

September 16, 2013

**BOARD OF SELECTMEN  
MINUTES  
SEPTEMBER 16, 2013**

Present: Thomas Creamer, Chairman  
Priscilla Gimas  
Mary Blanchard  
Mary Dowling  
Mary Redetzke  
Shaun Suhoski, Town Administrator

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

**Public Service Announcements**

T. Creamer and P. Gimas extended their thanks to a large number of staff and volunteers associated with the very successful Roots & Blues Festival on the Town Common, sponsored by the Sturbridge Tourist Association. M. Dowling thanked Mark Edmonds, who had volunteered to assist the STA in booking some of the musical talent.

**Recreation Committee: Joint Session to Fill Vacancy**

Al Jones and Ryan Kane of the Recreation Committee appeared before the Board. This was a posted joint session to fill the vacancy created by the resignation of Mark Rulli, who had moved from Town. The only letter of interest received by the Town Administrator was from Kadion Phillips.

**MOTION: To nominate Kadion Phillips to serve on the Recreation Committee until the next Town Election, by A. Jones.**

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

**Vote: Board of Selectmen in favor; A. Jones and R. Kane in favor.**

**Tax Classification Public Hearing for Fiscal Year 2014**

Bill Mitchell, Principal Assessor, Paul Murphy and Bob Lucier of the Board of Assessors appeared before the Board. The legal ad for the public hearing was read into the record.

The Board needed to vote on four different issues:

- Selection of a CIP Factor
- Open Space Discount
- Residential Exemption
- Small Commercial Exemption

B. Mitchell made a presentation to the Board. He explained that the share of the levy for the Commercial, Industrial and Personal Property classes (CIP) may be increased by up to 50% as long as the residential and open space classes raise at least 65% of what they would have raised without the shift. He said that if the minimum residential factor would be less than 65%, the community cannot make the maximum shift and must use a CIP factor less than 1.50. He noted that approximately 30% of cities and towns have split rates.

Regarding the Open Space Discount, B. Mitchell said that a shift of up to 25% can be adopted by vote of the Board of Selectmen for all property that is classified as open space. This exemption is borne by the residential classes of properties, and will increase the residential tax rate without affecting the Commercial/Industrial/Personal Property classes.

B. Mitchell said that the Residential Discount grants up to a 20% discount to owner occupied residential properties. Exclusions to this exemption are vacant land, seasonal homes and residential properties not occupied as a primary residence by the owner. He said that the impact is to the overall residential class, and shifts the burden from the "less expensive" properties onto the higher priced and non-resident homes. Benefits would be to communities with a high number of vacation homes, or non-owner occupied properties.

B. Mitchell said that the Small Commercial Exemption shifts the tax rate between properties occupied by qualifying small businesses onto the other commercial and industrial properties. It does not have any affect on the residential and personal property tax rates. To qualify for this exemption, a property must be assessed at less than \$1,000,000 and employ 10 or less employees.

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

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

**Vote: All in favor.**

**MOTION: To set the CIP shift at 1.1, by M. Redetzke.**

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

**Vote: Three in favor; M. Dowling and M. Blanchard opposed.**

**MOTION: Not to adopt the Open Space Discount, by M. Redetzke.**

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

**Vote: All in favor.**

**MOTION: Not to adopt the Residential Exemption, by M. Redetzke.**

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

**Vote: All in favor.**

**MOTION: Not to adopt the Small Commercial Exemption, by M. Redetzke.**

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

**Vote: All in favor.**

**Dangerous Dog Hearing**

A German Shepard named Finn had twice bitten individuals in Town and was referred to the Board for a public hearing to determine whether Finn is a “dangerous dog” and if so, what remedial action should be imposed. Paul Facteau, Denise Seguin, Police Chief Thomas Ford, Sgt. Kevin Mercier, Animal Control Officer Ron Komar and Christian Seguin appeared before the Board.

M. Dowling left the meeting at 8:15 p.m.

An extensive packet of background materials including the police reports, statutory authority and guidance documents from Town Counsel had been submitted to the Board.

