

October 6, 2014

**BOARD OF SELECTMEN
MINUTES
OCTOBER 6, 2014**

Present: Mary Blanchard, Chairman
Mary Dowling
Mary Redetzke
Craig Moran
Suzanne Kennedy, Interim Town Administrator

Priscilla Gimas was absent.

The Chairman called the meeting to order at 5:00 p.m. following the Pledge of Allegiance.

Public Service Announcements

M. Blanchard expressed condolences to the family of Ginger Peabody, who passed away the previous week. She had been actively involved in the community and had served on the Zoning Board of Appeals and Planning Board.

C. Moran expressed condolences to the family of State Trooper Peter Noyes, who had recently passed away.

Blue Wave Update

Town Counsel Rick Holland of Kopelman and Paige, Eric Lopez, John DeVillars and Beth Greenblatt appeared before the Board to provide current information with respect to this project. In addition, Attorney Holland prepared modifications to the existing Monson contract for the Board's review and consideration. Several documents were given to the Board that provided information relevant to the discussion including:

- May 9, 2013 Memorandum from Beth Greenblatt RE: Overview of Blue Wave Proposal
- October 1, 2104 Update email from Eric Lopez
- Financial Benefits Analysis prepared by Beth Greenblatt
- September 16, 2014 email from Katherine Bush explaining Monson Schedule Z
- Bullet list of proposed amendments to the Monson Agreement prepared by Atty. Holland

E. Lopez said that he had sent an email update last week outlining progress on the project. M. Blanchard said that the Board's major concern was the length of time it is taking, especially the lease with MassDOT.

M. Dowling requested a five-minute summary for the benefit of viewers. E. Lopez provided a summary of the project, including the current status and outstanding items. He noted that all final approvals have been received, and they are now in a position to apply for a building permit. They are awaiting the permits and easements from the DOT. He said that in February 2014 they applied for the Assurance of Net Metering Cap Allocation, and the deadline for mechanical completion of construction is April 2015. He said that they don't foresee any problems beginning work within the next few weeks.

M. Dowling said that the Board of Selectmen has not been kept well informed since last August. She has repeatedly asked for copies of the solar purchase agreement with the state. She said that the Board has not seen anything with respect to what was negotiated with the state. She asserted that the deal initially contemplated as presented to the Board of Selectmen had changed significantly.

M. Blanchard asked E. Lopez to explain the financing. E. Lopez said that DOT has specific requirements for assigning obligations under the lease, and DOT must provide consent for them. He noted that the document will be executed shortly.

S. Kennedy said that Beth Greenblatt and E. Lopez had provided a financial analysis to the Board. M. Redetzke asked whether the numbers reflect the downsizing. E. Lopez said that they did, and reflects the change in the structure of DOT. He said that it does not include the pilot payments to the Town.

S. Kennedy asked them to speak to the total allocation of the project. E. Lopez said that Sun Edison is one of their primary investors. They have a financial interest in the Monson project, but are not part of the project nor party to any of the agreements.

Attorney Holland said that it is common for municipalities to be a host customer but only to purchase some of the electricity that is being produced. E. Lopez said that the Town is receiving 1.4% of the output. M. Dowling said that she was not on board with \$9,000 of metering credit to be a host customer for a facility that Sturbridge has nothing to do with. She felt that it would not be worth the risk over 20 years. She noted that it is an area of law that is very new.

E. Lopez said that their point of contact has been the Town Administrator, and they have come before the Board every time they have been asked. He said that this is their 9th appearance since this process began. He said that they are happy to provide the Board with updates. He noted that Town Meeting had approved the signing of the contract by the Town Administrator. M. Blanchard said that the process is not what it should have been.

S. Kennedy said that Attorney Holland indicated that if the Board wants to discuss it publicly, it could. Attorney Holland said that the Board has the choice of doing nothing,

or trying to maintain an agreement with reasonable modifications. M. Blanchard suggested that the Selectmen wait until they have thoroughly digested this information. B. Greenblatt suggested having Town staff monitor the credits allocated to accounts, and said that they could change the percentage of credits on Schedule Z.

E. Lopez thanked the Board, and said that they could email questions to him at any time.

Energy Procurement Agreement

S. Kennedy informed the Board that this agreement represents the outcome of an energy supply and advisory and procurement discussion presented by Beth Greenblatt at the regularly scheduled Board meeting on July 21, 2014. The commodity proposal is predicated on obtaining the most advantageous electric rates for the Town. A volumetric payment option is recommended whereby the selected supplier will add the contractor's fee to the supply price when the Town is invoiced for electricity.

