

July 6, 2010

**BOARD OF SELECTMEN
MINUTES
JULY 6, 2010**

Present: Ted Goodwin, Chairman
Thomas Creamer
Mary Blanchard
Scott Garieri
Shaun Suhoski, Town Administrator

Mary Dowling was absent.

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

T. Creamer announced that he was recording the meeting.

Discussion regarding upcoming work session with the Planning Board

T. Goodwin said that there will be a work session with the Planning Board on July 12th regarding the Commercial Tourist District Revitalization Study Implementation Plan. Jean Bubon, Town Planner, had submitted copies to the Board. T. Goodwin suggested contacting Senator Brewer and Representative Smola to let them know that the Board will be discussing this.

S. Garieri said that the Board should get input from local merchants regarding signage and zoning as to what would work for them and what the Board could do to help.

S. Garieri asked about burying utility wires underground. S. Suhoski said that page 3, 3B mentions that possibility. S. Garieri said that it should be done before the sidewalks are completed. T. Creamer said that anything the Board decides upon regarding state property would be contingent upon Mass. DOT approval and the state signing off on it. He suggested contacting Senator Brewer and Rep. Smola and request that they try to convince the state to release some funds for the project.

Memo from the Finance Committee

S. Suhoski had submitted to the Board the Memorandum of Findings from the FY 2011 Budget Process from the Finance Committee. M. Blanchard suggested a joint meeting between the Board of Selectmen and the Finance Committee in August or September. It was the consensus of the Board to meet with the Finance Committee at the August 9th work session.

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T. Creamer asked about the status of the PLAC mission statement. S. Suhoski said that he had received a draft of it, and had met with Dick LaFranchise to discuss it. He said that he would distribute copies to the Board.

Changes to Committee Handbook

S. Suhoski had emailed a pdf file of the Handbook to the Board, including a new appendix. He noted that the drug free policy eliminated the Dept. of Transportation language. Other changes included sections 2.3, 2.4, 2.6 and 4.4. He noted that there are new Open Meeting Law changes.

T. Goodwin said that Mary Dowling had a lot of input on the Handbook, and suggested that the Board wait until she is present to vote on it. It was the consensus of the Board to hold action on it.

M. Blanchard noted that references to committees should include the wording "boards, committees and commissions." She also noted that the deadline for submission of information for the town report will change because of the change in the Town Meeting date.

T. Creamer suggested that S. Suhoski get input from Town Counsel about workplace harassment, and suggested putting the sexual harassment heading under that. S. Suhoski agreed to provide another draft of the Handbook to the Board.

Auctioneer License -- Federated Church

S. Suhoski noted that the request from Robert H. Glass Associates was for an annual event to be held on the Town Common.

MOTION: To approve the Auctioneer License as requested for the Federated Church for an auction on the Town Common to be held August 14, 2010 from 10 a.m. to 2 p.m., the auctioneers to be Gwen Carbone and Bob Glass Jr., by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

T. Creamer noted that another reporter had arrived, so he repeated his announcement that the meeting was being recorded. Reporters from the Telegram and Gazette, Southbridge Evening News and Town Common were present.

Town Common Sidewalk Options

S. Suhoski said that he had received an email from Linda Terry of Mass DOT outlining options for the sidewalk: (1) The Imprint System, which is a stamped

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resin material applied over an asphalt base, at a price of \$21.45/SF for a total price of \$199,623; (2) Stamped and Colored Concrete, Full Width, at a price of \$121/SY for a total price of \$110,594; (3) Stamped and Colored Concrete Accent Strip 2 ft. wide, at a price of \$143/SY for a total price of \$43,615; the additional 4 ft. of sidewalk that has already been budgeted into the contract would be \$20,097; (4) Real Brick Banding Accent Strip, 2 ft. wide, at a price of \$198/SY, for a total price of \$60,390; (5) Real Brick Sidewalk, Full Width, at a price of \$192.50/SY for a total cost of \$175,945.

L. Terry had indicated in the email that Mass DOT will not maintain options #4 or #5, and regardless of which option is chosen, for any work that alters the profile of the main walking surface, an agreement needs to be in place prior to the work, clearly stating who is going to be responsible for any ADA/AAB compliance and liability issues. Anything done differently will be considered an Extra Work Order, and the Town must be aware that the State will pick up 110% of the Total Contract Bid Price. Any costs over the 110% and any EWOs will be subject to review by the Boston Office, at which the Town would have the opportunity to comment. Based on the review, the Town could be responsible for any additional costs.

