

July 6, 2015

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

Present: Mary Blanchard, Chairman
Priscilla Gimas
Mary Dowling
Craig Moran
Michael Suprenant

Leon Gaumont, Jr., Town Administrator, was absent due to a death in his family.

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

M. Blanchard said that the Board wished to express its sympathy and prayers to Leon Gaumont, Jr. and his family.

Minutes

**MOTION: To approve the minutes of March 23, 2015 as written, by P. Gimas.
2nd: C. Moran
Vote: Four in favor; M. Suprenant was absent.**

**MOTION: To approve the minutes of April 6, 2015 as amended, by P. Gimas.
2nd: C. Moran
Vote: Four in favor; M. Suprenant was absent.**

**MOTION: To approve the minutes of June 1, 2015 as amended, by P. Gimas.
2nd: C. Moran
Vote: Four in favor; M. Suprenant was absent.**

**MOTION: To approve the minutes of June 15, 2015 as amended, by P. Gimas.
2nd: C. Moran
Vote: Four in favor; M. Suprenant was absent.**

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

M. Suprenant arrived at 6:40 p.m.

MOTION: To approve the minutes of May 4, 2015 as amended, by P. Gimas.
2nd: C. Moran
Vote: All in favor.

Public Service Announcements

M. Suprenant said that the Police Chief had announced that there is a safety zone in front of the Public Safety Complex for purchase of services over the internet. There is also a collection box at the Public Safety Complex for residents to drop off old medications.

NextSun Solar Project

Beth Greenblatt of Beacon Integrated Solutions and Attorney Rick Holland of Kopelman & Paige appeared before the Board. B. Greenblatt offered condolences to the Town Administrator and his family.

B. Greenblatt presented to the Board a revised analysis reflecting the revised proposal from NextSun. It reflected a lower net metering discount in years 11-20 and a floor rate of \$0.08/kWh. She said that given that the delivery charges are approximately \$0.08/kWh, she did not anticipate the floor rate being of much consequence, and noted that the reduced discount in years 11-20 has the greatest impact on the long-term benefits.

B. Greenblatt said that net metering provides for a three year term up to 20 years subject to Town Meeting approval. Because of the transition in Town Administrators, it did not end up on the Annual Town Meeting warrant on June 1st. They have since come back with an alternative proposal, which requires a vote of the Board of Selectmen, then Town Meeting vote. She noted that they are on a tight time schedule, and they have extended the deadline through the end of July 2015. She said that based on the original offer from January 2015, they offered a 25% discount on the net metering rate for 10 years and 30% discount for the rest of the contract, \$1.6 million over the 20 year term. The revised proposal has gone from a 30% discount to a 25% discount, \$1.5 million over 20 years. She noted that they are waiting to see what happens with net metering. She said that they downsized the system so that the rate stayed the full amount. She said that electricity prices have come down since this past winter, but are expected to go back up next winter. Net metering credits accrue to the Town. She asked the Selectmen if they were willing to accept the revised offer.

M. Dowling said that the Town has been reasonable and very responsible, and noted that the investment tax credit is good through December 31, 2016. Within a month, the Town is suffering a 5% discount decline over 10 years. She questioned whether that was reasonable, and said that she expected more from NextSun regarding holding to their original offer. B. Greenblatt said that she had appealed at every possible level. She noted that they did not get the contract until a month ago.

R. Holland said that the new deal comes with an 8 cent minimum floor price, which compares with other deals. B. Greenblatt added that that Town would be the sole off taker for the system. She said that the floor rate was something that was required by their investors.

M. Suprenant asked whether there was any chance of negotiating. B. Greenblatt said that she would try. They have worked with Town Counsel to negotiate a contract. M. Blanchard said that the revised offer is still of value, with \$1.5 million over 20 years. She noted that there is a risk that it could go to someone else.

M. Dowling said that if the Town is required to meet a deadline of July 31st, NextSun should honor the original offer as an act of goodwill; if they are going to change the contract, it will be necessary to hold a Special Town Meeting at the end of July. She said that economic conditions have not changed.

R. Holland said that regardless of the fact that the deal has changed, the current offer does compare well to conditions he has seen with this type of methodology, and still compares well to other types of deals.

P. Gimas requested that Town Counsel bargain on the Town's behalf that in the event that a Special Town Meeting cannot be held by July 27th that more time be granted, at least to the end of August.

MOTION: To schedule a Special Town Meeting for July 27, 2015 at 7:00 p.m. to be held at Veterans' Memorial Hall, Town Hall for the NextSun Solar Project update and to request Town Meeting approval of the agreement for the full 20 year term of the agreement, by P. Gimas.