MOTION: That the Board approve and authorize the Chairman to execute the contract by and between the Town of Sturbridge and Access Energy Group and Beacon Integrated Solutions, by M. Redetzke.

2nd: M. Dowling

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

Cable Renewal Process Agreement

S. Kennedy noted that the Board had voted unanimously during the September 15, 2014 regularly scheduled meeting to support hiring an attorney with experience in negotiating cable contracts. Accordingly, the firm of Epstein & August, LLP could provide this service on behalf of the Selectmen and Cable Advisory Committee. She said that Epstein & August is recognized as a preeminent regional and national law firm, concentrating in cable television and related telecommunications and municipal law.

MOTION: That the Board approve and authorize the Chairman to execute the contract by and between the Town of Sturbridge and Epstein and August, LLP to provide cable renewal negotiation services in the amount of \$11,500, by C. Moran.

2nd: M. Redetzke

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

Public Hearing: Logging Permit for Streeter Road

M. Dowling read the legal ad into the record.

Scott Gerrish and Cliff Curboy appeared before the Board. M. Redetzke recused herself from the Board, as she lives on Streeter Road.

Scott Garnish requested approval of a logging permit on Streeter Road. All filings had been submitted:

- Forest Cutting Plan
- Forest Cutting Certificate
- Sketch Plan of Site with Location of Trees
- Abutters List.
- Legal Advertisement

S. Kennedy said that the DPW Director, Greg Morse, had no objection to the request pending receipt of a \$ 5000.00 road bond for the project. The Conservation Commission rejected the request based on lack of evidence that abutters had been properly notified.

S. Gerrish said that the project would clean up debris and damage caused by the tornado in 2011. The owner would like to utilize the property again.

C. Curboy said that gravel would be brought in on Streeter Road, and they would comply with everything that Greg Morse had requested. C. Moran requested that they provide a Certificate of Insurance.

M. Blanchard said that the Conservation Commission had concerns about the steepness of a slope at the site, and had made a motion for a 125' buffer. C. Curboy said that they had not been notified by the Conservation Commission to appear at their meeting.

Kate Marquis, State Forester and Jennifer Fish appeared before the Board. K. Marquis said that as long as abutters have 10 days notice of the hearing date to check boundaries, the state is satisfied with that. She said that the Conservation Commission has 10 days to contact her about the timber sale. She noted that there was a concern regarding the increase of runoff into an abutter's back yard; Cliff Curboy and Michael Kearny were agreeable to the 125' buffer behind the house. She said that the slope is not a wetland.

J. Fish said that the state is the only one who can approve or deny the cutting plan; the town could appeal to the state. She read the state requirement into the record.

Randy Redetzke, 61 Streeter Road, stated that he was not opposed to the cutting, and everything he heard during the hearing is correct. He objected to the law, in so far as the town has no rights in the process, since everything revolves around the state. He said that he would like to see a 125' buffer. Water runs off the hill onto his property.

Mary Redetzke, 61 Streeter Road, said that she was not opposed to the cutting either, but the plan had been approved on August 22nd with no input from abutters. She noted that there is nothing in the law to protect abutters from runoff. The Conservation

Commission had been upset that there was not adequate notification to abutters to come in and comment.

Don Hamilton, 57 Streeter Road, said that he has had conversations with the Conservation Commission and was of the opinion that the state had failed to comply with the forest cutting practices act. He felt that the runoff was being underestimated. He does not want additional water coming onto his property off the hill.

S. Gerrish said that the area that will be harvested slopes away from the houses, and the buffer will protect them. J. Fish said that after hearing concerns, the buffer strip was added. She said that the plan can be amended with additional measures put into place to protect the ecology of the site.

Sandy Gibson-Quigley, 66 Streeter Road, attested to the fact that every time a house is built there, runoff increased. She asked who would be overseeing the project. J. Fish said that it is up to the landowner and harvester to uphold the cutting plan; state foresters observe jobs while they are going on, and there is an opportunity to make adjustments as needed.

MOTION: To close the public hearing, by C. Moran.

2nd: M. Dowling

Vote: Three in favor; M. Redetzke abstained; P. Gimás was absent.

