

November 18, 2013

**BOARD OF SELECTMEN
MINUTES
NOVEMBER 18, 2013**

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

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

Veritas Restaurant Public Hearing Alteration of Premises (Continued)

S. Suhoski informed the Board that the owners Kurt and Kelly Soukup are working with the Town's building inspector as their single point-of-contact to ensure that all code issues are addressed prior to completing the Alteration of Premises hearing before the Board. S. Suhoski emailed the Board periodic updates as information has become available.

S. Suhoski said that most recently, Mr. Camacho conducted a review of the additional building with the restaurant owners and Bertin Engineering, who is developing plans for any needed upgrades. The single POC is ensuring coordination with fire, health and planning. He requested that the Board continue this hearing until December 16th. Mr. Soukup told him that he does not have any private parties booked for this holiday season while he undertakes any required modifications for permitting purposes.

MOTION: That the Board of Selectmen continue the hearing for Alteration of Premises by K&J Catering LLC d/b/a Veritas Restaurant until 6:35 p.m. on December 16, 2013, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Public Service Announcements

T. Creamer announced that the Sturbridge Winter Family Festival is planned for December 14th from 11:00 a.m. to 6:00 p.m. on the Town Common. He noted that the Town is trying to plan at least four events per year.

P. Gimas thanked everyone who had planned and participated in the dinner at the Senior Center.

M. Dowling announced that the Christmas Tree Lighting Ceremony will take place on November 29th at the Town Common.

M. Blanchard announced that the winter parking ban following snowstorms will be in effect from November 15th to April 1, 2014.

Department Head Reports

S. Suhoski informed the Board that Chief Ford will update them on the promotional process to fill the vacant Police Lieutenant's position and potential subsequent vacancy in a Sergeant's position. S. Suhoski and the Chief would like to present candidates at the Board's December 2nd meeting.

S. Suhoski said that Robert Camacho is adapting nicely to the Town and working very collaboratively with the other professionals in our inspection and planning departments. R. Camacho has spoken with him about an initiative to review the fee structure.

Police Chief Thomas Ford reviewed Police Dept. and Fire Dept. reports covering four months with the Board.

Robert Camacho, Building Inspector, reviewed his report with the Board. He thanked Curt Meskus for his work in the Building Department. He spoke to the Pilot issue, §110 reviews, and review and modification of building permit fees.

Sewer Connection Request: 3 Hunter Lane

S. Suhoski submitted to the Board a request for a sewer connection filed by Escape Estates on behalf of William Grandone for a residential property at 3 Hunter Lane. The request has been reviewed by the DPW Director, who provided information on why this parcel was not on the original reserve list, but that property is located within the existing sewer shed and has always fronted the water line, and that the connection is "reasonable." S. Suhoski said that while this should be a routine vote to approve, in looking at the Sewer Regulations it appears that request falls in a gray area in terms of how the connection is defined.

Section 5.52 (New Lots) of the Regulations states that "extensions" of the sewer can be approved by the DPW Director and majority of the Board of Selectmen following a public hearing advertised two weeks in advance of the vote. As noted in the DPW Director's memorandum dated November 7, 2013, however, the sewer extension for Hunter Lane (and associated upgrade on Arnold Road) are complete, and this particular lot only requires a lateral "connection" into the existing system at a fee of \$1,200. Further, the "Interim Connection Policy" approved in 2010 to address some of these individual requests provides additional latitude for the Board in that it reinforces that "nothing contained herein shall serve to limit the discretion of the Board of Selectmen to grant or deny any connection in the best interests of the Town."

Based upon the applicant's request dated October 22, 2013, and the DPW Director's memorandum dated November 7, 2013, and related regulations, S. Suhoski

recommended that the Board of Selectmen utilize its discretion and grant a sewer connection permit for 3 Hunter Lane.

Andy Cormier of Escape Estates and William Grandone, owner of 3 Hunter Lane, appeared before the Board. A. Cormier said that Greg Morse had expressed the situation with this lot the best in his memo dated November 7, 2013. There were two lots: the lot next door to Mr. Fortier's property was purchased under one deed. When he passed away, the family sold off the estate and had to correct the zoning for that lot to be split up.

