

January 16, 2018

**Board of Selectmen
Minutes
January 16, 2018**

Present: Mary Blanchard, Chairman
Mary Dowling, Clerk
Priscilla Gimas, Vice-Chair
Michael Suprenant
Craig Moran
Leon Gaumond, Jr., Town Administrator
Colleen King, Administrative Assistant

Absent : None

The Chairman M. Blanchard called the meeting to order at 6:00 p.m.

Clerk, M. Dowling read the following:

Motion: I move to enter Executive Session pursuant to GL c. 30A, s. 21(a)(6) to discuss the HEAL Pilot Agreement; and GL c. 30A, s. 21(a) (2) for Police Chief, Thomas Ford, non-union personnel negotiations, CL c. 30A, s. 21(a)(3) to discuss litigation where Chair of Board of Selectmen declares that discussion in Open Session would have a detrimental effect on the position of the Town. by M. Dowling.

2nd: by P. Gimas.

Roll call vote: C. Moran: YES; P. Gimas: YES; M. Suprenant: YES; M. Dowling: YES; M. Blanchard: YES
All in Favor. Passed 5-0

Open Session

Selectmen reconvened in open session at 6:53 p.m.

Pledge of Allegiance

The Board members stood for the pledge.

Public Service Announcements

M. Suprenant informed the public about the Winter Storm Watch in effect with the forecast for heavy wet snow and possible power outages expected. Advised everyone to be careful in traveling.

M. Blanchard announced that 2018 nomination papers are available in the Town Clerk's Office for the April 9th election.

M. Blanchard asked that the scheduled discussion on recreational marijuana be tabled temporarily to allow for the hearing on a temporary dock to proceed.

Temporary Dock Permit Proposal, 47 Seneca Lane, Sturbridge

Glenn Krevosky, from EBT Environmental Consultants, Inc., and his client George Kondylis, recent purchaser of 47 Seneca Lane, appeared before the Board to consider the request for a temporary dock permit. The Conservation Agent has reviewed the plans for the proposed dock location and has commented she has no issues or concerns. C. Moran, who is an abutter to the property and is not voting asked some questions regarding whether the stairs were being taken down and the footage from property lines. Mr. Krevosky stated the replacement deck will be 10 feet away from property line; the retaining wall is being replaced entirely, and the dock will have less length and width than previous dock. Mr. Krevosky and his client Mr. Kondylis will be meeting with Conservation Commission this week regarding a revision to the plan which will include moving the dock to the northside of the stairs instead of the southern side.

January 16, 2018

Motion: I move to approve the dock permit for 47 Seneca Lane with understanding that the dock will be moved to the north side of the stairs. by M. Suprenant

2nd: by P. Gimas

Vote Passed 4-1; (C. Moran abstaining)

M. Dowling stated that the motion just voted on was to only accept the plans as submitted in that they meet the regulations. After the plan is revised and accepted by the Conservation Commission, the applicant will come back to the Board of Selectmen for approval once again. M. Blanchard stated it would be easiest to accept the plans as submitted for tonight and to rescind the previous motion.

Motion: I move to rescind the prior vote. by P. Gimas

2nd: by M. Suprenant

Vote Passed 4-1; C. Moran (abstaining)

Motion: I move to approve the dock permit as submitted as it meets all regulations. by P. Gimas

2nd: by M. Dowling

Vote Passed 3-2; (C. Moran and M. Suprenant abstaining)

Discussion by Town Counsel: Recreational Marijuana

Joel Bard & Nicole Costanzo, of KP Law appeared before the Board to discuss recently adopted regulations by the Cannabis Control Commission (CCC) and the option the Town may have to further regulate the sale of marijuana. L. Gaumond informed the Board that the Planning Board members were also invited to be part of this discussion as they will have a role in this process on the zoning side; Jean Bubon, Town Planner was in attendance to offer her comments.

