

November 16, 2015

**BOARD OF SELECTMEN  
MINUTES  
NOVEMBER 16, 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 6:00 p.m. following the Pledge of Allegiance.

**MOTION: To convene in executive session under MGL Chapter 30A, §21, #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. Suprenant in favor;  
M. Blanchard in favor; M. Dowling was absent.**

The Board convened in executive session at 6:03 p.m.

The Board reconvened in open session at 6:18 p.m.

**Public Service Announcements**

M. Blanchard announced the CMRPC Fall Legislative Breakfast to be held on December 14<sup>th</sup>.

M. Blanchard announced the notice from the Charter Review Committee to ensure that revisions are consistent within the scope of the Town Charter. She encouraged people to read the Charter and mail their comments to the Committee, and noted that signatures were not necessary. Suggestions will be read into their minutes. The Charter Review Committee invited the Board of Selectmen to their meeting on Wednesday evening.

M. Blanchard announced that the Recreation Committee will be sponsoring the Tree Lighting Ceremony on November 27<sup>th</sup> at 6:00 p.m. on the Town Common.

M. Blanchard said that the Board of Selectmen will not meet again before Thanksgiving, so on behalf of the Board, she wished everyone in the community a happy and peaceful Thanksgiving.

P. Gimas called for a moment of silence for the people who had lost their lives in the terrorist attacks in Paris.

### **Fiscal Policies**

Barbara Barry, Finance Director, appeared before the Board. L. Gaumond said that at the last meeting, the Board had reviewed the Town's Fiscal Policies, which have been amended per the request of the Board. Regarding the electrical device policy, L. Gaumond added a section about work products as had been recommended. He had spoken with the IT person regarding flash drives, and found out that they are allowed. He said that all of the work stations are protected by a firewall and anti-virus program, and all of the data is backed up to the server.

**MOTION: To approve the Fiscal Policies as amended, by P. Gimas.**

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

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

### **Computer Usage Policy**

**MOTION: To approve the Computer Usage Policy as written, by P. Gimas.**

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

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

M. Dowling arrived at 6:30 p.m.

### **Minutes**

**MOTION: To approve the minutes of October 19, 2015 as amended, by P. Gimas.**

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

**Vote: All in favor.**

**MOTION: To approve the minutes of November 2, 2015 as amended, by P. Gimas.**

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

**Vote: All in favor.**

**Candidate Interview and Joint Appointment of ZBA Member**

Members of the Zoning Board of Appeals appeared before the Board: Marge Cooney, Chairman; Elizabeth Banks, Thomas Earls, Michael Young and Maryann Thorpe.

M. Blanchard said that the vacancy had been advertised and the deadline was at 12:00 noon on November 16, 2015. Fidelis Onwubueke was interviewed by the two Boards. M. Cooney thanked him for applying for the seat on the ZBA, and said that the members have a good cordial working relationship. She welcomed him to the ZBA, and noted that they give intensive scrutiny to proposals that come before them.

M. Blanchard asked F. Onwubueke if he plans to stay on the ZBA after the April election. F. Onwubueke said that he will use this time as a learning experience, but is undecided as to whether he will run for election in April.

**MOTION: To nominate Fidelis Onwubueke to serve on the Zoning Board of Appeals, by E. Banks.**

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

**Vote: All BOS members in favor; all ZBA members in favor.**

**Department Head Reports**

Police Chief Thomas Ford reviewed his report with the Board. M. Blanchard said that there was a nice letter of commendation from a citizen. Chief Ford said that he is proud of the great things being said about the Police Department.

M. Blanchard asked about the status of the recent alcohol violations, as to whether the two establishments have completed their disciplinary actions. Chief Ford said that Bentley Pub has completed its action; while Sturbridge Seafood is scheduled to complete theirs on November 17<sup>th</sup>.

P. Gimas said that she had received a phone call from someone whose house was broken into, who was impressed by the kindness and thoroughness displayed by Officer Page. Chief Ford said that he would pass the compliment on to Officer Page.

C. Moran said that the job description for the Animal Control Officer does not really present the dangers of the job. He did not see anything about the requirement for carrying a firearm. Chief Ford said that the Animal Control Officer could notify the Police Department in the event of a problem. C. Moran said that the ACO is being sent

into harm's way, where an animal could turn on him. Chief Ford said that a police officer could be sent with him. He said that he would be open to discussing the issue with the Personnel Committee to change the job description.

