BOARD OF SELECTMEN MINUTES JUNE 15, 2015

Present: Mary Blanchard, Chairman Priscilla Gimas Mary Dowling Craig Moran Michael Suprenant Leon Gaumond, Jr., Town Administrator

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

<u>Minutes</u>

- MOTION: To approve the minutes of April 21, 2015 as amended, by P. Gimas.
 2nd: C. Moran
 Vote: Four in favor; M. Dowling abstained.
- MOTION: To approve the minutes of April 29, 2015 as written, by P. Gimas.
 2nd: C. Moran
 Vote: Four in favor; M. Dowling abstained.
- MOTION: To approve the minutes of May 18 as amended, by P. Gimas.
 2nd: C. Moran
 Vote: All in favor.

Department Head Reports

Greg Morse, DPW Director, reviewed his report with the Board. He informed the Board that there were no submittals the first time that the air conditioning had gone out to bid. The second opening will be held on Wednesday, June 17th and there will be at least one bid.

G. Morse said that the parking lot lines were painted at the parking lots at Town Hall, the Center Office Building, Senior Center and Public Safety Complex.

G. Morse said that there had been three water breaks and one sewer break.

G. Morse had an initial meeting with an architect regarding the roofing project. A cost estimate will be provided to the Board.

Shane Moody, Veolia Water North America, reviewed his report with the Board. He noted that Veolia had been awarded a plaque by MassDEP. M. Blanchard read the official citation into the record, which had been signed by Senator Gobi on May 11, 2015. The Board congratulated Veolia Water North America.

S. Moody informed the Board that they have finished hydrant flushing. M. Suprenant asked about the status of the nozzles on the hydrants that are not standard, and how many have been replaced. S. Moody said that he would investigate the matter and provide a report to the Board for his next department head report.

P. Gimas commended S. Moody and G. Morse for working with Jean Bubon, Town Planner in identifying and numbering the hydrants.

Lynne Girouard reviewed her report with the Board. She said that regarding the proposed recreation field, the Recreation Committee is waiting for the turtle assessment, then it will go to the Conservation Commission and Planning Board for their approval, then the design will be finalized on the property.

L. Girouard said that the summer recreation program will start on June 22nd. She said that the summer concert series began on June 11th. M. Dowling asked how many residents are involved in the summer rec program. L. Girouard said that signups are conducted on opening day, and there are usually 90 to 100 children who participate per summer.

Abatement Requests – Water/Sewer

John Hanson, 262 Main Street, appeared before the Board. He requested a \$100 credit on the sewer portion of his water/sewer bill. He explained that the water line from his house to the garage had sprung a leak underground, resulting in a \$260 bill. He had it dug up and discovered a cracked fitting, which was replaced.

M. Blanchard asked how long it had been leaking. J. Hanson said that it had been leaking for a month or so. M. Blanchard explained that it is the Town's policy to base the charge on the water that goes through the meter, which has always been a fair and equitable way to do it. She said that the situation had been reviewed by the DPW Director, Finance Director and Town Administrator and they have all denied J. Hanson's request for an abatement. M. Dowling added that everybody uses water that doesn't go

through the sewer, so the Selectmen's hands are tied in terms of treating all residents in a consistent way.

MOTION: To deny the abatement request from John Hanson, by P. Gimas. 2nd: M. Dowling Vote Four in favor; M. Suprenant abstained.

Karsten Stueber, 20 Whittemore Road, appeared before the Board. He requested an abatement on his water bill of \$1,962.81, which was the result of a water tank break in his basement while he was away during the winter.

M. Blanchard said that the cost of taking care of water and sewer is spread out evenly among users. P. Gimas said that the DPW Director has made it clear many times that when people go out of town, they should shut their water off.

C. Moran suggested that when anyone goes away, they should ask a neighbor to check on their house, and also get an alarm system. He said that measures should be taken to protect assets.

MOTION: To deny the abatement request from Karsten Stueber, by P. Gimas. 2nd: C. Moran Vote: Four in favor; M. Suprenant abstained.

Gerard LaFleche, 51 Cricket Drive, appeared before the Board. He requested an abatement on his water bill, as while on vacation during the winter a water pipe had burst. He noted that most of the water had been absorbed into the ground and did not go through the sewer system.