Atty Bard stated that the Town could put forth two separate zoning bylaws to the voters at Annual Town Meeting. One bylaw could be simply passing a ban or the other bylaw could be on specific zoning if recreational retail sales were approved. M. Dowling stated that her understanding is, based upon Town Counsel's opinion, that a medical marijuana facility will have the right to transfer to recreational sales in five years and the Town will not have the right to ban it under the current regulations. Atty Bard responded that the current applicant (Heal, Inc) who has a pending contract with the Town, will have such an option but it does not open the door for future facilities, i.e., other than Heal, if the Town wished to ban it. M. Dowling and P. Gimas both stated that neither the Board of Selectmen nor the residents could have been aware that the letter of no opposition voted on previously by the Board for the medical facility allowance would open the door for future retail sales under the current law. M. Suprenant stated that the Town voted for an 18-month moratorium on recreational marijuana to create an article for the Planning Board to establish zoning for marijuana retail shops. J. Bubon, Town Planner, stated that the Town will not have a zoning bylaw ready before the Annual Town Meeting; but can be ready for a Special Town Meeting in the Fall.

Atty Bard explained that the CCC has four (4) classes of marijuana sales/distribution categories: Retail, Growing & Processing, Product Manufacturing and Independent Testing Lab(s). The Town could specify through a ballot question the classes not allowed in Town such as retail. The enforcement of marijuana is per federal law and up to local U.S. attorneys for State enforcement for instances such as bulk illegal cultivation. J. Bubon asked about restrictions for a zoning overlay district for medical be the same for recreational; Atty Bard stated that the zoning overlay could be the same. Atty Costanzo stated the restrictions need to be reasonable and not be overly restrictive.

Application: Innholder License: Holiday Inn Express & Suites, 21 New Boston Rd, Sturbridge

Jaimin & Shashin Patel, of the Holiday Inn Express appeared before the Board to request an Innholder's License. L. Gaumond explained that during the re-licensing process for annual business licenses; it was discovered that the new Holiday Inn Express & Suites did not have an innkeeper's license issued by the Selectmen. Upon notification of this oversight, the owner Jayesh Patel, completed the application and is seeking approval and issuance of this license. Holiday Inn Express has complied with all other department and received inspection permits.

Motion: To approve the Innholder's license for the Holiday Inn Express & Suites, at 21 New Boston Road, Sturbridge. by: P. Gimas

2nd: M. Suprenant

Vote: All in Favor. Passed 5-0

January 16, 2018

Application: One (1) Day Liquor License: 01/27/18 ~ Holiday Inn Express & Suites, 21 New Boston Rd, Sturbridge
Jaimin & Shashin Patel, of the Holiday Inn Express had submitted an application for a one-day liquor license for a birthday party event to be held on January 27, 2018. The request was reviewed by the Police Chief who did not have concerns.

Motion: To approve the One-Day Liquor license for the Holiday Inn Express & Suites, on 1-27-2018 as approved by the Police Chief. by: P. Gimas

2nd: M. Suprenant

Vote: All in Favor. Passed 5-0

Department Head Reports:

Police Department

L. Gaumond informed the Board that Police Chief, Thomas Ford was not able to attend tonight's meeting; but will provide a report at a future meeting.

Fire Department

John Grasso, Sturbridge Fire Chief appeared before the Board to highlight items on his report. The first item was the presentation of seven (7) On-Call Fire Fighters and Chief Grasso requested the Selectmen concur on his appointment selections.

Motion: To approve the seven (7) appointees to On-call Firefighters as approved and hired by Fire Chief Grasso by: P. Gimas

2nd: M. Dowling

Vote: All in Favor. Passed 5-0

Chief Grasso discussed the carbon monoxide detector regulation which would require a detector on every level of a residential house. He also reported on the issue of chimney fires; such fires are caused by creosote build-up from non-seasoned wood and recommends all residents get a regularly scheduled chimney cleaning. There was some discussion regarding the recent fire on 23 Brookfield Road and the status of the last year's fire on 7 Main Street.

Chief Grasso highlighted the need for revising the Fire Department's full time hiring procedures for firefighters with regard to the minimum qualifications that applicants be a Registered Paramedic. Chief Grasso's proposal is to revise the qualifications that an applicant be a registered EMT and within two (2) years of hire achieve certified Paramedic status. Chief Grasso explained that the Fire Dept. has advertised since July, 2017 and re-posted in October, 2017 for four (4) vacancies. To date, only three (3) applications were received who met the minimum qualifications. One was hired; however, the other two applicants accepted other jobs. There is a low hire rate throughout the State with Fire Departments according to Chief Grasso's conversations with other towns. He feels lowering the minimum qualifications will widen the pool of applicants who are seeking to get into the field or are currently working on certifications. C. Moran asked if the proposal included the Town funding their education; Chief Grasso responded no. M. Suprenant asked if the training was for two (2) years; Chief Grasso responded yes. M. Dowling raised concern about lowering the minimum qualifications and offered an alternative proposal of an applicant being currently enrolled in paramedic training for at least one (1) year as a demonstration of their commitment to the career versus an applicant that has not started on a path of education and training.

