

May 19, 2014

**BOARD OF SELECTMEN
MINUTES
MAY 19, 2014**

Present: Mary Blanchard, Chairman
Priscilla Gimas
Mary Dowling
Mary Redetzke
Craig Moran
Shaun Suhoski, Town Administrator

The Chairman called the meeting to order at 6:30 p.m. following the Pledge of Allegiance. On behalf of the Board of Selectmen, she offered condolences to the family of Samuel Puckett, who passed away on May 9th. He had served the Town as Superintendent of the Highway Department, as a member of the Planning Board and as Selectman. He had been a dedicated community worker and family man, and will be missed.

M. Blanchard noted that the meeting was being recorded by the Worcester Telegram & Gazette reporter.

Appointment of Building Inspector / Zoning Enforcement Officer: Nelson Burlingame

Nelson Burlingame appeared before the Board. S. Suhoski had submitted a copy of the resume and state certification for Nelson Burlingame of Charlton, who was proposed for appointment to the permanent position of Building Inspector / Zoning Enforcement Officer.

Mr. Burlingame is a certified building official in the Commonwealth and has worked since 2010 as building commissioner and zoning officer in Uxbridge. During the same period, he has assisted on a part-time or call basis in East Brookfield, North Brookfield, Holland and also Brimfield. He has served as Sturbridge's interim building inspector for approximately six weeks. In addition, he brings experience as a small business owner and previous experience in carpentry. He holds a bachelor's degree in business administration from Worcester State College and an associate's degree from Quinsigamond Community College.

Based upon S. Suhoski's observations and staff and local feedback over the past weeks, he expressed confidence that Mr. Burlingame will have a long and successful tenure in Sturbridge while providing excellent customer service.

Because S. Suhoski is developing a separate job description for facilities coordination, he was appointing Mr. Burlingame to the position of Building Inspector / Zoning Enforcement Officer for 28 hours per week (four days per week). S. Suhoski proposed

that his time as interim inspector also be credited towards his probationary period status.

MOTION: That the Board of Selectmen ratify the Town Administrator's appointment of Nelson Burlingame of Charlton, to the position of Building Inspector / Zoning Enforcement Officer at a starting annual salary of \$52,000 and subject to a six-month probationary period with the interim period of appointment to be credited against the probationary period, by P. Gimás.

2nd: M. Redetzke

Vote: All in favor.

N. Burlingame reviewed his department head report with the Board. He said that he wants to get communications going well. He noted that there are quite a few projects going on.

Minutes

MOTION: To accept the minutes of May 5, 2014 as submitted, by M. Redetzke.s

2nd: P. Gimás

Vote: All in favor.

Public Service Announcements

M. Dowling announced that the schedule for the Memorial Day Parade has been listed in the Town Common newspaper.

Taxi / Livery License Operator Application – Bruce Byberg

Bruce Byberg of Eastford, CT appeared before the Board. He applied for a taxi / livery operator license under the general license of Charles River Service, 2 Main Street. A copy was provided to the Board. Chief Ford has approved the application.

MOTION: That the Board of Selectmen approve a taxi / livery operator license for Bruce Byberg, of Eastford, CT, under the general taxi / livery license of Charles River Service, 2 Main Street, by M. Redetzke.

2nd: P. Gimás

Vote: All in favor.

Dock Permit Renewal Request – 76 South Shore Drive

S. Suhoski informed the Board that Peter and Rebecca Mimeault had filed a request to renew their dock permit at 76 South Shore Drive. He noted that the location is the same as per sketches submitted dating back to 2006. He recommended approval. A copy of the application was provided to the Board.

C. Moran stated that unless the applicants alter their dock, he saw no reason why they should reapply every year, creating unnecessary paperwork. He noted that the Mimeault dock is the same dock in the same place; nothing has changed. M. Redetzke suggested that it be done every few years. M. Dowling said that the Board had planned to go through the dock regulations, and the discussion had been put on hold.

MOTION: That the Board of Selectmen renew the dock permit for Peter and Rebecca Mimeault for property at 76 South Shore Drive as requested in correspondence dated May 4, 2014, by P. Gimás.

2nd: C. Moran

Vote: All in favor.