2nd: M. Blanchard

Vote: P. Gimas and M. Blanchard in favor; M. Dowling, C. Moran and M. Suprenant opposed.

The motion failed.

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MOTION: To support the original contract of 25% for the first 10 years, 30% for 11-20 and schedule a Special Town Meeting for the end of July in the event that NextSun would be willing to honor the original contract terms, by M. Dowling.

2nd: (There was no second)

M. Dowling withdrew her motion.

MOTION: To reconsider the previous vote, by C. Moran.

2nd: M. Blanchard

Vote: Four in favor; M. Suprenant opposed.

MOTION: To set a Special Town Meeting for July 27, 2015 at 7:00 p.m. at Sturbridge Town Hall to seek the approval of the Town residents for the 20 year term for an agreement with NextSun that has been offered to us, by P. Gimás.

2nd: C. Moran

Vote: Three in favor; M. Dowling and M. Suprenant opposed.

The motion carried.

MOTION: To close the Special Town Meeting warrant, by P. Gimás.

2nd: C. Moran

Vote: All in favor.

MOTION: To approve the negotiated contract, by P. Gimás.

2nd: C. Moran

Vote: Three in favor; M. Dowling and M. Suprenant opposed.

M. Suprenant requested a copy of the amended contract. R. Holland said that the only changes would be the changes to the percentages and date of Town Meeting.

Olde Village Grill – Common Victualler License

Stephen Small of Olde Village Grill appeared before the Board. He requested a Common Victualler license for his establishment at 25 Brookfield Road. His business has been licensed by the Board of Health.

MOTION: To approve the Common Victualler license for Old Village Grill at 25 Brookfield Road, by P. Gimás.

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

Senior Center Study Group

Ken White, Chairman of the Council on Aging, appeared before the Board. He offered condolences to the Town Administrator and his family.

K. White brought the Board up to date on Council on Aging activities, and asked for some guidance. The Senior Center Study Group had been formed by a vote of the Council on Aging. He met with Rep. Smola to discuss the matter, and Senator Gobi has offered assistance. He said that P. Gimas has been extremely helpful with her guidance. He asked the Board for recommendations to the committee to move forward with their mission.

P. Gimas said that when she and Jean Bubon had attended the meeting, they talked about different programs, and Mass. Development was one of them. If the building can be renovated, they could provide funding with grants to mitigate costs.

M. Dowling asked about the requirements for a historic building. P. Gimas said that the Senior Center is a historic site, but it is not a historic building, and is not listed in the registry as a historic building.

Ed Goodwin said that the Senior Center is eligible for CPA funds, and the Community Preservation Committee has given funds to it in the past. M. Dowling encouraged Ed Goodwin to consult with the Town Administrator and the CPC to determine whether CPC funding could be provided.

Louis Fazen and Lynn Eckhert – Dock/Boat House, 146 Lane 8

At their last meeting, the Board of Selectmen had rejected a petition for a dock permit for 146 Lane 8. Glenn Colburn, Conservation Agent, had provided a memo dated June 8, 2015 regarding this matter. The property owners requested reconsideration by the Board of Selectmen.

Louis Fazen and Lynn Eckhert appeared before the Board. They requested the Board's permission to go to the state for a dock permit under Chapter 91. L. Eckhert said that their intention was to restore the boat house and restore the house at the camp. She noted that the Tax Collector was unaware that the house existed. They asked permission from the Board of Health and Conservation Commission for a septic system,

and received the requested permission. They use the camp seasonally. They would like to install a deck and received permission from the Conservation Commission to do that. The Building Inspector decided that this was not in the purview of Sturbridge because it is in the water, so they applied for a permit under Chapter 91. She noted that it is on South Cumquasit, not Big Alum, as stated in the memo from Glenn Colburn.

M. Blanchard asked about the size of the property. L. Eckhert said that it is just under five acres. M. Blanchard noted that a boat house is built as a place for boats to be stored; the boat house is now into the water. L. Eckhert said that it has always been a non-conforming use. M. Blanchard said that asking to put a deck on it would increase the non-conformity of the building, and for that reason she would still vote against it.

L. Fazen said that the deck would be four feet wide by 16 feet long, cantilevered out, not touching the ground. He said that this is a state issue, and requested the Board's permission to allow a state engineer to look at it.

MOTION: That the Board reconsider their vote on this matter, by M. Dowling.

2nd: M. Suprenant

Vote: Four in favor; M. Blanchard opposed.