M. Blanchard said that the Board did not have any numbers on the actual flow through the water meter. Leon Gaumond said that when he and the DPW Director and Finance Director had reviewed this matter, all they had was the policy about the water mater. He noted that they don't have the flexibility to make a call other than that. M. Dowling added that "extenuating circumstances" are when it is determined that the Town is at fault, or a contractor is at fault.

MOTION: To deny the abatement request from Gerard LaFleche, by P. Gimas. 2nd: C. Moran

Vote: Four in favor; M. Suprenant abstained.

John Ilvonen, 210 Brookfield Road. L. Gaumond said that Mr. Ilvonen presented a situation where he contested his water usage, but had come in after the appeal deadline had past. M. Blanchard noted that Mr. Ilvonen's water meter had been replaced.

MOTION: To deny the abatement request from John Ilvonen, by P. Gimas. 2nd: M. Dowling Vote: Four in favor; M. Suprenante abstained.

Appointment of DPW Operations Manager

- MOTION: That the Board concurs with the appointment of Mark Augello to the position of Operations Manager effective July 1, 2015 or as soon as possible, at an annual salary of \$68,744, by P. Gimas.
 - 2nd: C. Moran
 - Vote: All in favor.

Paving and Road Materials Bids

Greg Morse, DPW Director, presented the annual bids to the Board. He noted that this year there was also a sidewalk bid.

MOTION: That the Board concurs with the recommendation of the DPW Director to the 2015-2016 goods and services, by P. Gimas.

- 2nd: C. Moran
- Vote: All in favor.

Appointments to the Recreation Employee List

Lynne Girouard, Recreation Director, appeared before the Board. M. Blanchard read the list into the record.

- MOTION: That the Board concurs with the appointment of Genevieve Pacitti, Leanna Malone, Annie Roscioli, James Reyes, Kylie Lowe, Sam Currier, Summer Curtin, Brandon Sears, Autumn Wong and Sarah MacGuire to the 2015 Summer Recreation Employee List, as recommended by the Sturbridge Recreation Committee, by P. Gimas.
 - 2nd: C. Moran

Vote: All in favor.

Joint Selection to Board of Assessors

Ann Murphy, Principal Assessor, Sophia Lengyel Rogers and Paul Murphy of the Board of Assessors appeared before the Board.

M. Blanchard said that a joint appointment of the Board of Assessors and Board of Selectmen takes place when there is a failure to elect an individual to fill a vacancy on the Board of Assessors. L. Gaumond said that there were no candidates who met the qualifications for the appointment. After nominations were requested from the general public, no one stepped forward.

Ann Murphy said that the Board of Assessors has run into quorum problems. M. Blanchard said that the vacancy will be re-advertised with a deadline of September 4, 2015.

Electrical Fee for Solar Projects

L. Gaumond said that he had recently discussed this with the Building Inspector. He said that the Town is reviewing several different solar projects, including Borego Solar at 17 Kelly Road. The Building Inspector, in consultation with the Electrical Inspector, believes that they may need to conduct roughly 40-50 inspections for this 2 Megawatt project. The Town would be responsible to pay the inspector approximately \$2,000 for his inspections. Furthermore, the Town's permitting software requires a fee of 3% of the permit fee, which comes to \$1,102.98. These are direct costs to the Town of over \$3,000.

L. Gaumond said that currently the Town does not have a solar fee schedule for commercial projects, so there exists the possibility that the Town would not be able to recoup the costs to support this project. The Building Inspector asked the surrounding towns what they charge for similar projects, and this information was submitted to the Board. He noted that the amount of commercial electrical fees on solar projects appears to be widely inconsistent.

The Building Inspector recommended an electrical permit fee for commercial solar projects of \$2.50/kW in addition to the \$100 base fee. Upon review, L. Gaumond agreed with the recommendation and suggested that the Board establish a fee of \$2.50 per Kw + \$100 base electrical fee for all commercial solar projects.

MOTION: That the Board vote to concur with the recommendation of the Building Inspector to establish an electrical permit fee of \$2.50 per kW + \$100 base fee for all commercial solar projects, by P. Gimas.

