

October 20, 2014

**BOARD OF SELECTMEN  
MINUTES  
OCTOBER 20, 2014**

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

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

**Public Service Announcements**

M. Blanchard announced that Trick or Treating will be held on Halloween, October 31<sup>st</sup> from 5:00 p.m. to 7:00 p.m. followed by the Horribles Parade to the Town Common.

**Minutes**

**MOTION: To approve the minutes of September 15, 2014 as amended, by P. Gimas.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: All in favor.**

**MOTION: To approve the minutes of October 6, 2014 as amended, by M. Redetzke.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: Four in favor; P. Gimas abstained.**

**MOTION: To approve the minutes of October 8, 2014 as amended, by P. Gimas.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: Four in favor; M. Redetzke abstained.**

**Yankee Spirits: Pledge of License, Transfer of Stock, New Stockholder**

S. Kennedy informed the Board that review of the enclosed material indicated that all required document to act on this request had been submitted and were in order. Attorney Bob George appeared before the Board.

**MOTION: That the Board approve the Pledge of License, Transfer of Stock and New stockholder for Yankee Spirits, by M. Redetzke.**  
**2<sup>nd</sup>: P. Gimas**  
**Vote: All in favor.**

## **Discussion and Review of Proposed Amendments to the Monson Agreement**

This agreement was executed November 13, 2013. Having learned about the Board's concerns with respect to this agreement, Town Counsel, Rick Holland, was asked to draft changes to the agreement. Copies of the proposed changes together with the original agreement were submitted to the Board. S. Kennedy requested that the Board favorably approve the Monson agreement with the proposed amendments. Attorney Rick Holland of Kopelman and Paige appeared before the Board.

M. Dowling said that she did not think that the free metering credits were worth taking on the responsibilities as host customer. She was in favor of removing Sturbridge as a host customer from Monson in an amicable way. She did not like the entire process leading up to this, for the fact that the former Town Administrator had signed a solar purchase agreement without the consent of the Board of Selectmen or their signatures.

M. Blanchard asked Attorney Holland to explain the liabilities, obligations or duties entailed in having Sturbridge as host. Atty. Holland said that the Town's name would be on the account as far as utilities are concerned. The Town has an agreement with the utility to serve as host customer, with certain contractual risks. Regarding liability, Sturbridge is deemed to be the recipient of all of the electricity; because Sturbridge receives only a portion of the credits, there are off takers who receive the rest of the credits. He noted that disputes could arise with respect to how credits are given to other purchasers; this may be a very unlikely event, but it is a possibility. The contract with the utility is a form document which is called a tariff, and it has indemnification provisions. He said that if something happens at the site, it is arguable that the Town would have some liability. He said that he would try to put it back onto the owner of the facility. He said that he was in the process of preparing the document, but could submit an amendment to Sun Edison.

M. Redetzke said that the changes could be challenged regarding liability, even if the Board signs the agreement with the changes in it. Atty. Holland said that if there is a dispute, there would be some legal process.

C. Moran asked whether the Town would have the responsibility of supervising the net metering credits, and would be responsible for negotiating that. Atty. Holland said that the idea is to take any such responsibility and shift it back to the owner of the facility; the other off takers would buy the credits that they promised to buy.

Atty. Holland said that he said that he would require that they have some level of insurance at the facility. Under the agreement, there is a requirement for the owner of the facility to have insurance. C. Moran suggested having Sturbridge named as an additional insured in the policy. Atty. Holland said that it could be requested, which would allow the Town to make a claim as an additional insured.

M. Dowling noted that 9.6% of the metering credits are going to other towns. She said that they should come up with more financial incentive for Sturbridge, for the Town to take on potential risks for a very long time. She suggested re-negotiating the financial terms of the contract with the other municipalities. M. Blanchard agreed that a higher percentage of credits should be negotiated for the Town. Atty. Holland said that he would look into it. It was the consensus of the Board to proceed with it.