T. Creamer noted that they subdivided it by way of an ANR through the Planning Board.

A. Cormier said that all of this had taken place while sewer was being run through the new subdivision, but it didn't happen fast enough, so it was missed when normally they would have provided a lateral to connect to the sewer for an existing lot, so consequently Mr. Grandone does not have a lateral. He is requesting a lateral to connect to the sewer.

T. Creamer read the second paragraph of G. Morse's memo: "Basically, the lot exists within the current sewer shed and no extension is required of a sewer main to get to the property, although a lateral is needed. The volume requested for a single family dwelling is not great, thus the DPW believes the connection is reasonable."

MOTION: That the Board of Selectmen approve a sewer connection permit for 3 Hunter Lane based upon the property owner's request dated October 22, 2013 and the report of the DPW Director dated November 7, 2013, subject to payment of applicable connection and privilege fees to be determined in consultation with the DPW Director and the Finance Director, by T. Creamer.

2nd: M. Blanchard

Vote: All in favor.

Appointment of Cynthia Sowa Forgit: Part-time Clerk (Conservation)

S. Suhoski submitted to the Board the recommendation of Conservation Agent Glenn Colburn that Cindy Forgit be appointed as the Part-time Clerk for the Conservation Department. Ms. Forgit has a varied background in office environments as well as a bachelor's degree from Notre Dame College in psychology with a minor in business management and paralegal studies.

Ms. Forgit has previously served on the Design Review Committee as clerk, where she prepared the minutes, and has worked as a substitute teacher in both Burgess and Tantasqua schools. S. Suhoski interviewed her recently and was convinced that she will be a wonderful addition to the conservation staff.

The position is funded for 15 hours per week through the general operating budget (10 hours/week) and the approved use of Wetland Protection Funds (five hours/week). S. Suhoski requested ratification of her appointment.

MOTION: To ratify the Town Administrator's appointment of Cynthia Sowa Forgit, of Sturbridge, to the position of Part-time Clerk effective November 19, 2013 at a starting hourly rate of \$16.11 (Grade 3, Step 5) and subject to a six-month probationary period in accordance with the Personnel Policies, by M. Blanchard.

2nd: P. Gimas

Vote: All in favor.

Sturbridge Mobil – Common Victualler License

Ram Kumar Algoo, the owner of this business, appeared before the Board to describe their operation. Sturbridge Mobil has a valid Retail Food Permit from the Board of Health to serve prepackaged foods that are prepared off-premises, which includes candy bars, donuts, crackers and even sandwiches prepared by another licensed establishment and wrapped and labeled for sale. A Common Victualler license is required to serve any food or meals that are prepared on premises (typically innholders and restaurants with seating for patrons). Convenience stores with a coffee station or a hot dog display (by way of example) would also require the Common Victualler license.

MOTION: That the Board of Selectmen approve a Common Victuallers license to Algoo & Sons Inc. d/b/a Sturbridge Mobil, 365 Main Street, Sturbridge, for operations from 5:00 a.m. until 11:00 p.m. daily, by M. Redetzke.

2nd: M. Blanchard

Vote: All in favor.

Community Innovation Challenge (CIC) Grant

S. Suhoski submitted to the Board a project informational sheet concerning the ongoing CIC grant for the Central Mass. Regional Stormwater Coalition. Sturbridge was one of the original 13 towns that joined forces to improve and regionalize stormwater monitoring and compliance for the ever-changing U.S. EPA MS4 permit. The regional coalition now includes 30 communities and the continuation funds of \$200,000 will be used to:

- _ Maintain, upgrade and calibrate equipment purchased in FY12 and FY13 to ensure longevity of same,
- _ Increase Town-specific use of materials and individual stormwater challenges including development of performance measurement tools and increased use of the GPS units and water testing kits and meters, and
- _ Increase the financial and technical sustainability of the coalition for future years.

S. Suhoski thanked DPW Director Greg Morse, DPW Operations Manager David Travinski and Conservation Agent Glenn Colburn for ensuring the Town remains in compliance with EPA requirements.