Special Event Permit (One Day Liquor License): American Legion for May 26, 2014

***NOTE for following two agenda items:** The so-called “one day” license requests following are technically “special licenses” granted under the Board’s discretion as Local Licensing Authority under MGL c. 138, §14 with the only requirement being the applicant must be at least 21 years of age and that no applicant be granted more than 30 such licenses in a year. Special licenses for all-alcoholic beverages can only be issued to non-profit entities, and, the American Legion would qualify under that. The Hyland Orchards requests are for wine and malt only. Both entities have TIPS certified staff to manage the events and will provide copies of their liquor liability insurance policy.*

S. Suhoski informed the Board that the Champeau-Vilandre American Legion Post 109 has requested a one-day special event permit to allow the sale and consumption of liquor outside of the building in the area of the barbecue pits. This is requested for Memorial Day, May 26th, from 3:00 p.m. until 11:00 p.m. The Vice Commander and April Gingras, Manager appeared before the Board to discuss the event. A copy of the application had been previously provided to the Board. They requested use of the parking area for overflow of people; they will not be pouring alcohol outside.

MOTION: That the Board of Selectmen approve a One Day Special Event Liquor License to Champeau-Vilandre American Legion Post 109 for Monday, May 26, 2014 from 3:00 p.m. until 11:00 p.m. to allow the sale and consumption of alcoholic beverages to the side and rear barbecue pit area of the building at 507 Main Street, by M. Redetzke.

2nd: P. Gimás

Vote: All in favor.

Special Event Permits (Four One Day Liquor Licenses): Hyland Orchards (May 24, May 31, June 1 and June 7)

S. Suhoski submitted to the Board four applications from Hyland Orchards for approval of one-day beer and wine pouring licenses for events on May 24th, May 31st, June 1st and June 7th. He noted that Chief Ford has no concerns with these events.

Gene Damon, Christopher Damon and Attorney Michael Caplette appeared before the Board.

M. Caplette said that three years ago Hyland Orchards had suffered a loss to its septic system due to the tornado and hurricane. Since then, they have been planning and engineering a new system, which was not installed because winter had set in. They are now close to completion of the renovations. The Town did not issue a 2014 liquor license to Hyland Orchards because of the septic system issue, which has not been signed off on by the Board of Health or the Building Inspector.

The May 24th event is the annual BB5K charity road race previously approved by the Police Chief and Board of Selectmen without objection from the building or health departments.

The May 31st event will be held from noon until 8:00 p.m.

The June 1st event is a graduation party, and there is another annual charity benefit scheduled for June 7th.

S. Suhoski noted that the prior Board of Selectmen intended that the 2014 liquor license for Hyland Orchards be administratively "held" until the septic and restroom construction was complete. Work on both projects is substantially underway, but the property owners are not sure if it will all be completed and signed-off prior to these events. S. Suhoski requested input from the police chief, interim building inspector and health agent on the requests.

S. Suhoski said that the Board could take action individually on the requests, or vote to release the 2014 beer and wine pouring license to Hyland (noting that they are still required to obtain Board of Health food permit approval).

Given the longevity of this issue and its pending resolve to the satisfaction of all parties, S. Suhoski recommended that these events be allowed as requested, so that the property owners can proceed. It will also allow an additional three weeks of work to continue on the larger projects.

C. Moran suggested that the Board not grant any further one-day licenses for Hyland Orchard until the Board of Health has issued a certificate for the site. Chris Damon informed the Board that portable toilets have been brought in for the events. Gene Damon apologized for not having completed the work on the septic system before this time. They have been working on it for 2 ½ years. M. Dowling said that they have established good faith and due diligence in the matter.

MOTION: That the Board of Selectmen approve One Day Special Event Liquor Licenses to Hyland Orchard, Inc. for the pavilion and surrounding grounds at 195 Arnold Road as follows:

May 24, 2014 from 10:00 a.m. until 10:00 p.m.

May 31, 2014 from 12:00 Noon until 8:00 p.m.

June 1, 2014 from 4:00 p.m. until 10:00 p.m.

June 7, 2014 from 10:00 a.m. until 10:00 p.m.,

by M. Dowling.

2nd: P. Gimás

Vote: All in favor.