M. Blanchard announced that the meeting was being recorded by a reporter from the Worcester Telegram & Gazette.

### **Ambulance Billing Rate Increase Proposal**

Fire Chief David Zinther and Finance Director Barbara Barry appeared before the Board to present for the Board's review and approval increased ambulance billing rates based on research of surrounding communities. Chief Zinther said that research results suggest that Sturbridge rates are on the low end of the billing spectrum. A summary of the survey data of the ten towns Sturbridge routinely relies on for comparison purposes, together with several surrounding communities was submitted to the Board. Charges for auto extrication services were recommend by the Fire Chief as well.

P. Gimas asked whether there have been many patients who have insurance that doesn't cover ambulance costs. B. Barry said that the Ambulance Billing Clerk indicated that 90% of the calls are paid by health insurance, while only 10% are direct pay.

C. Moran asked about what is collectible. B. Barry said that it depends on the insurance that the person has; on a lot of insurances, the Town is not allowed to balance bill. She noted that the collection rate is about 80%.

P. Gimas said that 40% is a steep hike in the rate. M. Dowling noted that it has been years since it has been adjusted, and agreed that 40% is too steep on an increase; 20% would be more palatable. M. Blanchard said that there has never been a vast jump all at once.

M. Redetzke said that regarding ALS 1 and 2 rates, she would like to see what Northampton and Amherst do. Chief Zinther said that it falls under the "all inclusive charge." M. Redetzke felt that people should be charged for the services that were used, not for what was not used. She noted that some towns are now charging for refusals.

Chief Zinther said that costs of medical supplies, etc. have increased. B. Barry said that there would need to be a policy in place regarding free care; hospitals give free care depending on income levels. She said that the Town could have a policy where income level information is provided to us. She noted that the Town goes after health insurance companies and co-pays.

M. Dowling said that adjustments have not been made as needed, and it is not fair to the residents to make a 40% increase; she said that she would vote for an increase, but not 40%.

Chief Zinther noted that there is a residential rate, and a non-residential rate. P. Gimas said that residents may not know that they could come to the Board of Selectmen regarding ambulance bills. She said that she would not support a 40% increase.

Chief Zinther said that a mileage rate of \$20/mile is charged. M. Blanchard asked for a breakdown on that and more information, to be discussed during the second meeting in November (17<sup>th</sup>).

B. Barry announced that free cash was certified for \$2,177,190.

### **Recruitment/Hiring of On-Call Fire Personnel**

Fire Chief David Zinther requested authorization from the Board to move forward with hiring three (3) on-call personnel. Following a successful physical for each candidate, the Chief believes he will be in a better position to advance the candidacy of the prospective on call firefighters to the Board of Selectmen for review and approval. Candidates under consideration include:

- Ryan Mullen – Certified firefighter and full time Physician's Assistant at Harrington Hospital (Sturbridge resident)
- Jeffrey Wolcott – Currently a Certified EMT with a strong desire to pursue a career in the Fire service (Charlton resident)
- Tina Kruzek – Currently an EMT for a private ambulance service and desirous of pursuing a career in the Fire service (Sturbridge resident)

**MOTION: That the Board endorse moving forward with the process of hiring three on-call personnel Ryan Mullen, Jeffrey Wolcott and Tina Kruzek, contingent upon successful physical examinations, by M. Dowling.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

### **Discussion: Sturbridge Tourist Association (STA)**

The STA working group, assembled by the former Town Administrator July 21, 2014, was charged with reviewing the STA mission and bylaw with the expectation of proposing modifications for improvement for consideration by Town Meeting. While there were differing opinions with respect to which direction would be most beneficial to the Town, the STA, on a 4-1-2 vote, supported a Draft Memorandum of Understanding (MOU) by and between the Town and the Chamber of Commerce for administering the

tourism funds, a copy of which was submitted to the Board. S. Kennedy noted that support of the MOU will require that the current STA bylaw be deleted.

Jean Bubon, Town Planner, Joni Light, Alex McNitt, Bob Datz, Brian Amedy and Bronwyn Cooper appeared before the Board. P. Gimmas was acknowledged as a member of the group.