2nd: C. Moran Vote: All in favor.

Plimpton Forest Conservation Restriction and Purchase and Sale Agreement

L. Gaumond said that now that Town Meeting has voted to acquire the Plimpton property, the Board of Selectmen are required to negotiate a purchase and sale agreement for this property, and there also needs to be a Conservation Restriction on the property.

L. Gaumond said that the Land Trust provided a draft purchase and sale agreement to Town Counsel, and Shirin Everett has reviewed it and recommended approval. The Land Trust needs a signed purchase and sale on June 15th.

M. Suprenant asked whether the Board had been given an appraisal report. M. Blanchard said that two appraisals had been done on it. Glenn Colburn, Conservation Agent, said that one of the appraisals had been done early in the process to negotiate the purchase with Mr. Plimpton. He noted that the second appraisal had been done for the U.S. Forest Service grant, and Darci Schofield of the Trust for Public Lands had shared that with the Town.

M. Dowling asked whether the draft of the purchase and sale agreement had been prepared by Kopelman and Paige or whether they edited a document that was given to them. L. Gaumond said that it had come from Town Counsel (Shirin Everett).

MOTION: That the Board approve and sign the Purchase and Sale Agreement for the Plimpton property, by M. Suprenant. 2nd: P. Gimas Vote: All in favor.

L. Gaumond said that regarding the Conservation Restriction, the Opacum Land Trust had provided a draft Conservation Restriction for the Town's consideration. They included a 500 foot hunting buffer around the recreation area. There are questions as to whether or not this is sufficient. L. Gaumond asked the Chiefs for their opinions on this, and Town Counsel is researching what reasonable restrictions can be placed upon hunting on this property.

Glenn Colburn, Conservation Agent, said that Opacum Land Trust has been active in working on this Conservation Restriction, and noted that it mirrors what has been done on the other Conservation Restrictions relative to the permitted uses.

M. Dowling expressed concern about the buffer zone for hunting. She requested input from the Recreation Committee as to what they would deem as a safety net regarding active and passive uses. M. Blanchard said that there will be further discussion. She said that the Police Chief will get back to the Board on this matter, and the Conservation Commission has it on their agenda for June 18th. L. Gaumond said that he would place it on the Board's next agenda for discussion.

Clark Snyder of the Hamilton Rod & Gun Club appeared before the Board. M. Blanchard requested a written document from him regarding his input, as well as the input from the Conservation Commission and the Recreation Committee.

Trish McCleary noted that Town Meeting had voted on the Plimpton property. M. Blanchard explained that the Board had just voted on the purchase and sale agreement (which had been voted on at Town Meeting), but the Conservation Restriction had not been voted on at Town Meeting. T. McCleary asked about the status of future ball fields. M. Blanchard said that the ball fields are far down the line. She said that the Conservation Restriction must be fine tuned, but it will go forward. M. Dowling added that the Conservation Restriction runs with the land and is filed with the deed.

Public Hearing Continuation: National Grid Pole Hearing – Cedar Street

Vincent Loguidice of National Grid appeared before the Board.

C. Moran asked about the location of the pole. V. Loguidice said that it will be placed in front of the property, in line with the existing poles.

M. Blanchard said that if there is a motion in favor of placing the pole, she would like National Grid to be in collaboration with the DPW Director.

- MOTION: To close the public hearing, by P. Gimas. 2nd: C. Moran Vote: All in favor.
- MOTION: That the Board approve the request by National Grid to place pole #4-50 and a three phase UG run provided that the pole is placed behind the existing wires furthest from the gutterline; work shall be done in collaboration with the DPW Director, by P. Gimas.
 - 2nd: C. Moran

Vote: Four in favor; M. Suprenant opposed.

Public Hearing: Transfer of Stock & New Owner/Director for Uno Restaurant

Nick Vavallee, Manager of Pizzeria Uno, appeared before the Board, along with Patrick Hickey, Senior Vice-President and Louis Psallidas, President and CEO.

L. Gaumond informed the Board that there had been a letter from the ABCC indicating that they had received a request from Uno Restaurants, LLC for Change of Officers and Directors and Transfer of Stock in numerous cities and towns, one of which was Sturbridge. Due to the magnitude of these transactions, the ABCC has received, reviewed and approved the documents provided by the Uno Restaurants, LLC.