Nelson Burlingame, Building Inspector, reviewed his report with the Board. He said that the Center of Hope bought the building at 23 Main Street and will be coming to Sturbridge. A pre-construction meeting was held.

N. Burlingame said that the trailers were moved out from 29 Bennetts Road.

N. Burlingame said that the Super 8 Motel has been doing work without a building permit, and there are some issues with the motel (R1) and apartments (R2); they will be changing the alarm system.

N. Burlingame informed the Board that he has issued 21D tickets to Sam's convenience store at 392 Main Street regarding their lit signs.

N. Burlingame said that he has been conducting 110 inspections on establishments.

**Public Hearing: Baba Sushi Sturbridge – Alteration of Premises on Liquor License**

Attorney Mark Borenstein appeared before the Board. M. Dowling read the legal ad into the record. M. Borenstein submitted new floor plans for alteration of premises, to include an outdoor patio where alcohol will be served, and they will move the stairs and add a vestibule. He noted that the number of seats will remain the same (107).

M. Suprenant pointed out that the patio area should be enclosed, fenced in and gated. The applicant assured the Board that it would be.

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

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

**Vote: All in favor.**

**MOTION: To approve the alteration of premises for Baba Sushi at 453 Main Street, by M. Suprenant.**

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

**Vote: All in favor.**

**Updates to the Personnel Classification Plan**

L. Gaumont has been working with the Personnel Committee to piece together the personnel processes and their recent actions. From the information left by the previous Town Administrators and from current and past members of the Personnel Committee (including the family of Don Fairbrother), L. Gaumont has determined that there has been some breakdown in the process. He said that the actions taken by the Personnel Committee have not always made it back to the Selectmen's office for editing and were not brought before the Selectmen for final approval, as is required by the Personnel Policies. He noted that this can be easily fixed, and he is piecing together these revised positions to bring to the Selectmen over the next several months rather than all at once. He presented five previously approved job descriptions to the Selectmen for approval: Police Chief (Grade 20); Police Lieutenant (Grade 15); Animal Control Officer/Inspector (Grade 3); Emergency Management Coordinator (Grade 6); and Town Administrator (Grade 24).

C. Moran suggested holding the Animal Control Officer/Inspector as the position is not adequately described.

**MOTION: That job descriptions #1 Police Chief, #2 Police Lieutenant, #4 Emergency Management Coordinator and #5 Town Administrator be approved as written, by P. Gimás.**

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

**Vote: All in favor.**

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

- **MDI Grant**

L. Gaumont asked the Board to authorize the Chairman to sign a grant application to apply for a MDI Grant for assistance in performing a parking analysis for the main Sturbridge corridors and feasibility study for seasonal trolley service.

**MOTION: So moved, by P. Gimás.**

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

**Vote: All in favor.**

- **Technical Assistance Grant for the ZBA**

L. Gaumont asked the Board to authorize the Chairman to sign the Award Letter Supplement for a 40b Technical Assistance Grant to assist the Town with an upcoming affordable housing project.

**MOTION: So moved, by P. Gimas.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: All in favor.**

**Public Hearing: Christian Kruger – Logging Permit for Farquhar Road**

M. Blanchard recused herself from the Board at 7:15 p.m., as she is an abutter to the proposed project.

M. Dowling read the legal ad into the record. Ross Hubacz of Hull Forest Products appeared before the Board. He said that the proposed logging will take place on 19 acres of land owned by Thomas More on Farquhar Road, as part of a ten-year management plan. He said that a portion of the property was damaged by the tornado in 2011. He noted that it will be a shelter wood harvest.

L. Gaumond said that it has been reviewed by the Conservation Commission and they recommend approval of the permit. Greg Morse also issued his comments about the permit, which L. Gaumond read into the record. One of the Selectmen had asked him to confirm whether or not the logging exercise will have an adverse effect on the property owners in the general area who have experienced significant drainage issues in the recent past. Greg Morse had indicated that the flow should remain about the same, although it might travel a little faster. He supports the application as written with recommendations that a licensed timber harvester be named, and a road bond submitted.