According to a memorandum from Sgt. Kevin Mercier dated September 11, 2013, on March 11, 2013 Fred Klotzbeeher, a Sturbridge Service Center employee, went to the door of 12 Hinman Street after a service call, and was bitten by Christian Seguin’s dog. The bite was unprovoked. The dog had rushed past the homeowner and bitten F. Klotzbeeher on the right forearm, resulting in a minor injury. Animal Control Officer Ron Komar reported that at the time of this bite, the German Shepard named Finn was neither licensed in the Town of Sturbridge, nor vaccinated for rabies.

On July 11, 2013, Finn was unleashed in St. Anne Cemetery, when it attacked Pamela Facteau, who was jogging. Also witnessing this incident was Paul Facteau.

Finn had been trained at Pack of Paws, Southbridge, MA for basic obedience training, and awarded a certificate of achievement dated May 30, 2013. This training had taken place after the first bite and prior to the second bite.

Based upon the two unprovoked attacks, one taking place after obedience training, Sgt. Mercier believed the dog to be a dangerous dog, and recommended the following:

1. That the dog be confined to the premises of its owner or keeper, either indoors or outdoors, properly sheltered from the elements in a securely enclosed and locked pen or dog run area with a secure roof; and if the enclosure has no floor, with sides not less than two feet embedded into the ground.
2. That when removed from the premises of the owner or keeper, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds, and not exceeding three feet in length.

Sgt. Mercier suggested that the owner obtain insurance coverage and have Finn re-trained within six months, and a follow-up evaluation be conducted and a report submitted afterward.

S. Suhoski informed the Selectmen that the above two remedies fall within their statutory authority.

**MOTION:** To close the public hearing, by M. Redetzke.

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

**Vote:** Four in favor; M. Dowling was absent.

**MOTION:** To declare Finn as a dangerous dog, and

1. That the dog be confined to the premises of its owner or keeper, either indoors or outdoors, properly sheltered from the elements in a securely enclosed and locked pen or dog run area with a secure roof; and if the enclosure has no floor, with sides not less than two feet embedded into the ground.

2. That when removed from the premises of the owner or keeper, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds, and not exceeding three feet in length.

3. That the dog and owner undergo professional training as soon as possible, and that the dog trainer confer with the Animal Control Officer.

4. That the dog be evaluated in six months by the Animal Control Officer.

5. That the owner make a good faith effort to secure insurance.

by T. Creamer.

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

**Vote:** Four in favor; M. Dowling was absent.

### **Veritas Restaurant: Four One-Day Liquor Licenses**

Kurt and Kelly Soukup appeared before the Board to request four one-day liquor licenses. Mr. Soukup had met with S. Suhoski last week and advised that business is going well, but that he has had an increase in potential wedding, anniversary and similar "private parties" which is a growing niche market for several Sturbridge businesses. As a result of the meeting, and to more properly license the premises for these types of events, they have initiated a formal "alteration of premises" application that will come before the Board in October. By allowing greater flexibility, the Board would help this young business to continue to thrive and grow.

**MOTION:** That the Board of Selectmen approve "one-day" liquor licenses for K&J Catering d/b/a Veritas Restaurant at 420 Main Street, Building #2, for events on the following dates and times: (a) October 5, 2013, 4:00 p.m. to 11:00 p.m., (b) October 12, 2013, 4:00 p.m. to 11:00 p.m., (c) October 13, 2013, 3:00 p.m. to 9:00 p.m., and (d) October 14, 2013, 1:00 p.m. to 6:00 p.m., subject to approval by the Board of Health, by M. Redetzke.

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

**Vote:** Four in favor; M. Dowling was absent.

**Sturbridge Seafood: Change of Hours**

Attorney Kate Muratore appeared before the Board. S. Suhoski informed the Board that Sturbridge Seafood is getting closer to final permitting and opening, but they realize now that they wish to have more hours of operation included in their liquor license. In reviewing the meeting DVD there was varying discussion about the hours, and it was suggested that they could return if they needed to adjust the hours. Also, the printed motion did not include Sundays (which they do wish to be open). A copy of Atty. Kate Muratore's email dated September 10<sup>th</sup> was submitted to the Board. Specific hours are not requested in this email, but the applicant indicated that they wish to seek "maximum" hours. The latest closing time could be 2:00 a.m., but Judy Knowles advised S. Suhoski that all liquor licenses were brought back to a 1:00 a.m. closing time eight or nine years ago as a Board of Selectmen policy. Typically, the earliest opening hour for a restaurant license would be 10:00 a.m.