MOTION: To close the public hearing, by P. Gimas. 2nd: C. Moran Vote: All in favor.

MOTION: That the Board approve the request by Uno Restaurants, LLC for the transfer of stock and new officer, Louis Psallidas, by P. Gimas.
 2nd: C. Moran Vote: All in favor.

Temporary Dock Applications

Jeffrey Buchanan, 66 Mt. Dan Road, appeared before the Board. He said that the proposed dock will be 20 feet long.

MOTION: To approve the floating dock permit at 66 Mt. Dan Road for Jeffrey Buchanan, by P. Gimas.
 2nd: C. Moran Vote: All in favor.

Janet Brooks, 94 McGargle Road, appeared before the Board. She said that her proposed dock would be 4 feet X 32 feet and it will extend no more than four feet out into the lake. It will be a temporary dock with cedar decking and an aluminum frame.

MOTION: To approve the temporary dock at 94 McGarle Road for Janet Brooks, by P. Gimas. 2nd: C. Moran

Vote: All in favor.

Louis Fazen and Lynn Eckhert had submitted an application for a permanent dock to be attached to a building on the shore of Big Alum Pond at 146 Lane 8. They were not present at the meeting.

Glenn Colburn, Conservation Agent, informed the Board that Mr. Fazen had indicated in his application that the structure is a circa 1940 boat house. G. Colburn felt that Mr. Fazen may be misrepresenting the existing camp at the site as a boat house. Extensive remodeling of the interior and exterior of the camp has been performed, with new windows, plumbing, septic system and flooring among recent improvements that have been made. The camp was built ten feet over the property line extending into the lake. It was his opinion that the structure has ceased to be a boat house and should now be considered a camp with running water and a septic system. He said that allowing a deck to be attached to the camp will increase the non-conformity of the existing structure.

- MOTION: That the Board deny the dock application for Louis Fazen and Lynn Eckhert at 146 Lane 8 without prejudice due to lack of information and the Conservation Agent's statement that allowing a deck to be attached to the existing structure will increase the non-conformity of the structure, by P. Gimas.
 - 2nd: M. Blanchard

Vote: All in favor.

Public Hearing: New Liquor License and Common Victualler License for XM Corporation d/b/a Baba Sushi Restaurant

Attorney Howard Stepler and Wei Dong Wang of Baba Sushi appeared before the Board. Attorney Stepler said that there was a change in the floor plan, and he submitted the new plan to the Board. Attorney Stepler said that Wei Dong Wang was buying the facility at 453 Main Street with the kitchen intact. It will be a 107 seat restaurant with 83 seats on the first floor, 24 on the second floor, and the third floor will be housing for employees.

P. Gimas asked about the status of parking. Attorney Stepler said that there are 40 parking spaces for the restaurant. He had spoken to the owner of 454 Main Street and they have come to terms with a parking lot plan. They are in the drafting process now and will seek site plan approval. They plan to have valet parking on Friday and Saturday nights.

M. Dowling asked whether Mr. Wang had ever had an alcohol violation involving the serving of alcohol to a minor at his other establishment. Mr. Wang said that there have been no such violations at his restaurant. He noted that all of his employees have been TIPS trained.

M. Blanchard asked about the hours of operation. Attorney Stepler said that the restaurant will be open for business Monday through Thursday 11:30 a.m. to 11:00 p.m.; Friday and Saturday 11:30 a.m. to 12:00 a.m. midnight; Sunday 11:30 a.m. to 10:00 p.m.

MOTION: To close the public hearing, by P. Gimas. 2nd: C. Moran Vote: All in favor.

- MOTION: That the Board approve the request by XM Corporation d/b/a Baba Sushi Restaurant for an All Alcohol liquor license for 453 Main Street, by P. Gimas.
 - 2nd: M. Dowling

Vote: All in favor.

- MOTION: To approve the Common Victualler license pending review and approval by the Board of Health, by P. Gimas.
 - 2nd: C. Moran
 - Vote: All in favor.