M. Dowling said that the landing was moved to 201 Main Street at the Conservation Commission's recommendation.

P. Gimas asked how much would be cut. R. Hubacz said that they would not be creating an impervious surface, and there would be no change in flow rates. He said that there will be regeneration of the trees.

C. Moran noted that the location of the landing has changed, and now it will be behind a home. He asked about the egress. R. Hubacz said that the egress will be off of 201 Main Street, not coming off of Farquhar Road, and there will be three or four trucks per day for about two weeks.

M. Suprenant asked about regeneration. R. Hubacz said that the regeneration will be hard maple and birch, and the regeneration is already in place.

C. Moran asked if there is going to be a curb cut. R. Hubacz said that a driveway is already there, and they will have someone in the road to stop traffic while they back in.

M. Dowling suggested having a condition that the Police Chief review the application. M. Suprenant requested verification that this is acceptable to MassDOT. L. Gaumont said that the driveway would be in a better position to handle truck traffic because it is paved. M. Suprenant noted that they will be backing trucks off of a state highway, and MassDOT might be interested in it. He said that MassDOT might require a traffic control plan. R. Hubacz said that the Department of Conservation and Recreation has accepted the plan. He said that they will not begin until the ground is stable.

M. Suprenant said that this highway is under the jurisdiction of MassDOT, so they may need a traffic control plan and a permit from the state. L. Gaumont said that the applicant knows that if they interrupt traffic there could be ramifications.

Buck Smith asked about approval regarding the wetlands at the site. He did not see a mitigation plan for the wetlands. He asked if the trees would be left as stumps. R. Hubacz said that the tops of the trees will be removed, and said that it will be a regeneration harvesting, not thinning. B. Smith asked how much erosion would take place. P. Gimás noted that 37, 39 and 41 Farquhar Road had a severe problem with water and erosion, and the Town had paid to rectify the problem. She said that the DPW Director does not think that this project will make much difference regarding the flow of water.

Jason Knott, 32 Farquhar Road, said that every spring there are a lot of spotted salamanders at the site.

Dan Gonya, 36 Farquhar Road, asked about the percentage of trees that will be removed. R. Hubacz said that an average of 50% will be cut, and most of the wood will be harvested from the upland portion of the property. D. Gonya said that this area has already been hit hard by the tornado, and felt that taking down 50% of the trees will impact his property value and aesthetic quality of life.

M. Dowling said that the Board is limited as to what local officials can do, and is not empowered to say "40% instead of 50%." She noted that the plan has been approved by the state. The Selectmen can only impose certain conditions and do what they can to honor the residents' quality of life.

C. Moran asked whether there would be a buffer zone between Farquhar Road and the harvesting to maintain the aesthetics. R. Hubacz said that there is a stream that runs parallel to the road, and most of the harvesting will be done from Main Street.

David Bourbeau, 39 Farquhar Road, said that his property is at the intersection of Blueberry Lane and Farquhar Road, and water builds up there during weather events. He said that the Town had done some work to fix the problem, and there is still some surface water, but not in the amount that had existed before. He asked what assurances he would have that doing this cutting would not cause significant change in water flow during weather events. He asked what recourse he would have if this becomes an issue. He said that if too much material is removed, there could be a flash flood issue during storms.

P. Gimas asked whether there was anything that could be added to the conditions. She said that she is very aware of the problem and understands the abutters' apprehension. She recognized it as a legitimate concern. M. Dowling suggested increasing the bond. L. Gaumond said that the bond is for the road, and noted that there have always been drainage issues there. He noted that Greg Morse did not see that there would be a larger problem because of the proposed logging. He said that the Board could set reasonable conditions to the existing permit issued by the Commonwealth of Massachusetts.

M. Dowling said that the work would not be started before December 7<sup>th</sup> and suggested that Greg Morse be present at the next meeting to provide his input on the matter.

Charles Blanchard, 26 Farquhar Road, said that he has lived there for over 35 years, and there has never been any forestry work done there. He said that the forest is in very poor condition, with dead trees falling over. He is very encouraged that the landowner is doing this forest management plan, with the intent of having a healthier forest. He indicated that he supports this plan.