**MOTION: To approve the request for change of hours to 10:00 a.m. through 1:00 a.m. seven days per week for Sturbridge Seafood, for liquor license and common victualler license purposes, by M. Redetzke.**  
**2<sup>nd</sup>: M. Blanchard**  
**Vote: Three in favor; P. Gimas abstained; M. Dowling was absent.**

**Department Head Merit Pay Discussion**

The Board briefly discussed T. Creamer's suggestion that a portion of department head merit pay be set aside for hourly staff for their accomplishments. It was the consensus of the Board to defer the matter.

**Taxi / Livery License Application: William D. Shaylor**

The application of William D. Shaylor for a taxi / livery operator's license was submitted to the Board, and had been approved by the Police Chief on September 5th. Mr. Shaylor is from Dudley and would be operating under the business license of Charles River Service, 2 Main Street.

**MOTION: That the Board of Selectmen approve a taxi / livery operator's license to William D. Shaylor, of Dudley, under the business license of Charles River Service, 2 Main Street, Sturbridge, by M. Redetzke.**  
**2<sup>nd</sup>: M. Blanchard**  
**Vote: Four in favor; M. Dowling was absent.**

**Resignation: Lt. David Diogo**

**MOTION: To accept the resignation of Lt. David Diogo from the Police Department with regret and appreciation, effective September 20, 2013, by M. Redetzke.**

**2<sup>nd</sup>: M. Blanchard**  
**Vote: Four in favor; M. Dowling was absent.**

**Proclamation for Eagle Scout Austin Schepper**

M. Redetzke read the proclamation into the record.

**MOTION: To sign the proclamation for Eagle Scout Austin Schepper, by M. Redetzke.**

**2<sup>nd</sup>: M. Blanchard**  
**Vote: Four in favor; M. Dowling was absent.**

**TOWN ADMINISTRATOR'S UPDATE**

**1. Sewer Betterment Abatement: 47 Hillcrest Street**

Further to the Board's direction offered at the September 3rd meeting, S. Suhoski contacted Town Counsel to determine the most appropriate process for granting a partial or total sewer betterment abatement for property at 47 Hillcrest Street owned by Jane Gauthier. Town Counsel advised that a special act of the state legislature would be required to effectuate the abatement terms discussed at the last meeting (e.g. total abatement, or abatement from expiration of two-year zoning "freeze" expectation due to the written correspondence of the then Building Inspector and Town Planner).

S. Suhoski submitted to the Board a copy of Article 51 as approved at the February 24, 2009 Special Town Meeting. This article had been approved, and then special legislation was subsequently approved in 2010, to provide a sewer betterment abatement for land on Cricket Drive.

**MOTION: To approve a sewer abatement dating back to October 21, 2003 for \$10,260.55; and that the Board of Selectmen sponsor an article on the next special town meeting warrant as follows: "to see if the Town will vote to authorize the Board of Selectmen to request special legislation that would permit the Selectmen to grant an abatement of the sewer betterment assessment for 47 Hillcrest Street after the six-month appeal period provided for in MGL c. 80, §5," by M. Redetzke.**

**2<sup>nd</sup>: P. Gimás**  
**Vote: Four in favor; M. Dowling was absent.**

**2. Appointment of Building Inspector / Zoning Enforcement Officer:** S. Suhoski selected Robert F. Camacho, a Certified Building Official, to be the next Building Inspector / Zoning Enforcement Officer for the town of Sturbridge. Mr. Camacho will also be assuming a key role working with him to ensure proper maintenance of the Town's general municipal government buildings. Mr. Camacho's credentials were submitted to the Board. He would begin his official duties on Monday, October 7th. Mr. Camacho is the current (4 days / week) building commissioner in the town of Boxford and has over 12 years of prior experience in various inspectional capacities in the city of

Lowell. He is also a past president of the Mass. Federal of Building Officials and holds a bachelor's degree in education from the University of New Hampshire. Mr. Camacho would be paid an annual salary of \$70,000 based upon his training and experience and would be subject to the requisite six-month probationary period.