L. Fazen said that the Town Planner had advised them that if it is allowed, they would have to have stairs because there is an access issue. They met with the Planning Board and the Building Inspector, and were told that it is a state issue.

M. Suprenant asked how it is in violation of the zoning bylaws. M. Blanchard said that it is in violation because of the setback, as part of it is in the lake.

C. Moran noted that at some point it had been redesigned into a livable structure. L. Eckhert said that when it was done, the Town did not know about it. M. Blanchard said that if the Assessor did not know about it, whoever did the renovations did not get a building permit for it either. M. Dowling noted that it has been non-conforming for many years.

MOTION: To direct Louis Fazen and Lynn Eckhert to seek state approval for the permanent dock that they are proposing, by M. Dowling.

2nd: M. Suprenant

Vote: M. Dowling and M. Suprenant in favor; P. Gimás, M. Blanchard and C. Moran opposed.

The motion failed.

L. Fazen asked about the basis for the Board's denial. M. Blanchard said that it was based on zoning non-conformity, as what was being proposed would make an already non-conforming structure more non-conforming. She added that the Board looks at a lot of information before making a decision.

Teddy G's Pub – Alteration of Licensed Premises

Ted and Kelly Gidopoulos, co-owners of Teddy G's Pub, appeared before the Board. T. Gidopoulos said that they would like to add a patio to the outside of the building, closer to the gas station. C. Moran noted that the patio would be adjacent to the parking lot. T. Gidopoulos said that there will be a fence around the patio, to be installed into the concrete.

M. Suprenant asked if they were going to plant a shade tree. T. Gidopoulos said that if there is space, they would plant a tree. He noted that there will be an entrance and exit from the outside, with a door that swings out. M. Dowling commented that she did not see a problem with it.

C. Moran stressed the need to design something to keep the cars out, as with the serving of alcohol, there is the potential for disaster. He recommended using steel posts with concrete in them to provide protection for their customers. M. Blanchard noted that they are a responsible business, and the proposal has been reviewed by the Planning Board, Police Department and the Fire Department.

Judy Tryba said that there are other businesses in Town with outdoor patios, and asked the Board to approve their request.

MOTION: To continue the public hearing to 7:15 p.m. on July 20, 2015 pending obtaining a second opinion from the Fire Chief regarding safety aspects, by C. Moran.

2nd: M. Blanchard

Vote: Four opposed; C. Moran abstained.

The motion failed.

MOTION: That the Board take a five minute break to contact the Fire Chief right now to resolve the matter, by P. Gimás.

2nd: M. Dowling

Vote: Four in favor; M. Blanchard opposed.

M. Blanchard suggested putting the Fire Chief on speaker because it was a public meeting and the discussion should be heard by the entire audience.

Fire Chief David Zinther said that it was his understanding that there would be a fenced in area around the seating area, which he considered to be fine. He said there is a need for a curb line to offer protection in that area. He did not see parking space lines next to it.

MOTION: That the Board approve the request by Teddy G's Pub for alteration of licensed premises at 179 Main Street, by P. Gimas.

2nd: M. Dowling

Vote: All in favor.

Village Hot Dogs – Common Victualler License

Robert D'Ambra, owner of Village Hot Dogs, appeared before the Board to request a Common Victualler license for his business at 376 Main Street. He received a license from the Board of Health

MOTION: To approve the request by Village Hot Dogs for a Common Victualler license, by P. Gimas.

2nd: M. Dowling

Vote: All in favor.

Conservation Restriction for the Plimpton Property

Darci Schofield, Trust for Public Land, Ed Hood, Opacum Land Trust, and Don Taft, President of the Hamilton Rod & Gun Club, appeared before the Board.

D. Schofield said that she was waiting for final revisions on the Conservation Restriction for the Plimpton property. She said that the Conservation Commission agreed to keep the regulation regarding the buffer zone out of the Conservation Restriction and put it in an outside management plan instead. She noted that hunting is a permitted use in the current Conservation Restriction. She said that this mechanism can be altered over the years by the Town, and the Town will have the ability to enforce it. The Conservation Commission had voted to recommend a 500' buffer around the recreation fields.

D. Schofield said that the mechanism would ensure that logging operations comply with regulations. E. Hood said that Opacum encourages commercial forestry provided it is

done properly. D. Taft said that the Hamilton Rod & Gun Club would be happy to work with Opacum regarding the buffer and the forestry program.

M. Dowling said that it is up to the Board of Selectmen to allow hunting or not, while D. Schofield had indicated that it could be part of the Conservation Restriction. She noted that only 5% of the property will be used for active recreation, and the rest will be used for passive recreation.