MOTION: To authorize the Town Administrator to release the 2014 wine and malt pouring license upon receipt of evidence of code compliance from the building and health departments, by M. Dowling.

2nd: M. Redetzke

Vote: All in favor.

Department Head Report

Fire Chief David Zinther reviewed his report with the Board. He informed the Board that Mary Lou Volpe had received an award from the Exchange Group for her efforts in the Senior Fire Safety Program. M. Blanchard congratulated Mary Lou Volpe, and noted that the award was well deserved.

Chief Zinther said that he has been on a full time and part time hiring campaign. He has been looking for another fully qualified firefighter.

M. Dowling said that there had been an excellent turnout for the Open House at the Public Safety Complex. Chief Zinther said that they will hold another one in October during Fire Prevention Week. He said that the Police Department will join the Fire Department with the distribution of safety information.

S. Suhoski said that the Chief had provided additional analysis regarding staffing, and had come up with good ideas. Chief Zinther asked the Board to reconsider the addition of another staff member for the Fire Department. He said that he could make better use of the funds by hiring an additional staff member. He noted that it had been necessary to call mutual aid seven times for ALS service this year. He would like to have a second paramedic on duty.

M. Dowling said that she would support hiring an additional employee, and would like to see two paramedics on every shift. She said that there would be some overtime savings, and noted that there is unified support for management on this.

M. Blanchard was of the opinion that this is moving too quickly for this budget, although she would like to see a cost savings. She would not support moving forward at this

point. She requested an in-depth study, to be brought back at the Special Town Meeting in the fall. P. Gimás agreed with M. Blanchard, and suggested that the Board wait to see what happens before going forward.

Chief Zinther said that the concession that was discussed is only part and parcel in the hiring of a 9th person; the union would withdraw that concession, creating a greater cost down the road. He said that this is a unique time to take advantage of a wonderful gesture to bring the department up. He asked for the Board's consideration for moving the initiative forward.

M. Blanchard said that it seemed like the Selectmen's backs were being put to the wall. M. Redetzke said that the Board has worked to get the Fire Department what it needs, so they should have faith in the Board and give the Board some time. Chief Zinther apologized for what seemed like pressure. He expressed hope that this would be a pivotal point.

S. Suhoski said that he would work with Chief Zinther on the numbers and come back before the Board.

MOTION: To support Chief Zinther's proposal for increasing the Fire Department staff by one firefighter/paramedic, by M. Dowling.
2nd: C. Moran
Vote: M. Dowling and C. Moran in favor; M. Blanchard, P. Gimás and M. Redetzke opposed.

MOTION: To move ahead with continued review of staffing, by C. Moran
2nd: M. Redetzke
Vote: All in favor.

State Senate Candidate James Ehrhard

Sturbridge resident James Ehrhard, a Republican candidate for state senate, introduced himself to the Board. Previously the Board had met with candidates Michael Valanzola and state Rep. Anne Gobi. J. Ehrhard said that the state legislature increased taxes, but money is not coming back to the town in a meaningful way, and state local aid has had no meaningful increase. He expressed concern about the priority problem at the state level. He said that he will advocate for free markets and free people. He complimented Senator Stephen Brewer for his service.

Bring Your Own Bottle (BYOB) Policy

At the request of the Selectmen, S. Suhoski provided them with a sample BYOB policy and registration form for consideration as the Local Licensing Authority. He noted that the policy is closely based upon a similar regulation that Town Counsel found in the town of Winchendon.

S. Suhoski had notified a local BYOB establishment that has an interest in this topic along with the Chamber of Commerce executive director. Both were invited to share the information and to attend.

The state Alcoholic Beverages Control Commission does not regulate BYOB establishments. It offers the following in its “Frequently Asked Questions” document:

25. Can everyone bring their own beer, wine, or other alcoholic beverages into an establishment (so-called “BYOB”)?

Not if the establishment has a liquor license. If the establishment has a liquor license, then no one can carry onto the premises their own beer, wine or other alcoholic beverages for their own private consumption (so-called “BYOB” or “brown-bagging”). If the establishment does not have a liquor license, then one must check with the city/town in which the establishment is located to learn if there is any local law dealing with bringing one's own beer onto an establishment for personal consumption.