**MOTION:** That the Board of Selectmen ratify the Town Administrator's appointment of Robert F. Camacho, of Lowell, to the position of Building Inspector – Zoning Enforcement Officer effective October 7, 2013, at an annual salary of \$70,000 (Grade 11) subject to a six-month probationary period, by M. Blanchard.

**2<sup>nd</sup>:** P. Gimás

**Vote:** Three in favor; M. Redetzke abstained; M. Dowling was absent.

**3. CDBG Reserve Appeal Meeting:** On September 24, the Town will present its appeal for Community Development Block Grant reserve funds to Undersecretary Aaron Gornstein of the Dept. of Housing & Community Development. Rep. Smola and a designee from Sen. Brewer will join Jim Mazik (Pioneer Valley Planning Commission), Mary Berry and a member of the SRCC board of directors at the meeting.

**4. Staff Vacancies:** S. Suhoski informed the Board that there remain several vacancies that are in the recruitment or selection phase including the priorities of finding suitable candidates for the Building Inspector and Town Accountant positions.

**Town Accountant:** S. Suhoski and the Finance Director are moving a bit deeper into the candidate pool to consider well-qualified private-sector professionals (e.g. CPAs) as the pool of experienced municipal accountants is shallow. They will be interviewing one or two additional candidates this coming week. The Interim Town Accountant is willing and able to continue her part-time work and efforts to close the FY13 books.

**Fire Chief:** The priority closing date is September 17<sup>th</sup>, and approximately 40 applications have been received thus far. S. Suhoski met with Auburn Fire Chief Coleman to develop a proposed assessment process for the candidates and expect the Fire Chief Search Committee to convene within the next two weeks to vet the many candidates.

**Finance Committee Part-time Clerk / Recording Secretary:** This posting has closed and all information has been provided to the Finance Committee Chairman. As with the prior appointment, the FinCom is capable of selecting a preferred candidate which S. Suhoski will later bring forward for appointment.

**Part-time Data Collector:** The priority consideration passed this week and the Principal Assessor is reviewing the applications.

**Part-time Clerk – Conservation:** This position will be posted in the immediate future. It was the consensus of the Board to request additional information on the use of Wetland Protection Funds for the Part-Time Clerk.

## **5. Casino Mitigation**

With the defeat of the proposed West Springfield site, only Springfield and Palmer remain as viable candidates for the resort casino in the western region. S. Suhoski will meet with Atty. Jonathan Silverstein of Kopelman & Paige along with other key stakeholders to brainstorm a negotiating approach should the Mohegan Sun proposal advance. Mr. Silverstein is an expert in casino mitigation negotiations and S. Suhoski requested that the Board of Selectmen meet him at the first meeting in October for discussion. He also requested that the Board designate one of its members to participate in the initial meeting, which will include the Town Planner, DPW Director, Police Chief and two business representatives the morning of September 25th.

**MOTION: To designate Mary Redetzke as the Selectmen participant in casino mitigation, by T. Creamer.**

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

**Vote: Four in favor; M. Dowling was absent.**

## **Community Development Block Grant Award - \$640,000**

Sen. Stephen Brewer called to advise S. Suhoski that the Town's request for CDBG reserves in the amount of \$640,000 had been approved. This long-sought grant will fund a portion of the required wastewater improvements to the Sturbridge Retirement Cooperative neighborhood. Thanks will be extended to all involved including the Board of Selectmen, Town staff, the Pioneer Valley Planning Commission, Mary Berry and the SRCC board of directors and our state legislative delegation for their unflinching support. There is no doubt that Sen. Brewer and Rep. Smola carried the message of need to Beacon Hill.

## **Water Meter Bid**

S. Suhoski informed the Board that an Addendum has been issued to clarify the water meter bid program will be in compliance with new federal "no lead" standards that take effect on January 4, 2014. The new deadline for bids is Friday, September 20th.

## **Tree Planting Bid**

This bid and associated tree installation is funded through the state DCR grant previously announced by the Tree Warden. The deadline for bids is September 20th with stipulated planting seasons running from contract award through October 18, 2013 and again from April 1 through May 31, 2014 for completion.

