

April 6, 2015

**BOARD OF SELECTMEN  
MINUTES  
APRIL 6, 2015**

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

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

**MOTION: To convene in executive session under MGL Chapter 30A, §18-25, Paragraph #6: To consider the purchase, exchange, lease or value of real property; to reconvene in open session, by P. Gimas.**

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

**Roll call vote: C. Moran in favor; P. Gimas in favor; M. Blanchard in favor; M. Dowling was absent.**

The Board convened in executive session at 6:32 p.m.

M. Dowling arrived at 7:02 p.m.

The Board reconvened in open session at 7:03 p.m.

**Public Service Announcements**

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

M. Blanchard announced that the Town Election will be held on April 13<sup>th</sup> at the Oliver Wight Tavern at Old Sturbridge Village. The polls will be open between 7:00 a.m. and 8:00 p.m.

**Review of Draft FY16 Water/Sewer Budgets**

Barbara Barry, Finance Director, and Greg Morse, DPW Director, appeared before the Board.

S. Kennedy submitted to the Board a spreadsheet illustrating rate scenarios from

the actual unsubsidized cost of service delivery as well as the impact of fund balance contributing on proposed rates. A comparison of the FY15 and FY16 line item budgets was also submitted to the Board, along with spreadsheets depicting both water and sewer fund balance activity covering FY 2012-2015 together with water and sewer utilization for the period covering 3/31/12 – 12/31/14. B. Barry said that the Town cannot continue to use the fund balance to offset the rates.

The data had been analyzed to project the proposed water/sewer rates for FY16 at \$6.93 and \$9.82 respectively.

Regarding the sewer budget, B. Barry did not recommend the use of the fund balance to offset the rate. She said that the sewer rate will get to where it needs to be and there will be consistency. She said that there is a 100% collection rate because the Town is liening it. G. Morse said that these increases are based on projections.

M. Dowling asked whether any of the figures represent the money the Town is getting for treating other towns' wastewater. B. Barry said yes, it is included under miscellaneous fees. M. Dowling suggested that the Board discuss the policy at a future meeting.

P. Gimas asked about the status of water meter replacements. G. Morse said that it has not been done yet.

M. Dowling commented that getting more neighborhoods on town services would bring down the rates.

### **Public Hearing: Water and Sewer Rates**

M. Dowling read the legal ad into the record.

**MOTION: To close the public hearing, by P. Gimas.**

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

**Vote: All in favor.**

**MOTION: That the Board approve the proposed water rate of \$6.93 for FY16 per cu. ft. and use \$25,000 of fund balance to offset what would have been the rate, by M. Dowling.**

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

**Vote: All in favor.**

**MOTION: To approve the sewer rate of \$9.82 per cu. ft.; and not to take anything from the fund balance, by M. Dowling.**

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

**Vote: All in favor.**

**Review of the Draft Annual Town Meeting (ATM) Warrant (revised 3/25/15 pursuant to the 3/23/2015 Board Meeting)**

The following articles had been held for further review: #4, #8/9, #11/12, #13, #16, #17, #18, #24, #25 (eliminated), #28, #29, and #30.

**Article #11: Water Department**

**MOTION:** That the Board support Article #11 Water Department for \$1,488,626, by P. Gimas.

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

Vote: All in favor.

**Article #12: Sewer Department**

**MOTION:** That the Board support Article #12 Sewer Department for \$2,836,769, by P. Gimas.

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

Vote: All in favor.

**Request to Execute EEA Land Grant Project Agreement**

The Conservation Department requested approval the of the Project Agreement outlining obligations that the Town must meet as a requirement to receive the \$400,000.00 Local Acquisition for Natural Diversity Program (LAND) grant. This grant was awarded to the Town for the eventual purchase of the Plimpton property. Town obligations include such items as agreeing to manage and operate the property in accordance with the terms of the contract, (e. g. ensuring that the parcel shall be open to the public, installation/maintenance of a display sign indicating the Town received LAND funds and, that the land shall be devoted to conservation and passive recreation in perpetuity, etc.).

Registry of Deed information on page one will be completed at the time of transfer of ownership.

S. Kennedy noted that this contract is integral to other articles on the warrant with respect to the Plimpton property. She said that the Selectmen's signatures on the grant would not commit the Board to the acquisition (as verified by Town Counsel); it would be a source of funds used for the acquisition of the Plimpton property. If that should not occur, the Board would not be obligated to purchase the property.