Motion: To support Chief Grasso's recommendation. by P. Gimas

2nd: by M. Suprenant

Vote: Passed 4-1; (M. Dowling abstaining)

Building Department

Nelson Burlingame, Sturbridge Building Inspector discussed the revised permit fee schedule citing increased activity and department processing time. Board members asked for update to 7 Main Street fire and the demolition of the house. N. Burlingame stated that there is an insurance/bank issue that is delaying the process; he is hoping for a decision on or about January 18th. L. Gaumond will contact Town Counsel regarding the issue if there is a need.

January 16, 2018

Town Administrator's Update

Vote to over-expend snow and ice removal budget.

Motion: To authorize the DPW to over-expend on snow and ice removal budgets in accordance with Mass. General Law. by M. Suprenant

2nd: by C. Moran

Vote: All in Favor. Passed: 5-0

Vote to sign Council on Aging Formula Grant Contract.

Motion: To authorize the Chair to sign the COA Formula Grant Contract. by C. Moran

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Review of Special Town Meeting Warrant Articles:

L. Gaumond reviewed the Annual Town Meeting Warrant Articles individually for the Board members to authorize.

Article 42:

L. Gaumond stated this Article will include the Recreation Committee's updates on the Recreation Field Project.

P. Gimás requested that there be a boxed explanation provided for this Article.

Motion: To authorize Article 42 to hear several Board and Town Officials and any other Committee that may be ready; or take any action. by P. Gimás

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 43:

Motion: To authorize Article 43 for transfer of \$4,000 from Free Cash to Inspector (Plumbing/Electric) Personnel Costs Account. by P. Gimás

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 44:

L. Gaumond stated this Article is for Burgess Elementary School Department.

Motion: To authorize Article 44 for the transfer of \$4,000.00 from Free Cash to Student Activity Account. by P. Gimás

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 45:

Motion: To authorize Article 45 for the transfer \$5,400.00 from the Sewer Reserve Fund to the Southbridge Fee Account. by P. Gimás

2nd: by C. Moran

Vote: All in Favor. Passed: 5-0

Article 46:

Motion: To authorize Article 46 for the transfer of \$19,600.00 from Free Cash to the purchase of new Electronic Vote Tabulators. by P. Gimás

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

January 16, 2018

Article 47:

L. Gaumond stated this Article puts money aside in case Federal funds do not come.

Motion: To authorize Article 47 for the transfer of \$27,000.00 from Free Cash to engage a consulting service to explore options for providing public drinking water in the McGilpin Road area. by P. Gimas

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 48:

Motion: To authorize Article 48 for the transfer of \$31,000.00 from Free Cash to enter into an energy efficiency program at the Public Safety Complex. by P. Gimas

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 49:

Motion: To authorize Article 49 for the transfer of \$XXX.00 (unknown) from Free Cash to make improvements to heating and air conditioning system at the Joshua Hyde Public Library. by P. Gimas

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 50:

L. Gaumond stated this Article incorporates all revolving funds. He will check if specific amounts are necessary.

Motion: To authorize Article 50 to amend the general by-laws by adding a new section to establish and authorize revolving funds for use by certain town departments, board, committees, agencies or officers under General Laws Chapter 44, § 53E1/2 by adding new section 8.60: Departmental Revolving Funds by P. Gimas

2nd: by M. Suprenant

Vote Passed: 4-1; M. Dowling (abstaining)

Article 51:

Motion: To see if the Town will vote to delete General Bylaws, Chapter 3.32 through 3.35 and replace with new language on Procedure, Hearing, Restrictions and Conditions, and Logging Violations. by P. Gimas

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 52:

Motion: To see if the Town will vote to amend Section 9.02 of the General Bylaws by inserting Logging Violation section language on Enforcing Agents and Penalty as appropriate. by P. Gimas

2nd: by C. Moran

Vote: All in Favor. Passed: 5-0

Article 53:

Motion: To see if the Town will vote to delete sections 8.40 through 8.52 inclusive and replace with new language on false alarms. by P. Gimas

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 54:

M. Suprenant asked which plan; the 2006 plan or the new as built plan filed with the Town Clerk. L. Gaumond said he would check with Town Counsel.