## **Municipal Buildings**

o ***Library (updated 9/13)*** – Drummey Rosane Associates (DRA) has completed review and revision to the basic scope for the gutter replacement and this small project can now proceed with acquisition of quotes. In addition, a scope of work for the skylight



replacement program (capital plan) was generated and under review. Again, this is a fairly simple project with the design fee totaling \$3,900. The work will proceed with an actual project likely to be considered through the FY15 capital plan process.

o **Town Hall (updated 9/16)** – S. Suhoski solicited quotes for staining the cedar screening for the HVAC components with Michael Wales Painting receiving a notice-to-proceed for \$632. He will match the color and initiate work once weather allows. This will complete the screening project. Also, the annual “poll” of Town Hall and COB workers was initiated today to determine the preferred date to switch back to heat mode. Options include the weeks of 9/23, 9/30 and 10/7.

o **Sturbridge Nursery School (updated 9/13)** – S. Suhoski confirmed that this work has been completed and this item will be closed out.

### **Infrastructure Projects**

o **Champeaux Road Bridge (no change):** This project is eligible for state Chapter 90 funds. The Board has also requested me to research whether other sources of funds are available to help cover the estimated \$1.45 million total cost of bridge replacement. Following is a concise summary of the recent chronology:

- November 2012: Study report completed by CME Associates, Inc.
- March 2013: Town Administrator and DPW Director met with Army Corps of Engineers project manager re: project and potential funding.
- June 2013: Town Administrator and Board of Selectmen author letters to Governor supporting increase to general Chapter 90 allocation.
- July 2013: Governor increases initial Ch. 90 allocation from \$150M to \$200M (or \$432,116 for Sturbridge).
- July 2013: Town Administrator met with representative from USDA Rural Development concerning various funding opportunities for public projects.
- July 2013: Champeaux Road residents met with Board of Selectmen to discuss project and timeline.
- August 2013: Town Administrator submits letters-of-interest through CDBG-DR grant program for Champeaux Road bridge replacement and for Walker Pond drainage improvements.
- August 2013: DPW Director and Town Administrator met with residents of Champeaux Road to review preliminary plans and timeline as requested by Board of Selectmen.
- August 2013: following request of Town Administrator, Rep. Todd Smola inquires about state funding through MassDOT (none available, however, MassDOT regional engineer to work with DPW Director on review of CME plans and options).
- Current: CME has incorporated verbal comments from Army Corps of Engineers into preliminary plans now under review by DPW Director. Once plans approved the project will need to be budgeted through Ch. 90 and/or other resources by approval of Board of Selectmen.

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- Next: project estimated for January-February 2014 bid with one year construction period commencing early summer 2014 subject to availability of funds.

• **Other Meetings / Miscellaneous:** Substantial time spent on various personnel matters including interviews, finalizing selection of the next building inspector and developing assessment framework for fire chief recruitment; attended Commercial Tourist District Working Group meeting; met with Auburn Fire Chief re: assessment tools for search committee; met with Town Planner and business owner seeking to relocate Sturbridge; attended Burgess School Building Committee meeting; chaired CMRPC legislative affairs committee to plan legislative breakfast; attended award ceremony by Mass. Police Accreditation Committee for the certification of the Sturbridge Police Department.

### **Correspondence**

M. Redetzke read the correspondence list into the record.

### **Old Business**

P. Gimas requested a resolution to the Senior Center parking issue with a nearby restaurant.

M. Redetzke requested the advancement of the Public Safety Complex garage floor repairs.

### **New Business**

**MOTION:** That the Board sign the MassDOT Chapter 90 request, by M. Blanchard.

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

**Vote:** Four in favor; M. Dowling was absent.

**MOTION:** To convene in executive session under M.G.L. Chapter 30A, §18-25, #3: To discuss strategy with respect to collective bargaining; not to reconvene in open session, by M. Redetzke.

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

**Roll call vote:** P. Gimas in favor; T. Creamer in favor; M. Redetzke in favor; M. Blanchard in favor.

The Board convened in executive session at 10:42 p.m.

Respectfully submitted,

Judy Knowles

September 16, 2013

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BOS Clerk

Date