**MOTION:** That the Board of Selectmen approve the contract by and between the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs and the Town of Sturbridge; and incorporate Town Counsel's email into the contract; and further, to authorize the Chairman to execute the contract on behalf of the Board, by P. Gimas.

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

**Vote: All in favor.**

**Request to Approve Town Common Policy – Recreation Committee**

The proposed policy was amended by the Recreation Committee to provide for the elimination of mechanical amusements on the Town Common. Recreation Director Lynne Girouard and a member of the Recreation Committee appeared before the Board to answer any questions concerning the amended policy.

S. Kennedy said that this issue had been raised several months ago. She recommended to the Recreation Director that any change of policy be reviewed by Town Counsel.

Lynne Girouard informed the Board that Town Counsel and the insurance carrier had reviewed the Town Common Policy regarding the use of non-mechanical amusements on the Town Common. She noted that parking is not allowed on the Town Common at any time.

M. Blanchard suggested that a study committee come up with some ideas about parking. P. Gimas asked about parking for the vendors during the Harvest Festival. L. Girouard said that vendors could park on the street, but not on the Town Common. M. Dowling suggested including some language to clarify that parking is allowed around the Town Common, but not on the grass.

M. Blanchard said that she would support the policy minus the no parking issue. L. Girouard said that she would be in contact with Mike Harrington of the Publick House regarding the no parking policy.

**MOTION: That the Board approve the amended policy minus the “parking not allowed on the Town Common” pending further review, by M. Blanchard.**

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

**Vote: All in favor.**

**Special Event Permit – Request for Approval of Bass Tournament**

Craig Gauthier and Joe Fontaine appeared before the Board. The Good Spirit Bassmasters requested Board approval to sponsor a members-only bass tournament on June 14, 2015 at Big Alum Lake from 7:00 a.m. to 3:00 p.m. Participant arrival times are scheduled to begin at 6:00 a.m. and approximately eight (8) participant cars, and eight (8) participants boats are expected at this event.

**MOTION: That the Board approve the Good Spirit Bass Master Bass Tournaments at Big Alum Lake on June 14, 2015 from 7:00 a.m.**

to 3:00 p.m. and further permit participants to enter the premises at 6:00 a.m., by P. Gimas.

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

Vote: All in favor.

**Special Event Permit for Hemlock Ridge Golf Course – Request for Five One-Day Wine and Malt Licenses for Tournaments in 2015**

Marc Palm of Hemlock Ridge Golf Course appeared before the Board. Hemlock Ridge Golf Course requested Board approval for five (5) one-day wine and malt licenses at five scheduled tournaments in 2015:

July 11, 2015	12:00 p.m. to 6:00 p.m.
July 18, 2015	12:00 p.m. to 6:00 p.m.
August 1, 2015	12:00 p.m. to 6:00 p.m.
August 22, 2015	12:00 p.m. to 6:00 p.m.
August 23, 2015	12:00 p.m. to 6:00 p.m.

Approximately seventy-two (72) participants are expected to attend each event. Alcohol will be purchased through the Club and served outside only; participants will not be allowed to bring in alcoholic beverages. The applicant was asked to attend the Board meeting. Chief Ford has approved this request.

**MOTION: That the Board approve a one-day Special Event Liquor License to Hemlock Ridge Golf Course for:**

July 11, 2015	12:00 p.m. to 6:00 p.m.
July 18, 2015	12:00 p.m. to 6:00 p.m.
August 1, 2015	12:00 p.m. to 6:00 p.m.
August 22, 2015	12:00 p.m. to 6:00 p.m.
August 23, 2015	12:00 p.m. to 6:00 p.m.

**to allow the sale and consumption of alcoholic beverages outside of the club house only, by P. Gimas.**

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

Vote: All in favor.

**Request to Establish a Sturbridge Town Common Study Committee**

Tom Chamberland, Tree Warden, appeared before the Board. Pursuant to the joint Board of Selectmen/Finance Committee March 7, 2015 Budget Meeting, Tom Chamberland had requested that the Board appoint a committee to examine the Town Common use and resulting soil compaction affecting tree health on the Town Common. A copy of his proposal was submitted to the Board.

T. Chamberland informed the Board that he has been the Tree Warden since 1984. He said that there are only three large trees on the Town Common, as a number of trees have been lost due to old age and storms. He said that during an

event in September 2013, a tree limb had broken off, fallen and damaged two cars that had been parked at the Common. He requested that the Town Common Study Committee to review the situation.