MOTION: That the Board approve the logging permit for Scott Gerrish for land on Streeter Road owned by M & S Realty Trust c/o Michael Kearny, subject to the following conditions: a \$5,000 bond shall be submitted to the Town Administrator; coordinate transportation with the Town's school bus schedule to avoid conflict between logging operations and school bus operations; logging operations shall be allowed Monday through Friday (with no harvesting on recognized Massachusetts legal holidays) from 7:00 a.m. to 7:00 p.m. (or sundown, whichever occurs first) and on Saturdays from 9:00 a.m. until 12:00 p.m. noon; no Sunday hours; the applicant shall submit a \$1 million Certificate of Insurance naming the Town of Sturbridge as an additional insured, by M. Dowling.

2nd: C. Moran

Vote: Three in favor; M. Redetzke abstained; P. Gimás was absent.

M. Redetzke rejoined the Board.

Wireless Communications Bylaw Contract

Jean Bubon, Town Planner, appeared before the Board. The Town adopted a wireless communications bylaw and map in 1997, and this contract is intended to provide a review of the bylaw to determine any required updates, inasmuch as changes to the Federal Telecommunications Act and FCC policy have not been reviewed or considered

by the Planning Board since the bylaw was adopted. The contractor will provide technical support to the Planning Board with respect to changes to the Telecommunications Act and FCC policy by incorporating any and all changes, as appropriate, into the current bylaw together with needed updates to the attendant maps.

As requested the RFP, invitation to bid and contractor's proposal were left in the Town Administrator's office for the Board's review.

J. Bubon noted that Isotrope LLC was the sole bidder.

MOTION: That the Board approve and authorize the Chairman to execute the contract by and between the Town and Isotrope, LLC in the amount of \$9,400, by M. Dowling.

2nd: C. Moran

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

Request for Taxi Driver License Approvals

Katelyn Johnson and Amy Stockdale appeared before the Board. S. Kennedy informed the Board that Charles River Service, Inc. located at 2 Main Street Sturbridge, submitted applications for approval of Taxi /Livery licenses for Katelyn Johnson and Amy Stockdale. Chief Ford conducted the appropriate background checks and recommended approval of these licenses for Ms. Johnson and Ms. Stockdale.

MOTION: That the Board approve taxi/livery driver licenses for Katelyn Johnson and Amy Stockdale as per their applications and as recommended by Chief Ford, by C. Moran.

2nd: M. Redetzke

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

Contract for Purchasing Propane on behalf of the Joshua Hyde Library

S. Kennedy informed the Board that an "Invitation for Bid," released by the Central Massachusetts Regional Planning Commission June 2014, soliciting quotes for propane delivery on behalf of the Towns of Barre, Charlton, Rutland and Sturbridge resulted in the opportunity for Sturbridge to participate in this program at a rate below current market rates. She noted that the only Town building using propane is the Joshua Hyde Library.

S. Kennedy suggested adding that the contractor agree to supply the Town of Sturbridge with a guarantee to hold the price.

MOTION: That the Board approve and execute the contract as amended by and between The Town of Sturbridge and R.J. Mc Donald, Inc. for a unit rate of \$1.739/gallon, and authorize the Board to sign the contract, by M. Redetzke.

2nd: C. Moran

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

Water Meter Request: Doreen Burbine

Doreen (Avallone) Burbine, 25 Adams Road, appeared before the Board to request consideration of installation of a water meter for purposes of reducing her sewer bills based on her absence from the state from December 1 –March 31.

S. Kennedy noted that current policy provides seasonal rates for the period covering December 1- March 31. Ms. Burbine was seeking a policy modification. Inasmuch as Ms. Burbine's four month out of state residency is inconsistent with the six month requirement, any deviation from current policy may create a deluge of requests potentially nullifying the policy. In addition, DPW Director Greg Morse does not support the request but suggested consideration of a pro-rated seasonal shut down which would be problematic (e.g. Sewer spills, difficult to administer).

M. Blanchard indicated that she would not be in favor of a meter or pro rating. She said that the Town would lose revenue, and if the Board were to grant all of these meter requests, there could be a problem with running the plant. She noted that seasonal usage is taken into account when the water and sewer rates are fixed. M. Dowling said that she would not be comfortable granting this request without changing the existing policy.

MOTION: Based on the Board's existing policy and the DPW Director's comments, the Board rejects Doreen Burbine's request to install a water meter at 25 Adams Road, by C. Moran.

2nd: M. Redetzke

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

Yankee Spirits: Change of Hours on Liquor License

Yankee Spirits requested a change of hours on Sundays from Noon – 11:00 p.m. to 10:00 a.m. – 11:00 p.m. S. Kennedy noted that formal ABCC approval of this request was not necessary.

MOTION: That the Board approve the requested change of hours on Sundays for Yankee Spirits from Noon – 11:00 p.m. to 10:00 a.m. – 11:00 p.m., by M. Redetzke.