- Source: www.mass.gov/abcc “Frequently Asked Questions”

S. Suhoski had not had any public comment since the Board began posting this item on agendas and discussing potential outcomes. There are no known complaints lodged with the Board of Selectmen's office.

Last week, a selectman came into the office and questioned whether the BYOB “registration” could be based upon a current application. S. Suhoski felt that suggestion has great merit and that the fairly dated Common Victualler application form (a photocopied document that is probably at least 10 years old) could be updated to incorporate a “check off” box if the establishment will include BYOB and space to briefly identify the location where BYOB would be allowed within the establishment. This would at least create a written record that is also part of the existing annual renewal process for the CV license (not adding administrative burden). Whereas the Town's permitting offices continue to receive training and are expanding use of the new unified permitting system, the information would be available to all departments.

S. Suhoski said that this is strictly a policy decision in the Board's purview. His perspective is that the Town need not create policy where there is no demonstrated need. However, in lieu of a policy, inclusion of this item within the CV application process would at least create a record of establishments that offer this feature.

M. Blanchard noted that not many establishments offer BYOB. She liked the suggestion about adding a check-off box at the bottom of the Common Victualler application form.

M. Dowling said that she was not comfortable with a restaurant having BYOB if there is an underage employee in charge there. Someone of age (21 and older) must be managing the establishment. She recommended that BYOB establishments be monitored. M. Blanchard said that there is nothing to prevent the police from going into an establishment to check.

M. Redetzke asked whether there would be any training regarding BYOB. M. Blanchard said that employees who serve alcohol must be TIPS certified. S. Suhoski said that an age restriction could be added to the TIPS requirement. M. Redetzke stressed the importance of control, and said that employees should be trained to observe what people are doing.

Brian Treitman, owner of B.T.'s Smokehouse, appeared before the Board. He said that with TIPS certification, an employee needs to be at least 18 years old to serve alcohol. He informed the Board that there has never been a problem at his establishment.

It was the consensus of the Board to revisit the matter at the end of June.

Riverlands Environmental Review

S. Suhoski said that the Town has been provided the draft final Response Action Outcome (RAO) report totaling over 300 pages and a draft Activity and Use Limitation (AUL) plan. Jason Barroso, project engineer from Tighe & Bond, appeared before the Board to provide an outline of the plan.

S. Suhoski requested a legal review as to form by Town Counsel which may continue beyond Monday to ensure the Town's interests are protected prior to the Board signing-off on the final documents which will be recorded with the Registry of Deeds. The close-out documents will need to be executed and recorded prior to June 20th.

J. Barroso said that the AUL will restrict development of the affected areas of the site as a residential property, daycare, or development of a "park" (i.e., swingsets, ball fields) or other activities that will result in active disturbance and/or generation of dust. He indicated that a recreation trail may not be construed as active disturbance or a major generator of dust.

M. Dowling asked about the risk when dust is generated. J. Barroso said that the main contaminant is lead. C. Moran asked about the possible impact of trucks. J. Barroso said that there is no specific scenario to assess that risk.

J. Barroso said that Method 1 would be the most conservative with no restrictions on use. Method 2 allows the use of specifically derived standards to show that there is no risk. Method 3 is a deed restriction on the property.

M. Dowling said that it would take millions of dollars to comply with Method 1. She said that she would not choose to hike on a trail with restrictions. She suggested that it be left as conservation land. She noted that the three parcels are not contiguous.

M. Redetzke said that the area of contamination is of small value to the Town, and trails can be made through there for the Grand Trunk Trail. J. Barroso said that four out of 24 had elevated concentrations of lead, found in coal ash. He noted that lead is a naturally occurring element.

J. Barroso said that they want to have it recorded by June 20, 2014, as the residential level on lead will be raised to 600 after that.

C. Moran asked about the Town's liability. M. Dowling said that the previous owner of the property had a certificate of non-compliance with DEP. She said that Tighe & Bond had been hired to conduct testing and see that it is in compliance.

J. Barroso said that he had walked quite a bit of the property and there was nothing that led him to believe that anything else is contaminated. He said that the contamination is limited to the dumping area.

It was the consensus of the Board to wait for Town Counsel's legal opinion before voting to sign it.