C. Moran said that Tony Celuzza had expressed an interest in serving on that committee, along with Butch Jackson. M. Blanchard said that the Board should determine the makeup of that committee.

C. Moran said that the people who live in the Town Common area should be able to provide their input. M. Dowling suggested that this committee should hold a meeting where they opened it up to residents' participation. She felt that allowing the residents who live on the Common to serve on the committee would provide a specific point of view; she supported having a member of the community at large on the committee who didn't necessarily live on the Common. She would like to give all residents an opportunity to speak to this committee. She commended Tom Chamberland for coming forward with this. She said that she would not support limiting foot traffic on the Common.

M. Blanchard said that she would like the working group to have input from all residents. P. Gimás suggested that the committee hold a night meeting and open it up to all residents, and Tom Chamberland could give the Board a progress report.

**MOTION:** That the Board direct the Town Administrator to establish a study committee consisting of the Town Administrator, Town Planner, DPW Director, Tree Warden, Recreation Director, Police Chief or Fire Chief; and two residents; and further, to direct this committee to employ a mechanism to receive input from residents; to submit its findings and recommendations no later than 60 days from the time they are formed from the day of the first meeting, by M. Dowling.

2<sup>nd</sup>: P. Gimás

Vote: Three in favor; C. Moran opposed.

### **Review of Proposed Final Draft of the Charter Cable TV Agreement**

Attorney Bill August appeared before the Board to answer their questions and concerns. The draft agreement had been previously transmitted to the Board for review and analysis to enable the Board to thoroughly examine the agreement prior to final approval. The Board was also provided with a copy of the agreement highlights outlining the major agreement changes.

B. August noted that the Cable Advisory Committee had voted to recommend it. He reviewed the highlights with the Board. He noted that the Cable Advisory Committee had been working on getting a better discount for seniors, but the Town is not allowed to condition the license on discounts. He said that the state

regulates Charter basic rates.

B. August said that Heidi Vandebrook will take complaints from residents and address them. Regarding complaints under 5.8(b), M. Dowling asked if it would be possible to insert a requirement to have them come to a meeting to address complaints. B. August said that they must respond to complaints within ten days as per state law. M. Dowling said that she would like the process regarding complaints spelled out in the contract.

B. August submitted to the Board the FCC customer service guidelines.

After a comprehensive discussion and review of the agreement, the proposed draft will be placed on the April 21, 2015 Board agenda for approval.

### **Appointment of Toniah Maloney as Part-Time Dispatcher**

Chief Thomas Ford recommended the appointment of Toniah Maloney to fill an existing part time Dispatcher vacancy. Dispatcher Maloney resigned on March 6, 2015 to accept a similar position with the State Police Communications Section, but has requested to remain a member of the Sturbridge Police Department as a part-time dispatcher. Dispatcher Maloney has been with the Sturbridge Police Department since 1999 and both Chief Ford and S. Kennedy felt that the Town would benefit from her experience if she remained as a member of the Police Department.

**MOTION: That the Board ratify the Town Administrator's appointment of Toniah Maloney to the position of part-time dispatcher at a rate of \$22.66 per hour, by P. Gimas.**

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

**Vote: All in favor.**

### **Annual Town Meeting Warrant**

**Article #18: Capital Improvement Plan**

**MOTION: To approve Article #18 at \$370,619, by P. Gimas.**

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

**Vote: All in favor.**

**Article #8: Community Preservation – Plimpton Community Forest**

S. Kennedy said that Articles #8 and #9 will be consolidated into one article as requested by the CPC. She is awaiting Town Counsel's input. It was the consensus of the Board to hold action on #8 and #9.

**Article #15: Revolving Funds**

Barbara Barry, Finance Director, informed the Board that the Pay-As-You-Throw Program needs to be increased to \$12,000 for FY15 and \$20,000 for FY16.

**MOTION:** To increase the dollar amount of Article #15 from \$10,000 to \$20,000 for Pay-As-You-Throw, by M. Dowling.

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

**Vote:** All in favor.

**MOTION:** To increase the amount of Pay-As-You-Throw under Chapter 44 §53 ½ for FY15 to \$12,000, by M. Dowling.

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

**Vote:** All in favor.

**Article #17: Betterment Committee**

**MOTION:** To place and support Article #17, by P. Gimas.

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

**Vote:** All in favor.

**Article #19: Capital Expenditure – (18) Self Contained Breathing Apparatus (SCBA) – Debt Issuance**

**Article #20: Capital Expenditure – Street Sweeper – Debt Issuance**

It was the consensus of the Board that #19 and #20 be referred to bond counsel.