J. Bubon said that Shaun Suhoski had been working on revisions to the STA bylaw, to evaluate the current STA bylaw and look at any other method, including considering going back to having the Chamber administer STA funds. They were in the process of drafting a mission statement. She said that the STA had voted to revert back to the Chamber model, at a vote of 4:1, with two abstentions.

M. Redetzke asked why they had taken that vote. Joni Light said that the tax revenue dollars need to remain with the Town. That is not what the law states, going back to 1986 when this came about. Town Meeting voted to put this committee into place. She said that she would rather see the money go back to the Town's general fund.

P. Gimmas said that she didn't think the Chamber was friendly toward non-Chamber members. She noted that the members have their own work in restaurants and hotels, and have to leave because of their own job responsibilities. Because of that and the Chamber's willingness to listen to their concerns, it has shown itself to have changed in a positive way. She said that the MOA is certainly geared toward Sturbridge, and she would like to see it go to Town Meeting.

M. Dowling stood behind the memo she had written, and said that the STA was unable to fulfill its mission. She did not see any conflict with special legislation that was filed, and noted that 66% goes to the general fund anyway. She felt it was a good compromise, and would support it at Town Meeting.

C. Moran said that the STA has done a good job. M. Blanchard commended the committee, and thanked everyone who had worked on it.

**MOTION: That the Board of Selectmen approve the Draft Memorandum of Understanding as recommended by the working group, by P. Gimmas.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: Four in favor; M. Redetzke opposed.**

### **Appointment to fill Board of Assessor Vacancy**

Pursuant of MGL Ch. 41, §11, the Board of Selectmen and Board of Assessors jointly select a replacement by roll call vote, which replacement must be a registered voter in the Town of Sturbridge. Accordingly, following publication of the Board of Assessor Vacancy in the Southbridge Evening News and Town website, the Board of Assessors

voted unanimously to recommend appointment of Ms. Sophia Lengyel. Ms. Lengyel's resume was submitted to the Board.

Paul Murphy, Sophia Lengyel and Bob Lucier appeared before the Board. B. Lucier explained that he has been unable to attend the majority of meetings, so felt it would be best to resign, with two years remaining on his term.

**MOTION:** That, based on the candidate's credentials and qualifications, the Board of Selectmen and Board of Assessors approve Sophia Lengyel to fill the vacancy on the Sturbridge Board of Assessors, by M. Redetzke.

**2<sup>nd</sup>:** P. Gimas

**Vote:** C. Moran in favor; P. Gimas in favor, M. Redetzke in favor, M. Dowling in favor, M. Blanchard in favor, P. Murphy in favor, B. Lucier in favor.

The Board thanked B. Lucier for his service on the Board of Assessors.

B. Lucier said that he is trying to come up with other ways to get people involved in the Town. M. Redetzke suggested putting the Citizens Leadership Academy back in place.

### **Execution of Contract with the Department of Energy Resources (DOER) for Owner's Agent Services**

S. Kennedy informed the Board that having been notified by DOER of a \$12,500 grant award to identify/hire an individual to assist the Town with its efforts to procure additional net metering credits, the Town must enter into a contract with DOER to receive these funds.

**MOTION:** That the Board approve the contract by and between DOER and the Town of Sturbridge in the amount of \$12,500 to procure the services of an Owner's Agent, by M. Redetzke.

**2<sup>nd</sup>:** C. Moran

**Vote:** All in favor.

### **Department Head Reports**

Melissa Beauchemin, Council on Aging Director, reviewed her report with the Board. She commended Robert Wiles for his volunteer work in cleaning trash from the roads.

M. Beauchemin announced that Stop & Shop offers free day-old bread on Wednesdays, Thursdays and Fridays for anyone in Town who wants it. She requested volunteers to pick up the bread at Stop & Shop; if it is not picked up, it will go to the Food Pantry.