MOTION: That the Board of Selectmen approve the participation of the Town of Sturbridge in the Central Mass. Regional Stormwater Coalition's application for Community Innovation Challenge funds and authorize execution of the application form by its Chairman, by M. Redetzke.

2nd: M. Blanchard

Vote: All in favor.

Town Accountant

S. Suhoski was very pleased to advise that he and the Finance Director had agreed upon an excellent candidate to fill this position, and he intends to bring that person forward at the December 2nd meeting. This appointment had been held back for a meeting to address a question from members of the Board relative to the cost of hiring a staff accountant or outsourcing accounting services for a fee. Based upon the need for 35 hours of service to fulfill these responsibilities, S. Suhoski offered the following cost comparison of the selected candidate versus the fee-based alternatives:

	<u>Staff (35 hrs)</u>	<u>HCOG (35 hrs)</u>	<u>Kinsherf (range)</u>
Annual Compensation	\$55,000	\$91,350	\$78,300 - \$99,180
Health (ind. – town portion)	\$ 5,000	\$ --	\$ --
Retirement (town portion)	\$ 8,536	\$ --	\$ --
Misc. Payroll (UI; Medicare)	<u>\$ 853</u>	<u>\$ --</u>	<u>\$ --</u>
TOTAL:	\$69,389	\$91,350	\$78,300 - \$99,180

S. Suhoski noted that even if the Town reduced the paid consultant to four-days-week the HCOG cost (\$73,080) would still be higher than the cost of retaining an employee whose primary responsibility is to the taxpayers of Sturbridge, rather than some out-of-town organization.

Both fee-based alternatives require allowing off-site access into the Town's main server. The Town has managed during this vacancy through a part-time consultant and extra effort and coordination by the Finance Director. However, even with this additional effort they have not yet been able to schedule a fall town meeting as they were delayed versus past years with submission of year-end balance sheets necessary for Free Cash certification by MassDOR.

Finally, S. Suhoski offered that the selected candidate will come in at a lower salary than the prior town accountant based upon level of experience and, as such, this will result in a modest decrease to the budget in FY15.

S. Suhoski will provide to the Board the resume of the candidate recommended for appointment. Although the search process was longer than anticipated, we have an individual that will be capable of assuming these responsibilities.

Other Staff Vacancies

S. Suhoski said that it is nice to see this list growing shorter and shorter as we have filled recent vacancies with very qualified and committed individuals:

Fire Chief (updated 11/15): The Fire Chief Search Committee completed its public interviews on November 13th following a day-long assessment center of the two finalists. These interviews are available online and are being replayed on Channel 11. The FCSC next meets in open session on Thursday, November 21st at 4:30 p.m. here in Town Hall to make its recommendation for appointment. S. Suhoski said that we have excellent candidates, and hopes to bring a selected candidate forward for appointment on December 2nd.

Finance Committee Part-time Clerk / Recording Secretary (updated 11/15): S. Suhoski spoke with the Finance Committee chairman and his committee has a meeting later in November. S. Suhoski anticipates filling this position in advance of the FinCom's budget season.

Update on Pioneer Brewing

Todd Sullivan of Pioneer Brewing provided his written information (see below) as requested by the Board, and it has been conveyed to Town Counsel for review. As of Friday, S. Suhoski had not received any information from the principals of Rapscaillon and sent a reminder via email. Following is Mr. Sullivan's written explanation for his licenses and allowances:

Massachusetts Farmer Brewer's License - *This is the license that all producing breweries need to make beer in Massachusetts. It allows a brewer to brew up to 13% abv beer. It allows the license holder to self distribute its product. It allows the license holder to sell the beer that it manufactures in bottles growlers and cans. And lastly it allows the license holder to give 3, 2 ounce free samples of its product to a customer.*

Federal Brewers Bond - *This is the Bond that all breweries have to start with - This allows a brewer to make beer. It also allows a brewer to contract brew its brand - In the fine print on any bottle it has to state that the beer is produced by the brewer who holds the bond. In our case it is Pioneer Brewing Company that holds the bond. So no matter what beer we produce in house, it just simply has to say at the bottom of the bottle the beer is produced by PIONEER BREWING COMPANY LLC at the licensed facility.*

Beer and Wine Pouring License - *Our town issued license that allows us to sell Beer and Wine to customers. Beer and Wine as always needs to be purchased from a licensed distributor. Pioneer in this case is the licensed distributor. This is because our Farmer Brewers License allows us to self distribute. So Pioneer is able to sell it's [sic] beer to its own company. Pioneer is also allowed per its licenses to sell beers that are*

produced under contract at it's [sic] facility. Any beer that is not produced at Pioneer must be purchased from a licensed distributor.