Memorandum of Understanding for CDBG Project

S. Suhoski submitted to the Board the proposed MOU between the Town and the Sturbridge Retirement Cooperative relative to implementation of the Community Development Block Grant received to assist with construction of a package wastewater treatment facility to bring the SRCC into compliance with a MassDEP consent order.

The total grant of \$640,000 included \$20,000 as the Town's contribution to the grant administration costs of the Pioneer Valley Planning Commission, which wrote and will properly administer the funds. The Board had approved a tri-partite agreement that addressed the PVPC's grant administration role and the \$40,000 cost of same (split between the Town grant and the SRCC).

The current MOU was prepared by the PVPC and reviewed by the state Dept. of Housing & Community Development. It merely stipulates that the Town's role is limited as the pass-through entity for \$620,000 in CDBG funds towards "construction" costs associated with the package treatment plant.

The PVPC has nearly completed all pre-activity grant administration issues (various notices; request for release of funds; environmental review checklists) and SRCC's engineers are poised to bid the project in the near future.

MOTION: That the Board of Selectmen approve the Memorandum of Understanding dated June 1, 2014 between the Town of Sturbridge and the Sturbridge Retirement Cooperative Corporation relative to the FY13 Community Development Fund Program, by P. Gimas.

2nd: M. Redetzke

Vote: All in favor.

Dept. of Public Works (Service Employees International Union) Local 888

S. Suhoski informed the Board that the Town and SEIU (DPW workers' union) reached agreement on the terms of a successor collective bargaining agreement in November of 2013. The writing of the full contract is complete and has been executed by the SEIU agent, DPW negotiating team and the Town Administrator. S. Suhoski requested that the Board of Selectmen execute the duplicate originals of the agreement.

MOTION: That the Board of Selectmen ratify and execute the collective bargaining agreement with the Service Employees International Union, Local 888, AFL-CIO dated May 19, 2014 and effective for the period of July 1, 2013 through June 30, 2016, by P. Gimas.

2nd: M. Redetzke

Vote: Four in favor; C. Moran abstained.

Recreation Department – Summer Employees

S. Suhoski submitted to the Board the listing of summer recreation employees as submitted by the Recreation Committee. He asked the Board to ratify his appointments as a formality.

MOTION: That the Board of Selectmen ratify the 2014 Summer Recreation Employment List dated May 5, 2014 as recommended by the Recreation Committee and Town Administrator, by P. Gimas.

2nd: M. Dowling

Vote: All in favor.

Authorize Submission of Grant Application – Plimpton Property

S. Suhoski said that the Trust for Public Land has been working with the owners of the so-called Plimpton Forest (a 320 acre undeveloped property off of New Boston Road and Allen Road extending into Brookfield) to reach an acceptable sales price to preserve much of these lands. In the April 22, 2014 correspondence, Darcy Schofield, a project manager for TPL, outlined potential grant funding partners towards seeing this project to fruition.

Last week, members of the Town's DPW, Conservation, Planning, Open Space, Recreation, Town Administration and Selectboard met in the Center Office Building for

an update. All of the parties recommend authorizing the TPL to submit a Mass. LAND grant on behalf of the Town to begin compiling outside funding sources.

Further, DPW Director Greg Morse shared information that a portion of this site may be ideal as a future aquifer for drinking water in Sturbridge, and this new information will be incorporated in any plan for acquisition.

S. Suhoski noted that approval of submitting the grant does NOT bind or commit the Town to this project. It will allow the TPL to continue seeking partners for funding an acquisition which will eventually need to come back before the Board of Selectmen and Town Meeting in the future.

MOTION: That the Board of Selectmen authorize the Trust for Public Land to submit an application for Mass LAND grant funds on behalf of the Town for potential use in acquisition of the so-called Plimpton Forest, by P. Gimas.

2nd: C. Moran

Vote: All in favor.

Annual and Special Town Meeting Warrants Posted

S. Suhoski informed the Board that the final warrants for the Annual and Special Town Meeting were prepared, and the Town Clerk has caused the Constable to officially post the documents at all required locations. A copy was provided to the Board.

These documents are only the warrant itself. The primary motions, recommendations and summary boxes are part of the Finance Committee's report, which is posted on the home page. Kevin Smith expects the printed books to arrive next week.

