

*Kevin Geraghty, Chairman*  
*Michael Chizy, Vice Chairman*  
*Ryan Fattman, Clerk*  
*John L. Hebert*  
*Michael Frustaci*



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*James A. Smith, Town Administrator*  
*Debbie Jacques, Administrative Assistant*

## TOWN OF SUTTON BOARD OF SELECTMAN

### Meeting Minutes

**Minutes Accepted and Filed with the Town Clerk on \_\_\_: by a vote of \_\_\_\_**

**7:00 p.m. – November 6, 2007**  
Sutton Town Hall, Selectmen's Meeting Room

**Members in Attendance:**

Kevin Geraghty, Chairman  
Michael Chizy, Vice Chairman  
Ryan Fattman, Clerk  
John Hebert  
Michael Frustaci

**Also in Attendance:**

James Smith, Town Administrator  
Debbie Jacques, Administrative Assistant

Chairman Geraghty calls the meeting to order at 7:00 followed by the Pledge of Allegiance.

Public Forum: no discussions or comments

Selectman Frustaci motions to approve as presented, minutes from the October 16, 2007 Board of Selectmen meeting, Selectman Chizy seconds the motion, All in Favor Passes 5-0 with no discussion  
Selectman Frustaci motions to approve as presented but not release Executive Session minutes from October 15<sup>th</sup>, 2007. Selectman Chizy seconds the motion, All in Favor Passes 5-0 with no discussion

FY 2007 Annual Town Report: Selectman Geraghty asks the BOS to forward any information they would like included in the report which covers July 1<sup>st</sup> 2006 thru June 30<sup>th</sup>, 2007. Selectman Geraghty and Selectman Chizy will write what is to be submitted and present to the board for their approval.

Presentation of plowing of private roads: Mark Brigham, Highway Superintendent is present. TA Jim Smith begins with a power point presentation which discusses 4 different options for addressing winter conditions on private roads.

- Option 1- continue to not plow any private roads
- Option 2- plow all private roads/common driveways (approx. 70 roads)
- Option 3- establish minimum guidelines and standards to determine which private roads to plow
- Option 4- follow option 3 and charge a fee for the service.

The town stopped plowing private roads in 2005 due to fiscal issues. On May 22, 2007, the town voted to accept the provisions of M.G.L. Section 6c Ch. 40 which states the town may appropriate money for the removal of snow and ice from private ways within its limits and that are open for public use as may be designated by the selectmen. The acceptance of this M.G.L. does not require the town to plow; it simply allows the town the option to plow. Funds do not have to be appropriated specifically for private roads; funds for plowing roads in general must be appropriated. If the Selectmen choose to begin plowing private roads, they must adopt a criterion that determines which roads to plow and at what part of the road

will make a safe and adequate turnaround. Selectman Chizy is not an advocate for plowing private roads, he would be inclined to go with option 4. Selectman Hebert has mixed emotions, the safety of the individuals plowing must be considered. John feels the bridge at Tucker Lane could be a liability issue. John feels there must be a list of criteria and it must make common sense. Selectmen Frustaci asks Mark if the state reimburses for private roads, Mark replies no, only public accepted road miles. He also asks if it would increase the towns' insurance cost, TA Smith does not think it would affect the cost of insurance. Selectman Frustaci asks who owns a road where there are 3 houses on it, Mark replies it is owned collectively but there could be legal easements to pass. Frustaci questions Mark as to what initiates a call to begin plowing, Mark responds to a call from the police department or during the workday, it is monitored by the highway dept. Frustaci also questions how it would be if the town paid a rebate to individuals on private roads to hire their own plow company. Although TA Smith feels that is a creative idea, he would have to think about that. Selectman Fattman feels options 3 & 4 are the most reasonable. Ryan does have concerns with pitting neighbor against neighbor if they are not all in agreement to pay. TA Smith responds that all residents on the road would have to agree to be part of the pay as you are plowed program. Selectman Geraghty thanks Jim and Mark for a job well done and well thought out. In order to collect a fee for these services, a Bylaw would have to be adopted. At this time Kevin agrees with Mike Chizy, Kevin asks if a road is private, do the residents want the town to plow as it then becomes open to the public. Kevin feels that if there is a bridge on the road, it is up to the homeowners on that private road to prove it is safe for plow trucks to travel over. Another question is what if the residents on a private way do not want plowing, what about sanding and salting. Mark Brigham will have a better understanding of what it would cost to have a private bridge inspected by the next meeting but it would also have to be agreed on as far as to whose responsibility would this be to pay the fee. TA Smith feels that by applying criteria to the 70 plus private roads, we can pare down to approximately 12-14 that would meet the criteria. Mark Brigham is concerned with the snow season approaching as he will have a difficult time obtaining additional equipment to handle additional roads. Mark states time is of the essence. If there are private roads that are to be plowed, Mark would like to let a hired driver handle and bill the town separately so Mark can see exactly what the cost is to plow these roads. This will be on the next BOS meeting scheduled for November 27<sup>th</sup>, 2007.

Board of Selectmen's regular meeting schedule for 2008: after reviewing dates for next year's meetings, the board accepts as presented but they do reserve the right to add or delete as needed.

#### Town Administrator Update:

Verizon Cable: meeting held on 10/23/07 with Verizon representative, they are interested in supplying cable to Sutton. This process is regulated by MA Department of Telecommunications and Cable (DTC). Prior to offering cable in Sutton, Verizon must reach an agreement with Sutton as far as a cable franchise. TA Smith asks BOS if he can proceed in discussions with Verizon. He will need to retain legal counsel to assist with contract negotiations; Kopelman & Paige does have someone that has done this in other communities. These negotiations can take up to a year to complete.

Fire Chief Selection: currently finalizing process for hiring of the position of Fire Chief. The position will be advertised, interviews in December and fill the position by January of 2008.

#### Announcements:

Selectman Chizy reads the schedule for the upcoming Flu Clinics

Selectman Fattman gives a public thank you for his recent Pumpkin Fest. He thanks all that volunteered as well as those that donated.

Selectman Geraghty informs residents of a musical group called "The Valves" playing on 11/16 at Gill Reigns.

#### Round Table:

Selectman Chizy has concerns with the beaver dam on Putnam Hill Road. The water is very high.

Selectman Frustaci is questioning the need for a police detail at the high school in the morning (7:15) due to the heavy traffic. (TA will speak to Chief Towle about this)

Selectman Fattman would like the town represented for the upcoming Blackstone Valley C of C breakfast with Gov.

Patrick. Ryan is interested in attending as well as Mike Frustaci and Jim Smith. The cost is \$40.00 per person. Ryan also touched on the letter received from Paul Frost. He would like to continue this discussion at the next meeting and asks the others to read the letter.

**Selectman Frustaci moves that the Board enter into executive session for the purpose of discussing pending litigation with the intention of returning back to open session for the purpose of adjournment. Selectman Fattman seconds the motion. All in Favor, Motion passes 5-0**

**Meeting adjourned 8:46 p.m.**

