</sup>: M. Blanchard**

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

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date