M. Blanchard commented that brick would be aesthetically pleasing, but would be slippery, at a high cost and difficult to maintain, so she would not support that option. S. Garieri commented that brick and stamped concrete are both difficult to shovel during the winter, since the surfaces are not smooth. Also, he noted that salt tends to deteriorate brick. T. Creamer said that in terms of economy, concrete makes more sense. He indicated that some believe concrete would hold up better with less cost incurred to the Town in the long run. He said that at the Publick House, the brick work lends historical character, but with brick there may be issues with frost heaves. He noted that the decision will impact the historic look of the Town Common for the next 100 years and that he wanted to take the time to research this issue fully prior to rendering a decision. S. Garieri said that the stamped concrete with accent strip would dress it up a bit, while maintaining a cost effective, ADA compliant sidewalk, but that he supported concrete.

T. Creamer did not see the need to extend the sidewalk in front of five private residences, and suggested that it stop at the Chamberlain house. He asked whether the Town Administrator had any input from the Community Preservation Committee regarding available funding to cover the historic restoration of the Town Common.

T. Goodwin said that the Board should consider the brand of the Town, and noted that real brick would be a great look for the Common and improve the brand. He said that it is also necessary to look at the cost of the overall economy, and maintenance, ADA compliance and liability issues. It was the consensus of the Board to take it up again at the next meeting.

S. Suhoski said that he would consult the CPC regarding any available funding. He said that he would also conduct a quick survey of towns to find out what their experiences have been. He discussed the matter with Greg Morse, DPW Director, who indicated that salt and brick were not good neighbors. G. Morse said that he would prefer concrete with a decorative stamped concrete edging, and that it would be the safest in terms of ADA compliance and maintenance, and would be the most cost effective. M. Blanchard noted that it was not included in the bid specs.

Pioneer Brewing – Request for Water and Sewer

S. Suhoski said that Greg Morse, DPW Director, had sent a memo to the Board regarding his review of the water and sewer reserve request for the Millyard complex at 559 Main Street. Todd Sullivan and Matt Steinberg of Pioneer Brewing appeared before the Board. They requested a maximum volume of 1800 gallons of water per day. G. Morse recommended that some of the reserves allocated to Pioneer Brewing from the previous request for the Basketville property be transferred to 559 Main Street. The original reserve dedication was 2,867 gallons.

T. Creamer suggested that the Board rescind the 2,867 gallons for the Basketville building first, before reallocating any reserve to the Millyard complex for Pioneer Brewing.

MOTION: To rescind the 2,867 gallons formerly authorized for the Basketville building for Pioneer Brewing, and reallocate it to the reserve for 559 Main Street, by T. Creamer.

2nd: M. Blanchard

Vote: All in favor.

S. Suhoski said that there has been some interest in the Basketville building. He met with the Town Planner and potential occupants for the building, which has been identified as a priority site.

MOTION: To grant 1800 gallons of reserve for Pioneer Brewing for 559 Main Street, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

T. Creamer noted that there is an outstanding TIF on the Basketville building. S. Suhoski said that the TIF has been rescinded, based upon the failure to file an EDIP report.

Proposed Casino in Charlton

M. Blanchard noted that Senator Brewer has expressed the Board's objections regarding the casino. T. Creamer said that the Board should be aware of the fact that they are trying to argue that the Charlton site is in western Massachusetts, which is quite a stretch. He said that Palmer is still considered to be one of the prime three sites for a casino.

S. Suhoski said that he just received a copy of a press release from Senator Brewer in which he recited some of the amendments that the Senate had adopted. A key one was to strengthen the input of the subcommittee that distributes mitigation funds to communities that are impacted by casinos.

Town Administrator's Update

Inter-Fund or Reserve Fund Transfer Request (Town Counsel):

S. Suhoski received word on the final costs associated with FY10 legal counsel. Based upon the projected June invoice of \$8,058.36 for Kopelman & Paige and a \$275 or \$285 filing fee on behalf of the Board of Health's appeal of the Mass DEP permit for the Southbridge landfill, it is necessary to supplement the Town Counsel account by \$1,253.51. He noted that in the two months prior to his appointment, over \$25,000 was expended on legal services. During the past two months, that amount was cut by more than half. The primary reason for the budget shortfall is related to ongoing litigation and a personnel matter.

MOTION: That the Board approve a Reserve Fund Transfer in the amount of \$1,500 to the Town Counsel line item 11512-52000, by M. Blanchard.