Ed Goodwin, Conservation Commission member, appeared before the Board. He said that Opacum cannot regulate hunting on the land; there needs to be a management plan that addresses safety. He said that the Conservation Commission recommended the 500' buffer on the passive recreation land. He noted that there is a committee set up to work on the safety issue and how it will be managed. He recommended getting the Conservation Restriction in place and the land purchased.

D. Schofield said that the Conservation Restriction is in perpetuity. She said that by keeping the regulations about hunting in a separate management plan, the Town would be able to make amendments from time to time and would provide some flexibility.

D. Taft said that hunting is covered by state law; if there is an adjustment, it would be in accordance with state law.

M. Dowling said that she would like to put language in the Conservation Restriction regarding hunting, as this is where to set forth permitted and non-permitted uses. She would support a larger boundary for the fields, a 1000' buffer, to be listed in the Conservation Restriction. She wants it to be filed with the deed so that the safety zone is protected, just as much as hunting is protected, in perpetuity. She noted that the Chief of Police and Recreation Committee had recommended a 1000' buffer.

D. Schofield said that the Town and Opacum should continue this conversation. She said that it is necessary to identify what is allowed and what is prohibited. She said that Opacum's job is to uphold conservation values and to ensure that the recreation fields don't encroach upon the other uses of the property.

M. Dowling said that she wants the buffer to be in the Conservation Restriction to run with the land to protect the 5% active use. D. Schofield said that the Trust for Public Land had bought the property and has an agreement to sell it to the Town by the end of July, which requires input from the community and the Board. M. Dowling noted that Recreation will be the body that develops the recreation fields. She did not see the need to hear from other residents.

M. Blanchard said that she would like to put it into the management plan so that things could move forward. She noted that the management plan could be reviewed and changed. She was not in favor of putting a 1000' buffer in the Conservation Restriction.

M. Suprenant said that he would defer to the Police Chief's recommendation and would support what he recommended.

E. Hood said that Opacum's obligation is to monitor the property on an annual basis and bring any issues to the Town's attention.

Attorney Rick Holland of Kopelman and Paige informed the Board that Shirin Everett has been negotiating the Conservation Restriction. Forestry was addressed in the language. He said that Opacum does not want to permit cutting unless they have the opportunity to review and approve a plan, but before their review, it would be necessary to authorize funds to cover the cost of their review and monitoring. He said that there could be questions about whether costs are reasonable; he suggested setting a cap. E. Hood said that this would be for commercial cutting. C. Moran said that the revenue from logging would outweigh the costs.

Ed Goodwin said that most of his grandchildren spend time in the woods bicycling, hiking and jogging on the property where hunting will take place. He felt that a 500' buffer would be adequate, and recommended wearing orange while in the woods. He noted that Lyme disease is a big problem.

M. Suprenant said that Opacum reserves the right to limit or prohibit events on the property. M. Dowling said that page 8 #9 covers events, and it states that they have the right to prohibit events, and does not require any consultation with the Board of Selectmen.

Sam DiDonato of the Hamilton Rod & Gun Club asked why the Board would choose a 1000' buffer, and explained the velocity and distance that different caliber bullets could travel. He said that most hunters use guns that are shoulder held, which travel about 150 yards. He asked how the buffer would be marked in the woods.

M. Dowling said that the Recreation Committee had voted for a 1000' buffer, and the Police Chief had recommended a 1000' buffer for safety, and in consideration of the liability of the Town. S. DiDonato suggested having Holden Road serve as a clearly marked buffer area. M. Suprenant asked about the size of the buffer in order to

discharge a firearm. Chief Ford said that the buffer would be 150 feet from Holden Road.

Brian Cleary suggested building a berm around the buffer area. M. Blanchard said that would be getting into design. C. Moran said that children would get around the berm anyway.

Dale Favreau, resident of Shattuck Road, said that there are children playing in the ball fields near the Highway Department with no restrictions whatsoever. He noted that hunting is controlled by the Department of Fisheries and Wildlife. He asked why the Plimpton property is being singled out for a Conservation Restriction, which had not been required for other parcels.

Ron Komar, manager at the Hamilton Rod & Gun Club, said that the Club has been in existence for 95 years, and he has never heard of any shooting incidents. He said that the Plimpton property is thickly wooded, and the buffer would need to be marked. He recommended putting the language regarding the buffer into the management plan.

MOTION: That the hunting buffer surrounding the recreational use area be included in the Conservation Restriction granted to the Opacum Land Trust for the Plimpton Community Forest Conservation area; and that no firearms be allowed for target practicing, by M. Dowling.