Request for Extension of TIF for Om Shri Ambika

Jay Patel appeared before the Board. He requested an extension of his Tax Increment Financing agreement for one year for the new hotel to be constructed at 21 New Boston Road.

Jean Bubon, Town Planner, had submitted a letter which provided the history regarding this request. The Board had voted to enter into a TIF agreement with Om Shri Ambika, LLC for the construction of a 77 room Holiday Inn Express (or similar hotel) to be located at 21 New Boston Road, together with site improvements to attract future commercial tenants (bank and restaurant). The Town requested that the project be designated as a certified project for a term of ten years, and that a tax increment financing plan be offered for a period of ten years. This was approved at the Annual Town Meeting on June 2, 2014.

The TIF agreement that had been approved by the Board of Selectmen specified the term of exemption as being valid for a period of ten years, beginning with Fiscal Year 2016 (July 1, 2015) and ending with Fiscal Year 2025 (June 30, 2025). Due to a lengthy permitting process, the project is not yet under construction, and there will be no new increment to assess for Fiscal Year 2016. Approval has yet to be granted from MassDOT which precludes Mr. Patel from even starting construction. Since the TIF was well considered as an element that would make this project financially feasible, Mr. Patel has requested that the Town, through its Board of Selectmen, consider extending this TIF agreement for one year. Mr. Patel requested that the agreement run from Fiscal Year 2017 through Fiscal Year 2026. A copy of the new proposed TIF agreement was submitted to the Board.

- MOTION: That the Board approve the request by Om Shri Ambika for a one year extension to its Tax Increment Finance agreement and to execute the amendment to the TIF agreement between the Town of Sturbridge and Om Shri Ambika LLC, by P. Gimas.
 - 2nd: M. Suprenant Vote: All in favor.

L. Gaumond informed the Board that he and Jean Bubon will need to present this request to the Economic Assistance Coordinating Council (EACC) at its quarterly meeting on June 23, 2015.

One-Day Special Event Permit for Jimmy D's Ice Cream & Sandwich Shop

Jim Dhembe, owner of Jimmy D's Ice Cream & Sandwich Shop, appeared before the Board. He would like to hold a special event at his business for a fundraiser to support "Kids in the Congo" on June 20th from noon to 4:00 p.m. Maggie the Clown will be there, along with a radio DJ, there will be a can and bottle drive, and ice cream will be served. It has been approved by the Police Chief and the Town Administrator.

MOTION: To grant the one-day special event permit to Jimmy D's Ice Cream and Sandwich Shop for June 20, 2015 from noon to 4:00 p.m., by P. Gimas.

2nd: M. Suprenant

Vote: All in favor.

Reappointments to Various Boards/Committees

M. Blanchard read the list into the record.

<u>Name</u>	<u>Committee</u>	<u>Expire</u>
Susan Murphy	Board of Registrars	2018
Penny Dumas	Community Preservation Committee	2018
Edward Goodwin	Conservation Commission	2018
Calvin Montigny	Conservation Commission	2018
Gladys Santelli	Council on Aging	2018
Carolyn Walker	Cultural Council	2018
Dale Gonyea	Cultural Council	2018
Chris Castendyk	Design Review Committee	2018
Frances O'Connell	Design Review Committee	2018
Blake Duzak	Historical Commission	2018
Virginia Belforte	Housing Partnership Committee	2018
Lisa Meunier	Insurance Study Committee	2018
Michael Serio	Personnel Committee	2018
Frank McNeil	Safety Committee	2018
Tom Chamberland	Sturbridge Tourist Association	2018
Karrie Schiebler	Sturbridge Tourist Association	2018
Kopelman & Paige	Town Counsel	2016

MOTION: That the Board concurs on the reappointments to boards and committees as appointed by the Town Administrator, by P. Gimas. 2nd: C. Moran

Vote: All in favor

Staff Reappointments

M. Blanchard read the list into the record.

Thomas Chamberland	Tree Warden	2018
Tim Hickey	Veterans' Services Director	2018
Benjamin Burlingame	Highway Department	2018
Wayne Dube	Highway Department	2018
Kimberly Welton	Highway Department	2018
Thomas Ford	Police Chief	2018
Tyler Bresse	Dispatcher	2018
John Marinelli	Lt., Fire Department	2018
Thomas Giordano	Fire Department	2018
Sean Moynagh	Fire Department	2018
MaryLou Volpe	Fire Department	2018

Bryan Swanda	Fire Department	2018
Ronald Komar	Animal Control Officer	2018

MOTION: To approve the staff reappointments, by P. Gimas. 2nd: C. Moran Vote: All in favor.