S. Suhoski also learned today that the Board of Health has approved the septic system upgrade plans submitted by Hyland Orchard / Eugene Damon for installation as soon as practicable, weather allowing. Per the BOH approval letter, the septic capacity will be as follows:

The design capacity as listed on page 5 of 6 pursuant to Title 5, 310 CMR 15.203, is based on existing current conditions:

- _ Wholesale bakery (industrial) — (4) four employees maximum (60 gpd)*
- _ Brewery (industrial) — (4) four employees maximum (60 gpd)*
- _ Lounge (no food prep allowed) — (20) twenty "seats" for twenty patrons maximum (400 gpd)*
- _ Pavilion 80L x 40W (public park equivalent) — (295) two-hundred and ninety five patrons for outdoor events maximum (1,475 gpd)*

TOTAL MAXIMUM DAILY FLOW = 1,995 gallons

At no time may the combined usage exceed these stated capacities. Please also be advised that there is no food preparation allowed (other than beverages and retail packaged foods at Tavern and Pavilion, once permitted, and bakery items for wholesale sales) at this facility.

S. Suhoski shared the above information as when the liquor license comes up for renewal the capacity should be informed by the limits of the BOH permit. S. Suhoski will advise of the status of the combined building/fire §110 inspection.

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

• **Municipal Buildings:**

o ***Library (updated 11/15)*** – The Building Inspector met with the Library Director concerning the gutter replacement project and then with S. Suhoski concerning general thoughts on building maintenance. Separately, the initial design costs for the skylight replacement are \$3,900 for Drummey Rosane architects which was included in the FY14 capital plan. A letter agreement is being developed to initiate this work for consideration of funding through the FY15 capital plan.

o ***Town Hall / Center Office Building (updated 11/15)*** – Through the efforts of Lt. Mark Saloio, the Town may be able to utilize a \$7,500 grant for acquisition of a portable generator for Town Hall. S. Suhoski plans to speak with Lt. Saloio next week about whether the grant could be amended to assist with installation of “pig tails” or other required electrical interface for use with portable generators as directed by the Board of Selectmen and recited in the emergency operations plan.

o **Public Safety Complex (updated 11/1)** – CME has initiated design and will provide repair specifications within the next few weeks for consideration in the next capital plan or at a special town meeting.

• **Infrastructure Projects:**

o **Champeaux Road Bridge:** This project is eligible for state Chapter 90 funds. The Board has also requested me to research whether other sources of funds are available to help cover the estimated \$1.45 million total cost of bridge replacement. Following is a concise summary of the recent chronology:

- _ November 2012: Study report completed by CME Associates, Inc.
- _ March 2013: Town Administrator and DPW Director meet with Army Corps of Engineers project manager re: project and potential funding.
- _ June 2013: Town Administrator and Board of Selectmen author letters to Governor supporting increase to general Chapter 90 allocation.
- _ July 2013: Governor increases initial Ch. 90 allocation from \$150M to \$200M (or \$432,116 for Sturbridge).
- _ July 2013: Town Administrator met with representative from USDA Rural Development concerning various funding opportunities for public projects.
- _ July 2013: Champeaux Road residents met with Board of Selectmen to discuss project and timeline.
- _ August 2013: Town Administrator submits letters-of-interest through CDBG-DR grant program for Champeaux Road bridge replacement and for Walker Pond drainage improvements.
- _ August 2013: DPW Director and Town Administrator met with residents of Champeaux Road to review preliminary plans and timeline as requested by Board of Selectmen.
- _ August 2013: following request of Town Administrator, Rep. Todd Smola inquires about state funding through MassDOT (none available; however, MassDOT regional engineer to work with DPW Director on review of CME plans and options).
- _ CME incorporated verbal comments from Army Corps of Engineers into preliminary plans.
- _ The DPW Director has the preliminary plans and is reviewing them. Once approved the project will need to be budgeted through Ch. 90 and/or other resources by approval of Board of Selectmen.
- _ Site meeting with CME, DPW Director and MassDOT conducted on October 11 to further design development and inquire about state bridge funding.
- _ Next: project estimated for January-February 2014 bid with one year construction period commencing early summer 2014 subject to availability of funds.