2nd: T. Creamer

Vote: All in favor.

MIIA Rewards Credit:

S. Suhoski reported that the Town has received a MIIA Rewards Credit in the amount of \$5,308. Also, through early payment of FY11 insurance premiums (\$11,373.25 discount) and a correction to the law enforcement liability policy (\$3,000 reduction from estimated premium) the Town's blanket insurance line item looks sufficient for FY11 barring any catastrophic events.

Sign Bylaw Enforcement:

S. Suhoski said that a proliferation of non-conforming signs has led to many complaints concerning "illegal" signage throughout the community. In response, the Building Inspector will be sending out a letter to all registered businesses in the Town advising of the method by which the Building Dept. will initiate enforcement of the existing bylaw. As part of this Educate and Enforce campaign, a Q&A session on the Town's sign requirements will be held on

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Tuesday, July 20th @ 9 a.m. in Room 55. The session will include discussion by the Building Inspector, Town Planner and Town Administrator.

S. Suhoski informed the Board that the Town Planner, through a \$25,000 grant, is currently working with a committee to update the Town's design standards. The full Planning Board intends to review the sign bylaws following completion of the updated design standards.

Town Hall/Center Office Building:

S. Suhoski said that work is rapidly coming to a conclusion on the renovation projects. Tentative plans are to initiate a move back to the structures in early to mid August. Currently, the Town is awaiting the final proposed delivery date of furnishings which will dictate which week the move is accomplished. S. Suhoski will have a firm schedule to present to the Board at the July 19th meeting.

Miscellaneous:

Since his last report, S. Suhoski has been busy with the following summarized list:

- a) Participated in the Town Hall/Center Office Building construction meeting and initiated restoration of telephone lines to the buildings;
- b) Continued discussions with the Building Inspector regarding operational reforms, revised permitting and inspector compensation schedules, and sign bylaw education and enforcement;
- c) Attended an economic development roundtable sponsored by the Chamber of Commerce;
- d) Met with the Cable Advisory Committee and worked to finalize and issue the IFB for audio visual equipment for Town Hall and Center Office Building, with a due date of July 30th at 2 p.m.);
- e) Issued the dog hearing Order on behalf of the Board and discussed upcoming magistrate's hearing with Police Chief and opposing counsel;
- f) Met with the program manager for the Town's Employee Assistance Program and obtained information for distribution relative to the free and confidential benefits of the program;
- g) Met with members of the planning committee for the Feast & Fire event on July 3rd;
- h) Met with COA Director on department matters and signed annual formula grant application;
- i) Met with DPW Director, Veolia and project managers of the WWTP upgrades relative to safety and operations during construction;
- j) Requested and participated in meeting between DPW Director, project engineer and Mass DOT relative to trench repairs on Route 131 and responsibility regarding same;

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- k) Met with principals of Pioneer Brewing relative to their exciting plans to relocate to the Mill complex on Main Street;
- l) Met with Town Planner, Building Inspector and owners of business contemplating a purchase and move to Main Street;
- m) Responded to various citizen concerns and requests for information.

S. Suhoski noted that the Board had approved of transfer of funds on the wage line items for the Finance Director, DPW Director and Town Planner; those items are going to be paid directly out of the Town Administrator wage line item. He notified the Finance Committee of that. Appropriation transfers have a limit of \$5,000. He will attend the next Finance Committee meeting to answer their questions.

T. Goodwin read the Water Ban into the record. S. Garieri noted that the ban applied to residents who are on town water.

Old Business

S. Garieri asked whether S. Suhoski had received notification from the owners of the Whistling Swan requesting that the transfer of their liquor license be retracted. Judy Knowles said that the current owner had come to Town Hall and indicated that the sale of the Whistling Swan to Table 3 Restaurant Group had fallen through, and that the transfer of liquor license will not take place.

T. Creamer thanked everyone in Sturbridge who attended the Feast & Fire event, along with a long list of participants and contributors to the event. T. Goodwin thanked T. Creamer for organizing it. He noted that the fireworks at Old Sturbridge Village were amazing.

New Business

M. Blanchard noted that there will be another Western Mass. Casino Task Force meeting. T. Creamer said that he would attend that meeting on July 14th.

MOTION: To convene in executive session under MGL Chapter 30A, §21, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation; not to reconvene in open session, by M. Blanchard.

2nd: T. Creamer

Roll call vote: T. Creamer in favor; T. Goodwin in favor; S. Garieri in favor; M. Blanchard in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date