P. Gimas called for a motion to close the public hearing.

**MOTION: So moved, by C. Moran.**  
**2<sup>nd</sup>: M. Dowling**

L. Gaumond suggested that the hearing be continued to December 14<sup>th</sup> at 7:30 p.m. if it doesn't pose a problem to the applicant, as Greg Morse, DPW Director, will be present at that meeting to address a number of agenda items.

M. Suprenant asked whether the Town road would be covered by the bond if it is damaged by stormwater resulting from the logging operation. L. Gaumond believed the answer to be yes, but will check to confirm it.

P. Gimas said that there was a motion on the floor to close the public hearing.

**Vote: Four in favor; M. Blanchard abstained.**

**MOTION: To continue the public hearing to December 14, 2015 at 7:30 p.m., by M. Dowling.**

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

**Vote: Four in favor; M. Blanchard abstained.**

M. Blanchard returned to the Board at 8:05 p.m.

### **Town Common Study Committee: Update**

Speaking on behalf of the Board, M. Blanchard thanked the members of the committee: Jean Bubon, Leon Gaumond and Tony Celuzza appeared before the Board.

L. Gaumond reviewed the report with the Board.

Prior to L. Gaumond's arrival as the Town Administrator, the Board of Selectmen had formed the Town Common Study Committee to review use usage of the Town Common and to recommend policy changes as needed.

By vote of the Board of Selectmen, the committee consists of the following members:

- Jean Bubon, Town Planner
- Greg Morse, DPW Director
- Tom Chamberland, Tree Warden
- Lynne Girouard, Recreation Director
- David Zinther, Fire Chief
- Resident Anthony Celuzza
- Resident Vernon Jackson, and
- L. Gaumond as the Town Administrator

As the Town Administrator, L. Gaumond thanked all of the members of the Committee for their work on this committee.

The Committee held the following meetings and the minutes of these meetings were submitted to the Board (Appendix A):

- June 10, 2013 at 1:30 p.m.

- July 2, 2015 at 2:00 p.m.
- August 20, 2015 at 2:00 p.m.
- A public forum on September 21, 2015 at 5:00 p.m.
- October 14, 2015 at 9:30 a.m.

A 'map' of the area was included as Appendix B.

After extensive discussion and reviewing comments from the general public, the Town Common Study Committee was proud to offer the following recommendation to the Board of Selectmen:

- To close Morse Street from Rte. 131 to Chamberlain Street beginning December 1, 2015 and revisiting the issue on July 1, 2016.
- To make Morse Street one-way going up the hill from the Town Common during this same period of time.
- To revisit the Chamberland suggestions of curbing the corners of the Common on or about July 1, 2016.
- To recommend that Greg Morse explore moving the skating rink closer to the Library side of the Common.
- To request between \$5,000-\$6,000 of Town funds to be appropriated at the next Town Meeting to assist the Town in developing a strategic replanting schedule.<sup>1</sup>
- To request that the Recreation Committee be empowered to require parking areas be posted during larger events
- To revisit making Chamberlain Street a permanent one-way on or about July 1, 2016.

Furthermore, the Committee made the following recommendations to the current Town Property Policy.

- Eliminate the 6<sup>th</sup> paragraph and substitute as follows: *Individuals and organizations using the Town Common and/or Bandstand shall be responsible for any damage incurred by or as a result of their use. As well, individuals and organizations are responsible for ensuring that all refuse generated by their use is collected and disposed of properly. If the Town's Department of Public Works is needed to restore any portion of the area to its condition prior to usage, the individual or organization responsible will be billed for these services. Failure to empty these receptacles may result in a charge for removal. Failure to comply with this section will result in withholding of future permits to use the Town Common.*
- Amend the 2<sup>nd</sup> paragraph to be less confusing as to the timing of approval of applications
- Require a checkbox on the applications concerning generator usage
- Other minor changes to the policy and application as found in Appendix C

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<sup>1</sup> This is a majority viewpoint and was not unanimous

There was also a minority opinion that the policy should include language reminding users of the property to be mindful of neighbors with respect to loud music and respecting driveways. This language did not make it to the final recommendation.

The Committee feels these would be positive improvements to the users of the Common, the neighbors in the area, as well as our Town Departments such as public safety, DPW and Recreation who oversee events in the Common.