New Appointments to Various Boards/Committees

M. Blanchard read the list into the record.

<u>Name</u>	Committee	<u>Expire</u>
William Cunningham	Trails Committee	2018
Fritz Reeve	Trails Committee	2018

MOTION: To approve the new appointments, by P. Gimas. 2nd: C. Moran Vote: All in favor.

Authorization for Filing Closeout Documents for CWS-09-09

L. Gaumond said that the Commonwealth is seeking the closeout documents for the wastewater construction project completed in 2013 and funded through the State Revolving Fund. Greg Morse, DPW Director, said that the project was done some time ago and the warranties have since expired. He noted that typically the Town Administrator would be authorized to file these documents on behalf of the Town.

- MOTION: That the Board authorize the Town Administrator to serve as signatory for the CWS-09-09 wastewater construction project and to file the closeout documents as requested by the Commonwealth; and to include item #4 that it project has been completed; and that the Town will provide a certificate of vote for the closeout documents, by P. Gimas.
 - 2nd: C. Moran

Vote: All in favor.

Town Administrator's Update

CMRPC Summer Legislative Breakfast:

L. Gaumond announced that the Board has been invited to attend the CMRPC Summer Legislative Breakfast on June 26, 2015 at 8:00 a.m.

Appointment of Recording Clerk for the Finance Committee:

- MOTION: To approve the appointment of Leah Boutelle as the Recording Clerk of the Finance Committee effective June 16, 2015 at a starting rate of \$14.96, by M. Dowling.
 - 2nd: P. Gimas

Vote: All in favor.

Selectman Volunteer for Wayfinding Project and to sign agreement with Faverman Design on this project:

L. Gaumond said that the Town has an appropriation for a Wayfinding Project in Sturbridge. He asked the Board to execute a contract with the Town's consultant on this project, Faverman Design, to complete the work. He asked for a volunteer from the Board of Selectmen to serve on the task force. P. Gimas volunteered, and the Board agreed.

- MOTION: That the Board sign the agreement with Faverman Design, by P. Gimas.
 - 2nd: C. Moran

Vote: All in favor.

Reinstatement of Richard Johnson:

MOTION: That the Board approve the reinstatement of Richard Johnson to the position of part-time on-call Firefighter Paramedic effective June 16, 2015 at the rate of \$20.01/hour, by P. Gimas.

- 2nd: C. Moran
- Vote: All in favor.

Building Inspector Certification

L. Gaumond informed the Board that the Town's Building Inspector, Nelson Burlingame, has been certified as the Town's Building Commissioner by the Department of Public Safety until December 31, 2017 provided that he maintains continuing education credits.

Transfer of Funds for 5 hours per week for the Conservation Clerk

L. Gaumond said that the Conservation Commission is seeking the Board's approval of utilizing \$4,236 of the Wetland Protection Fund to pay for five hours per week of time for the Clerk in the Conservation Office. He noted that this is a practice that has occurred for several years, and is requested prior to the end of the fiscal year.

MOTION: That the Board approve the transfer of \$4,236 from the Wetland Protection Fund to pay for five hours per week of time for the Conservation Clerk, by P. Gimas.

2nd: C. Moran

Vote: All in favor.

Correspondence

M. Dowling read the correspondence list into the record.

Old Business

M. Blanchard said that the Board will be discussing the Town Administrator's goals (for the remainder of the year) at the July 6th meeting. The deadline for the Selectmen's input will be June 30th.

New Business

P. Gimas asked about the status of a contact from the Senior Center Steering Committee. M. Blanchard said that they will be on the July 6th agenda.

MOTION: To adjourn, by P. Gimas. 2nd: M. Blanchard Vote: All in favor.

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

Respectfully submitted,

Judy Knowles

BOS Clerk

Date