2nd: C. Moran

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

Drake Petroleum Company, Inc. dba Heritage Xtra Mart: Change of Hours

Heritage XTRA Mart requested a change of hours on Sundays from Noon – 11:00 pm. to 10:00 a.m. – 11:00 p.m. S. Kennedy noted that formal ABCC approval of this request was not necessary.

MOTION: That the Board approve the requested change of hours on Sundays for Drake Petroleum Company, Inc. dba Heritage Xtra Mart from Noon – 11:00 p.m. to 10:00 a.m. – 11:00 p.m., by C. Moran
2nd: M. Blanchard
Vote: Four in favor; P. Gimás was absent.

Town Administrator Update

- **Request to Appoint Don Fairbrother to the Cable Advisory Committee**

MOTION: That the Board approve the appointment of Don Fairbrother to the Cable Advisory Committee, by M. Redetzke.
2nd: C. Moran
Vote: Four in favor; P. Gimás was absent.

- **Owners Agent Application**

S. Kennedy informed the Board that through the efforts of Jean Bubon, an application in the amount of \$12,500 was submitted to DOER for the purpose of identifying/hiring an individual to assist the Town with its efforts to procure additional net metering credits. The Town received notice of a \$12,500 award Friday, October 3, 2014.

- **Public Safety Complex**

S. Kennedy stated that this project has been officially re-bid. It is anticipated that bids will be received and awarded by 10/16/2014 with construction commencing 11/1/2014 and project closeout slated for 1/31/2014. She noted that the project is currently on track.

- **Request from Ocean State Job Lot, 178 Main Street, for Extended Hours on Black Friday from 12:00 a.m. to 11:00 p.m.**

MOTION: That the Board approve extended hours for Ocean State Job Lot on Black Friday from 12:00 a.m. to 11:00 p.m., by M. Dowling.
2nd: M. Blanchard
Vote: Four in favor; P. Gimás was absent.

- **Senior Municipal Service Program**

S. Kennedy informed the Board that applications have been received and approved by the Assessor's office for the following individuals to participate in this program:

- Edith Puckett - application complete and Senior Center department designated on 9/2/2014
- Diane McNaughton – application complete and Finance department designated on 9/8/2014
- Marilyn McConnell – application complete and Senior Center department designated on 9/23/2014
- William Bartolomei – application complete and Senior Center department designated on 9/23/2014
- Richard Treadway – application complete and Board of Health department designated on 9/25/2014
- Edward McCormack – has removed himself from the program

MOTION: That the Board approve Ms. Pucket, Ms. McNaughton, Ms. McConnell, Mr. Bartolomei and Mr. Treadway to participate in the Senior Municipal Service Program as assigned by the Assessor's office, by C. Moran.

2nd: M. Redetzke

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

- **New Financing Mechanism for Water/Sewer Stormwater Program**

S. Kennedy said that there is a new funding stream for upgrading and maintaining these systems. She said that the Town would have to establish the municipal infrastructure investment fund at the local level for stormwater and sewer projects.

Old Business

M. Dowling said that Ms. Gauthier had sent her an email about the next step in the abatement process now that the legislation had passed. She referred Ms. Gauthier to the Town Administrator. S. Kennedy said that it would be a matter of figuring out what the abatement will be.

M. Blanchard informed the Board that Jeff Bonja had resigned from the Personnel Committee and the Cable Advisory Committee, and had notified the Town Clerk.

MOTION: To accept the resignation of Jeff Bonja from the Personnel Committee and the Cable Advisory Committee with regret, and to thank him for his services to the Town, by C. Moran.

2nd: M. Redetzke

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

Correspondence

M. Blanchard had received a letter from the Committee for Safe Roads, recommending a “no” vote on Question #1.

The MMA sent notification of their Fall Conference.

There was a letter from a resident about the dangers of riding bicycles on the road.

There were letters from Rep. Todd Smola and Senator Brewer to DOT advocating for the state to release funding for the Champeaux Road bridge.

New Business

C. Moran asked about Police Chief Thomas Ford. S. Kennedy said that she had spoken with him and he sounded terrific. He has staples in his scalp and will return to work when his doctor releases him.

M. Blanchard read the proclamation for the Rotary Club into the record.

MOTION: That the Board sign the proclamation for the Sturbridge Rotary Club, by M. Redetzke.

2nd: C. Moran

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

MOTION: To adjourn, by M. Dowling.

2nd: M. Redetzke

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

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date

October 6, 2014