2nd: P. Gimas

Vote: Four in favor; M. Blanchard opposed.

MOTION: To insert language that “Hunting within 1000’ of the boundary of the Sturbridge recreational area of the Plimpton Community Forest” be inserted in the Conservation Restriction, by M. Dowling.

2nd: P. Gimas

Vote: Four in favor; M. Blanchard opposed.

D. Schofield called the Board’s attention to page 7 of the Conservation Restriction, paragraph F. She noted that there is an existing shed that had been left over from the Christmas tree farm. It states “use, maintenance and repair of shed currently standing.” In the bottom of the paragraph it states “unless not permitted by applicable laws.” She said that the state would not allow this, as it would be considered a floating envelope, nor would it be allowed by the land grant or forestry service. She said that this language needs to be removed.

D. Schofield said that she will get the state to review it prior to the next meeting of the Board so that the Board will have the ability to vote on a final draft. She will make sure that the Board receives the most up-to-date Conservation Restriction.

Acceptance of Bid from Southbridge Tire Co. for the Central Air Conditioning Installation at the Senior Center

The Town had gone out for bids twice for central air conditioning system installation for the Senior Center. This latest round received one qualified bidder, which has been reviewed and recommended by the DPW Director, who had assisted in the procurement process.

MOTION: To accept and award the bid for Central Air Conditioning System Installation to Southbridge Tire Company, 136 Central Street, Southbridge for the base bid including alternate #1, for a total of \$29,650, by M. Suprenant.

2nd: M. Dowling

Vote: All in favor.

National Grid Easement and License

M. Blanchard requested that a representative from the Public House appear before the Board to discuss this matter. She noted that it will have to go to Town Meeting.

It was the consensus of the Board to hold action on this matter until the next meeting.

Injured on Duty Claim for a Police Officer

MOTION: That the Board accept the Injured on Duty Claim for Officer Adam Szymanski as requested, by P. Gimás.

2nd: C. Moran

Vote: All in favor.

Discussion on Goal Setting for the Town Administrator

Since the Town Administrator was absent, it was the consensus of the Board to take it up at the next meeting.

Town Administrator's Update

M. Blanchard announced that there are vacancies on the Personnel Committee and the Charter Review Committee.

M. Blanchard informed the Board that James Leaming requested reappointment to the Sturbridge Tourist Association.

MOTION: To appoint James Leaming to the Sturbridge Tourist Association, by P. Gimas.

2nd: M. Dowling

Vote: All in favor.

M. Blanchard said that Robert Glass, Jr. requested an Auctioneer license for the upcoming auction sponsored by the Sturbridge Federated Church to be held on the Town Common on August 8th.

MOTION: To grant an Auctioneer License to Robert Glass, Jr. for the Sturbridge Federated Church auction to be held on August 8th, by M. Suprenant.

2nd: M. Dowling

Vote: All in favor.

M. Blanchard asked the Board to approve the list of applicants for the Senior Municipal Service Program.

MOTION: That the following seniors who qualify for the Senior Municipal Service Program be approved: Susan Foskett to the Senior Center, Wayne Belles to the Town Administrator, Frances Clark to the Senior Center, Carol Corriveau to the Senior Center, Margaret Fox to the Board of Assessors, Nancy Giroux to the Senior Center, Marilyn MacConnell to the Senior Center and Library, Alexander Menafo to the Senior Center, Olive O'Donnell to the Senior Center, Dorothy Provost to the Senior Center, Janet Rae-Sinianian to the Town Clerk, Richard and Andrea Treadway to the Board of Health, Pauline Walsh to the Senior Center, by P. Gimas.

2nd: M. Suprenant

Vote: All in favor.

Correspondence

July 6, 2015

M. Dowling read the correspondence list into the record. M. Blanchard had received a letter from The Last Green Valley announcing a small grant round for historic and cultural resources.

Old Business

There was no old business.

New Business

P. Gimas said that she would like to be removed as the liaison to the Sturbridge Tourist Association, and suggested that another person be appointed. She said that she would submit a formal resignation letter.

M. Suprenant said that people have commented on the overgrown grass condition on the islands at Route 131 and Route 20. M. Blanchard suggested that Greg Morse, DPW Director, contact the state to have them maintained.

MOTION: To adjourn, by P. Gimas.

2nd: C. Moran

Vote: All in favor.

The meeting was adjourned at 10:40 p.m.0

Respectfully submitted,

Judy Knowles

BOS Clerk

Date