**Article #24: Tax Rate Relief**

M. Dowling said that the summary should be elaborated.

**MOTION:** To place and support Article #24, by P. Gimas.

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

**Vote:** All in favor.

**Article #28: Community Preservation – Flag Restoration**

S. Kennedy said that the Board should hear from the CPC regarding this article.

**MOTION:** To place Article #28, by M. Dowling.

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

**Vote:** All in favor.

**Article #29: 8 Brookfield Road – Code Compliance Renovation**

S. Kennedy informed the Board that she still does not have a number from the engineering firm.

**MOTION:** To place Article #29, by M. Dowling

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

**Vote:** All in favor.

**Article #30: Town Owned Buildings – Roof Renovations**

**MOTION:** To place Article #30, by M. Dowling.

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

**Vote:** All in favor.



**MOTION:** To close the Annual Town Meeting warrant for June 1, 2015, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** All in favor.

**Special Town Meeting Warrant**

**Article #46: Transfer of Funds – Snow & Ice Removal Costs**

**MOTION:** To place and support Article #46, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** All in favor.

**Article #47: Engineering Services for Public Safety Complex Drainage Remediation**

S. Kennedy said that she had not yet received an amount from the engineering firm.

**MOTION:** To place Article #47, by P. Gimas.  
**2<sup>nd</sup>:** M. Dowling  
**Vote:** All in favor.

**Article #48: Transfer of Funds – Town Counsel**

**MOTION:** To place and support Article #48, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** All in favor.

**Article #49: Transfer of Funds – Police Department State 911 Training/Support and Incentive Grant Accounts**

**MOTION:** To place and support Article #49, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** Three in favor; C. Moran abstained.

**Article #50: Sewer-Engineering-Wastewater Treatment Plant Requirements**

**MOTION:** To place and support Article #50, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** All in favor.

**Article #51: Transfer of Funds – Boiler Replacement at Senior Center**

**MOTION:** To place Article #51, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** All in favor.

**Article #52: Transfer of Tax Possession – 32 Warren Road**

**MOTION:** To place and support Article #52, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran

**Vote: All in favor.**

**Article #53: Transfer of Tax Possession – 3 Stearns Drive, 284 Cedar Street, 226 Cedar Street**

**MOTION: To place and support Article #53, by P. Gimas.**

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

**Vote: All in favor.**

**MOTION: To close the Special Town Meeting warrant for June 1, 2015, by P. Gimas.**

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

**Vote: All in favor.**

It was the consensus of the Board to review the draft FY2016 budget at their meeting on Tuesday, April 14, 2015 at 6:00 p.m.

**Request from the Central Massachusetts Mosquito Control (“the District”) to support or not support Mosquito Control Funding for FY 2016**

S. Kennedy said that annually, member cities and towns are asked to show support or non -support of the District’s proposed fiscal year budget. The District will compile the information received from member municipal entities to determine if the District’s budget request will be accepted, denied or modified. The Town of Sturbridge’s share of the total budget is \$90,935, or 4.32 percent higher than FY2015. At a recent Sturbridge Board of Health meeting the Board of Health voted affirmatively, as they do annually, to support the Central Mass Mosquito to support the Central Mass Mosquito budget. The Town has been a participant in this program since 2002 and some of the services include: mosquito surveillance, mosquito larval control, adult mosquito control, ditch population maintenance, source reduction, aka tire recycling, limited target spraying at the request of residents or town officials, public education, and beaver mitigation. The program has been very successful and played an integral role when West Nile Virus was found in a mosquito pool here four years ago.

A copy of the correspondence from the District together with the proposed budget was submitted to the Board.

**MOTION: That the Board support the Central Mass Mosquito Central Mass Mosquito Project funding request in the amount of \$90,535, by P. Gimas.**

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

**Vote: All in favor.**

**Request by Robert Cassim to expand the number of vehicles to be stored on the premises located at 33 Main Street for sale or repair from ten (10) to twenty (20) vehicles**

During the regularly scheduled Board of Selectmen's meeting on February 17, 2015 the Board had conducted a suitability hearing to determine if a new license for 2015 should be issued to Mr. Robert Cassim, dba Sturbridge Auto Sales, LLC, located at 33 Main Street, Sturbridge, MA. Further, Mr. Cassim requested that his license be amended to increase the number of vehicles to be stored on the premises located at 33 Main Street for sale or repair from ten (10) to twenty (20) vehicles.