Final Documents for Recording Turner Lane and Tanner Road as Public Ways

S. Suhoski said that Town Counsel has prepared the necessary documents for recording to finalize the acceptance of Turner Lane and Tannery Road as public ways. The Planning Board has endorsed each of the plans for recording.

MOTION: To sign the papers for the acceptance of Turner Land and Tannery Road, by P. Gimas.

2nd: M. Redetzke

Vote: Four in favor; M. Dowling had stepped out of the room.

RFP for Water/Sewer

S. Suhoski received 30 questions relative to the RFP for water/sewer. He and Greg Morse worked on an extension. M. Blanchard suggested posting a joint meeting of the Board of Selectmen and the Finance Committee on Thursday, May 29th at 7:00 p.m.

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

- **Municipal Buildings:**

- ***Library (updated 4/4)*** – Pending Town Meeting. The Capital Planning Committee included replacement of the skylight system, and sufficient funds for replacement of the gutter system, in its FY15 recommendations.
- ***Town Hall / Center Office Building (updated 5/15)*** – The Town's HVAC contractor is expected to complete switchover of the system to cooling mode next week.
- ***Public Safety Complex (updated 4/24)*** – CME has requested a final review of the proposed bid documents which are awaiting approval as to form by Town Counsel. S. Suhoski hopes to issue the advertisement for bids the week of May 19th and still have construction completed by August 1st.

- **Infrastructure Projects:**

- ***Mountainbrook Road Betterment / Drainage Project (updated 5/15)***: The invitation for bids has been issued and advertised as required with a bid opening scheduled for May 28, 2014 at 1:00 p.m.
- ***Champeaux Road Bridge (updated 5/15)***: The \$1.45 million authorization for funds was included in the final transportation bond bill that was signed by the Governor. This week, the Finance Director was able to complete the audit of Chapter 90 funds and has reached a conclusion – inclusive of MassDOT District 3 – that the Town has \$1.59 million in uncommitted funds not including the FY15 allocation of just over \$400,000. On or about July 1st, the Town will seek release of the funds from the Governor's office, but if those funds do not materialize, we now have confidence that sufficient Ch. 90 monies are available to complete the project. The DPW Director will bring this project back before the Board of Selectmen prior to any construction.

- **Other Meetings / Miscellaneous:** S. Suhoski attended Transportation Improvement Plan environmental meeting at CMRPC; attended Personnel Committee meeting; attended Economic Development Roundtable meeting; conducted negotiation session with Sturbridge Police Association; convened site visit for water / sewer vendors led by DPW Director; attended Planning Board meeting; held Department Head meeting; worked on obtaining additional grant funds from tornado relief program; met with MIIA rewards specialist and sought to document potential savings against premium; discussions with loss control representative regarding Senior Center basement claim and close-out.

Old Business

C. Moran asked about the status of Jay Patel's Route 15 project. S. Suhoski said that Mr. Patel has a valid demolition permit, and he had sent an email to Mr. Patel suggesting that he have the site cleared before Town Meeting. The contractor has a piece of equipment that was down.

M. Blanchard suggested that S. Suhoski reiterate the request to the state to paint the crosswalks.

M. Blanchard asked S. Suhoski to get groups together for STA discussion for the second meeting in July.

New Business

M. Dowling requested an agenda item for June or July for discussion purposes: introduction of a moment of silence or prayer.

M. Blanchard announced that Sturbridge has been declared a Tree City USA for 2013.

M. Blanchard informed the Board that the Burgess project certificate of completion needed to be signed.

MOTION: That the Chairman of the Board of Selectmen sign the Burgess project certificate of completion, by M. Dowling.

2nd: M. Redetzke

Vote: All in favor.

Citizens' Forum

Karen Skow of 45 Seneca Lane, a dispatcher at Sturbridge Service Center, had been listening to Chief Zinther, and said that she knows what it is like when someone calls in sick when there are not enough people who are trained to perform the service that is needed. M. Blanchard said that the Board agrees with her sentiments, but wants to be thorough regarding the numbers.

MOTION: To adjourn, by M. Redetzke.

2nd: P. Gimás

Vote: All in favor.

The meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date