M. Dowling said that people are saying how much they enjoy M. Beauchemin's work at the Senior Center.

Greg Morse, DPW Director, reviewed his report with the Board. C. Moran asked about the status of the snow plowing equipment. G. Morse said that all snow plowing equipment is ready, and he had ordered some blades and sand, and will purchase salt shortly.

M. Blanchard asked about the parking ban during and after snow storms. G. Morse said that it would start on November 15<sup>th</sup>.

M. Blanchard noted that G. Morse should switch the Lions Club site to 8 Brookfield Road on his report.

Regarding plowing and sanding equipment bids, the current practice is to award a route to each bidder based on competitive rates. This is done on a low to high basis until all the routes have been assigned – (sixteen (16) small truck routes and four (4) large truck routes.

Page 2/column 2 of the list was composed of the remaining bidders who will be offered work on a case by case basis as spares. The award to bidders will have no bearing on who will work, as the contractors may decide not to sign a contract with the Town to work as a spare. Yet, the DPW Director recommended that the award be made in good faith, while letting the contractor decide if that is what he/she wants to consider. The DPW has utilized spares in the past, as breakdowns and illness play into the coverage of all routes. The lone exception was Mr. Caron's fifth bid, which the Department will only approve as a spare because the staffing was questionable during a few storms last year with four routes.

**MOTION: That the Board approve the Plowing and Equipment Bids as presented by the Department of Public Works, by M. Redetzke.**

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

Fire Chief David Zinther reviewed his report with the Board. He noted that a person had just resigned, so he had to start the hiring process over again; interviews have just been completed, and background checks are being conducted.

Chief Zinther informed the Board that he had received concerns about some properties in Town. The Fire Inspector and Building Inspector have resolved many of these issues.

Chief Zinther noted that the Fire Department had received a grant from FEMA for a new brush fire truck.

S. Kennedy said that Chief Zinther and Town Counsel have been working on a contract for HVAC service for the Public Safety Complex. Renaud HVAC Controls submitted a bid for \$4,500. It was Town Counsel's opinion that the Board should review it.

**MOTION: That the Board approve the contract by and between Renaud and the Town of Sturbridge, and to authorize the Chair to sign the contract on behalf of the Board, by M. Redetzke.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

Chief Zinther requested that the Board approve the I Am Responding contract for a computer generated program to contact people via their cell phones.

**MOTION: That the Board approve the subscription required agreement and allow the Fire Chief to sign the I Am Responding contract for emergency replies, by M. Redetzke.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

#### **Injured on Duty (IOD) Claim for a Police Officer**

**MOTION: That the Board approve the IOD claim for police officer Hillary DaDalt as presented, by P. Gimas.**

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

**Vote: All in favor.**

#### **Town Administrator's Update**

- **Joshua Hyde Library Skylight**

S. Kennedy informed the Board that the skylight project is well underway. It will take 10-12 weeks for the equipment to be received.

- **Public Safety Complex Garage Floor**

S. Kennedy said that Northern Construction submitted the successful bid in the amount of \$141,300. She will check on the timeline and back to the Board.

- **Joshua Hyde Library Gutter Replacement**

S. Kennedy said that this advertisement will appear in the Central Register on October 29<sup>th</sup>.

#### **Correspondence**

M. Dowling read the correspondence list into the record.



**Old Business**

M. Dowling noted that in the past Trunk or Treat has been held at the Town Common. Last year there were only four or five cars with their trunks open offering treats. It was the consensus of the Board to take a hiatus on Trunk or Treat this year.

**New Business**

M. Dowling announced that there is an opening on the Conservation Commission. There is a member whose term has expired, but the former Town Administrator did not put that person's name forward again. M. Blanchard said that the Town Administrator did not put the name forward because he had reservations about the appointment. The vacancy has been advertised. M. Redetzke expressed concern that the Board was not given a reason why that individual was not reappointed. S. Kennedy said that there should be a policy regarding determination of annual appointments.

**MOTION: To adjourn, by C. Moran.**  
**2<sup>nd</sup>: P. Gimás**  
**Vote: All in favor.**

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk \_\_\_\_\_ Date \_\_\_\_\_