The suitability hearing was predicated on Mr. Cassim's failure to pay 21d fines issued by the Dudley District Court for storing more vehicles than allowed by his current license, and for not having performed the cleanup of junked vehicles on this premises.

With respect to the number of vehicles to be stored at 33 Main Street, Mr. Cassim was asked to submit an updated, signed and dated site plan illustrating customer, employee and vehicle sales spaces by the close of business February 13, 2015 and, Mr. Cassim failed to submit the plan for consideration during the meeting.

Mr. Cassim submitted the site plan in the manner requested and March 25, 2015 and paid all outstanding fines April 2, 2015.

The site plan was reviewed by Town Planner Jean Bubon and Building Inspector Nelson Burlingame on March 26<sup>th</sup>, and they concluded that the plan "...sufficiently delineates the parking for display, employee and customer parking and appears adequate for the 20 vehicle license requested." A copy of the site plan memo from Mr. Burlingame and Ms. Bubon, together with the site plan, was submitted to the Board.

S. Kennedy said that Mr. Cassim has now met the conditions set forth by the Board, and the Board may want to consider, in addition to the requested twenty vehicles for sale/display and repair, whether or not to allow a designated number of spaces for employee and customer parking.

S. Kennedy read the following recommendations into the record:

Recommended Action: That the Board approve the request for a 2015 Class 2 license and permit the number of vehicles to be stored on the premises located at 33 Main Street for sale or repair from ten (10) to twenty (20) vehicles based on compliance with the following conditions:

- At no time shall the number of vehicles located at 33 Main Street exceed twenty vehicles for sale or repair
- Parking shall be as delineated on the plan submitted at all times and appropriate parking delineation measures shall be made for the customer parking spaces (for example concrete berms to delineate each space)
- At no time shall the entrance and exit of the property be blocked so as to impede safe vehicular access and traffic flow

- At no time shall the right-of-way to 29 Main Street be blocked
- The gravel parking area shall be maintained in good condition at all times. At no time shall the applicant allow gravel to be tracked onto the public way. In the event gravel tracking occurs, the applicant shall be responsible for sweeping the street

C. Moran said that the Class 2 dealer license has nothing to do with repairs. S. Kennedy said that Town Counsel had indicated that it is not unusual that Mr. Cassim repairs cars to equip them for sale. She said that the Board may want to stipulate that he has spaces available for customer and employee parking. M. Dowling said that the Board should not put a requirement on customer parking spaces, only regulate the cars for sale.

It was the consensus of the Board to hold action until the meeting of April 21, 2015.

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

S. Kennedy informed the Board that she had received notification a few days ago that the Town will be getting more money to fix potholes.

### **Correspondence**

M. Dowling read the correspondence list into the record.

M. Blanchard received a letter that there will be a hearing on cable rates on May 13, 2015 at 10:00 a.m. in Boston.

### **Old Business**

M. Dowling said that she was unable to attend the April 1<sup>st</sup> Sunset City meeting in Charlton. M. Blanchard said that she had attended, and noted that there are two reports on the matter which indicate that noise will be minimal. A professional sound advisor will do testing at other sites. She noted that the Charlton Planning Board did not ask any questions. Twelve Sturbridge residents were present to provide their input. The hearing was continued. Correspondence had been sent from RANT.

### **New Business**

P. Gimás noted that a resident had reported a water main break on the road, and it was up to the Selectmen to make the phone calls. S. Kennedy suggested using the Code Red system to notify residents.

### **Citizens' Forum**

April 6, 2015

A resident of Champeaux Road asked about the status of the Champeaux Road Bridge project. He noted that the Town of Brimfield had done a beautiful job on their side. M. Blanchard said that the Chapter 90 money for the project has not been released yet. She said that the Board will seek an update from the DPW Director.

P. Gimas suggested that Citizens' Forum be held at the beginning of the meetings.

**MOTION: To adjourn, by P. Gimas.**

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

**Vote: All in favor.**

The meeting was adjourned at 11:17 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date