Since the recommendation calls for a number of items to be reviewed by July 1, 2016, L. Gaumond respectfully asked that the Committee not be dissolved, but to allow them to conduct this review and to make a subsequent report next summer.

C. Moran asked whether the proposed closing of Morse Street had been reviewed by the DPW Director regarding traffic and snow removal. He did not see the benefit of closing the street for that length of time. L. Gaumond said that it would give an adequate timeframe for analysis to see how traffic would be impacted. He reiterated that the recommendations will be reviewed through July 1, 2016. C. Moran suggested that a public hearing be held. L. Gaumond said that if the Board is agreeable, he would advertise this to the residents and send it to the School Superintendent as well for input. M. Dowling asked what it would do to protect the Town Common. L. Gaumond said that one of the biggest issues is parking, as there isn't enough municipal parking to accommodate the number of people at events on the Common. He said that closing Morse Street would create some designated handicapped parking spaces.

M. Suprenant said that making a street one way or to close a street to public access would require advertisement in the newspaper and a public hearing by the Board of Selectmen. L. Gaumond said that he would be happy to schedule a public hearing. M. Dowling said that she would support a public hearing.

M. Dowling said that having handicapped parking would be a huge improvement on the situation. C. Moran asked where the spaces would be located. L. Gaumond said that there would be two to four handicapped spaces at the edge of Route 131 and Morse Street along the side of the road. It would be barricaded to create a dead end, with proper signage. Tony Celuzza, 9 Charlton Road, said that residents were invited to come to a hearing, and noted that it would be a temporary closing. M. Dowling said that other residents may have input regarding closing the roads.

C. Moran asked about the status of Port-o-Potties. Lynne Girouard, Recreation Director, said that the Port-o-Potties are not present at the Common for a long span, and suggested that they be placed behind shrubbery or fencing in the future.

M. Blanchard suggested that the Board hold action pending more information. She thanked the Committee members for their hard work.

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

- **Appointments to the Senior Municipal Service Program**

L. Gaumond requested the Board's acceptance of three individuals who have applied to the Senior Municipal Service Program: Dolores Pelton to work at the Recreation Department, Cecile Parker and Madeleine Robideau to work at the Senior Center.

**MOTION: So moved, by P. Gimas.**

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

**Vote: All in favor.**

- **Request for Sewer Abatement for 7 Auger Street**

L. Gaumond requested the Board's consideration of a sewer abatement for 7 Auger Street owned by Gary and Kathryn Tremblay of \$390.15. He explained that this abatement request follows circumstances which, in previous occasions, had been granted by the Selectmen. He and Greg Morse, DPW Director and Barbara Barry, Finance Director, recommend approval of an abatement in the amount of \$291.95.

**MOTION: That the Board grant a sewer abate \$291.95 for 7 Auger Street, owned by Gary and Kathryn Tremblay, by P. Gimas.**

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

**Vote: All in favor.**

- **Appointment to the Trails Committee**

**MOTION: To appoint David Peterkin to the Trails Committee, by P. Gimas.**

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

**Vote: All in favor.**

### **Correspondence**

M. Dowling read the correspondence list into the record.

### **Old Business**

P. Gimas asked about the status of the Board of Selectmen's retreat on January 9, 2016. L. Gaumond said that the Selectmen have decided on that date, but a location has not yet been chosen.

M. Suprenant said that he had attended the CMRPC Quarterly Meeting, and expressed interest in serving on the Advisory Committee to the CMMPO. He would be advising them regarding the transportation improvement plan and how money is spent.

M. Dowling said that she had the honor of attending the dedication of the meeting rooms at Town Hall: the Minuteman Room (Conference Room #1) and the Platoon Sergeant Joseph "Rudy" Julien Room (Conference Room #2). Veterans Services Director Tim Hickey, Representative Todd Smola and Senator Anne Gobi were in attendance. She thanked the Publick House for providing refreshments for the event and Village Photo for the great job they did on the framing of the documents explaining the dedication.

### **New Business**

M. Dowling announced that it is almost the Christmas season, and there is a Toys for Tots box located at Town Hall for those wishing to make a donation.

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

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date