Motion: To see if the Town will vote to accept as a public way the roadway known as Acorn Lane. by P. Gimas

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

January 16, 2018

Article 55:

Motion: To see if the Town will vote to accept as a public way the roadway known as Old Towne Way. by P. Gimás

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 56:

To see if the Town will vote to transfer \$200.12 from Free Cash for the purpose of paying unpaid bills of prior fiscal year. by P. Gimás

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 57:

Motion: To see if the Town will vote to accept General Laws Chapter 59, Section 57A, property tax bills of \$100 or less payable in single installment. by P. Gimás

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 58:

Motion: To see if the Town will vote to transfer the Community Preservation Fund of \$4,723.08 for purpose of paying debt service for Recreation Courts. by P. Gimás

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 59:

Motion: To see if the Town will vote to transfer \$230,000.00 from Free Cash to the Stabilization Fund. by P. Gimás

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Article 60:

Motion: To see if the Town will vote to amend Section 8.00 of the General By-laws for Licenses and Permits of Delinquent Taxpayers by deleting Section (1) (2) (3) (4) (5) and inserting new language. by P. Gimás

2nd: by M. Suprenant

Vote: All in Favor. Passed: 5-0

Old Business

Lucky Mart

Mukesh & Dharmesh Patel, managers at Lucky Mart, on 122 Main St, Sturbridge appeared before the Board to request support from the Town to initiate Special Legislation to grant them an All Alcohol Retail License for their convenience store. Currently the Town of Sturbridge is above their quota number for retail alcohol licenses. L. Gaumond reminded the Board that Ocean State Job Lots was granted a Wine & Malt Retail License with Special Legislation. If the Board approves, the matter would be brought to Special Town Meeting for a vote. Petitioning the State would follow.

Motion: To support placing the request by Lucky Mart for an All Alcohol Retail Store License on Annual Town Meeting Warrant. by P. Gimás

2nd: by M. Suprenant

Vote Passed 4-0; M. Dowling (abstaining)

Accept the January 2, 2018 resignation of Melissa Beauchemin, Senior Center Director

M. Dowling asked L. Gaumond if the Town normally covers health insurance in the event of a resignation. L. Gaumond stated the Town does not. M. Dowling pointed out that unemployment is not normally covered in a resignation but in this

January 16, 2018

case there were extenuating circumstances in that the spouse had a diagnosis of cancer. L. Gaumond stated the Board can vote on a policy.

Motion: To cover its health insurance portion for an employee for three (3) months or until new employment is attained within the three (3) months. by M. Dowling

2nd: by P. Gimas

Motion Failed; Vote 3-2; (M. Blanchard, M. Suprenant, C. Moran opposed)

The Board then took up the motion to officially accept the resignation of Melissa Beauchemin as Senior Center Director.

Motion: To accept the January 2, 2018 resignation of Melissa Beauchemin as the Senior Center Director.

by M. Suprenant

2nd: by C. Moran

Vote Passed 4-1; (P. Gimas opposed)

Communication from Community Preservation Committee (CPC) on CPA Project ideas for affordable housing

L. Gaumond requested the communication be discussed at the Board's next meeting on February 5th.

New Business

None

Correspondence

None

Citizen's Forum

There were no comments from the public.

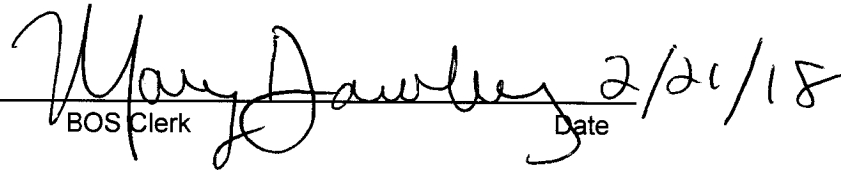
Motion: To adjourn the meeting. by: P. Gimas

2nd: By: M. Blanchard

Vote: All in Favor. Passed 5-0

The Meeting was adjourned at 9:50 p.m.

Respectfully submitted: Colleen J. King, Administrative Assistant



BOS Clerk Date 2/20/18