• **Other Meetings / Miscellaneous:** Other items include: preparation and attendance at several fire chief screening committee meetings; met with Tree Warden and DPW Director regarding tornado relief grant and proposed amendments; met with Building Inspector regarding potential facility maintenance duties; met with COA Director re:

potential for van service, parking and lighting at Senior Center; attended meeting with MGC general counsel in Monson concerning status of casino and surrounding community designations; met with Personnel Committee to outline schedule for upcoming tasks; met with DPW Director regarding water/sewer services RFP process; met with DPW/SEIU regarding contract negotiations (see Executive Session); met with MIIA insurance representative regarding Town coverage and rates.

Since Jerry Giroux was present, a question was raised as to whether the Board should take Citizens' Forum out of order to address his concerns.

MOTION: That the Board hold Citizens' Forum business as usual, by M. Dowling.
2nd: M. Redetzke
Vote: All in favor.

Wind Energy Bylaw Amendments

Formally refer potential wind energy zoning amendments to the Planning Board so they may conduct a public hearing and issue a report to Town Meeting. S. Suhoski submitted to the Board a copy of the Planning Board's October 23rd correspondence.

MOTION: That the Board of Selectmen refer proposed revisions to the wind energy zoning bylaw to the Planning Board for hearing and report pursuant to MGL c. 40A, §5, by M. Redetzke.
2nd: M. Blanchard
Vote: All in favor.

Tannery Road Acceptance as Public Way:

On November 4th the Board of Selectmen voted its intent to lay out Tannery Road as a public way and referred same to the Planning Board for report. On November 12, the Planning Board voted to recommend acceptance of Tannery Road as a public way.

S. Suhoski suggested that the Board of Selectmen schedule its formal vote on whether to adopt the Order of Layout. Because the meeting must be publicized at least two weeks in advance, S. Suhoski recommended that the "Order of Layout – Tannery Road" be placed on the Board's December 16th agenda at 6:50 p.m. He submitted to the Board a memorandum from the Town Planner dated November 13, 2013, sample abutter notice dated November 19, 2013 and draft Order of Layout which the Board will consider.

MOTION: That the Board of Selectmen schedule the Order of Layout – Tannery Road for action at its December 16, 2013 public meeting at 6:50 p.m. and direct the Town Administrator to make all appropriate notifications, by M. Redetzke.
2nd: M. Blanchard

Vote: All in favor.

Correspondence

M. Redetzke read the correspondence list into the record.

Old Business

M. Blanchard asked when the Town Administrator would issue an update on his goals. S. Suhoski said that it would be forthcoming.

New Business

M. Blanchard requested that the Town Administrator draft a letter and/or arrange to obtain a plaque from the Board of Selectmen for retiring police officer Pam Desplaines.

Citizens' Forum

Jerry Giroux, 89 Shore Road, read a statement into the record regarding the Zoning Board of Appeals.

Don Fairbrother said that the Board of Selectman has accused 60 people that attend Town Meeting for the high tax rate.

Don Fairbrother stated that Town Meeting is the purest form of democracy.

Don Fairbrother said that the management style of the Board of Selectmen is poor, and they micromanage issues.

Don Fairbrother said that there is high attrition with employees. T. Creamer responded.

T. Creamer read his letter dated October 23, 2013, stating his resignation from the Board of Selectmen. He then left the meeting.

MOTION: To convene in executive session at 9:35 p.m. under MGL Chapter 30A, §18-29, Paragraph 3: To discuss strategy with respect to collective bargaining or litigation; not to reconvene in open session, by M. Redetzke.

2nd: M. Blanchard

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

Respectfully submitted,

Judy Knowles

November 18, 2013

BOS Clerk	Date
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