

February 4, 2002

**BOARD OF SELECTMEN
MINUTES
FEBRUARY 4, 2002**

Present: Arnold Wilson, Chairman
 George Dib (arrived at 6:35 p.m.)
 Hal White
 Charles Blanchard
 Doris Sosik
 James Malloy, Town Administrator

The Chairman called the meeting to order at 6:30 p.m. following the Pledge of Allegiance. The Chairman congratulated the New England Patriots on winning the Super Bowl.

Approval of Minutes

MOTION: To approve the minutes of January 22, 2002 as amended, by C. Blanchard.

2nd: D. Sosik

Vote: Three in favor; A. Wilson abstained

MOTION: To approve the executive session minutes of January 22, 2002 as submitted, to remain confidential, by C. Blanchard.

2nd: D. Sosik

Vote: Three in favor; A. Wilson abstained.

Bergeron Tree Farm, Inc. – Logging Permit

Henry Szemreyllo of Bergeron Tree Farm, Inc. appeared before the Board. The application was to selectively cut trees on 11 acres of land owned by Bob Poirier on Champeaux Road. The Conservation Commission reviewed and approved the foresting plan, as indicated in their letter dated January 23, 2002 (copy on file). Greg Morse, DPW Director, submitted his recommendations regarding the project to the Board (copy on file).

MOTION: To approve the logging permit for Champeaux Road based on the conditions expressed in G. Morse's letter dated January 22, 2002, by C. Blanchard.

2nd: G. Dib

Vote: All in favor.

Native American Hardwood Corp. – Logging Permit

George King of Native American Hardwood Corp. appeared before the Board. The application was to selectively cut trees on 28.55 acres on Streeter Road owned by Kevin Palmer. The Conservation Commission reviewed and approved the foresting plan, as indicated in their letter dated January 24, 2002 (copy on file). Greg Morse, DPW Director, submitted his recommendations regarding the project to the Board (copy on file).

MOTION: To approve the logging permit for the Streeter Road property subject to conditions indicated in G. Morse's letter dated January 24, 2002, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

FY03 Wage Rates

J. Malloy submitted to the Board worksheets identifying recommended wages for department heads and grade 8 employees (copy on file). Mr. Malloy will re-write the job descriptions and update them from the 1997 descriptions as well as re-grading all town staff. He asked the Board to consider the data and the large difference in the Town Accountant's wages and the other grade 8 employees. As part of the wage structure for FY03 he recommends that the Town Accountant's wage be adjusted by \$2,000 in addition to the merit based pay, and that the Town Accountant's wages be removed from the Grade 8 category for this year, which will then be re-graded in 2002.

Town of Framingham Request

J. Malloy submitted to the Board a letter dated January 30, 2002 from George King, Town Manager of Framingham regarding the Framingham Board of Selectmen's request for support to freeze the rollback of the state income tax rate (copy on file). The Mass. Municipal Association took this same position last year while the legislature was working on the budget as a means to temporarily maintain revenues during this recession period, which has become a fiscal crisis for the state.

It was the consensus of the Board that the legislature needs to deal with this issue, not the Board of Selectmen, so they decided not to support the request. It was also noted that the citizens of this state worked hard to get the rollback.

Resignation/Appointment

Becky Hulyk is resigning from her position as the Clerk to the Police Chief and Fire Chief effective 2/28/02. The Chiefs have interviewed several candidates for the position and have selected Darlene Curboy.

MOTION: To confirm the Town Administrator's appointment of Darlene Curboy as Clerk to the Police Chief and Fire Chief at the rate of \$12.75/hour effective February 5, 2002, by D. Sosik.

2nd: H. White

Vote: All in favor.

Council on Aging Appointment

MOTION: To confirm the Town Administrator's appointment of Father Norman Meiklejohn to the Council on Aging, by D. Sosik.

2nd: H. White

Vote: All in favor.

Snow & Ice Removal

MOTION: To authorize deficit spending the amount of \$7,500 for Snow and Ice Purchase of Services Account #14232-52000 and \$10,000 for Snow and Ice Supplies Account #14232-54000, by G. Dib.

2nd: H. White

Vote: All in favor.

Zoning Articles

J. Malloy submitted to the Board the zoning articles that went before the Planning Board on January 29, 2002 including:

Rate of Development Bylaw – This bylaw would restrict the issuance of building permits to four per month or 48 per year for residential buildings on a priority basis, not first come, first served. The public hearing for this bylaw was advertised on February 1st and with all zoning bylaws, the effective date is the date of publication for the public hearing unless the Town Meeting or Attorney General turns it down.

A. Wilson noted that there was an error in the legal notice. Michael Beaudry, a member of the Planning Board, said that applications that have already been submitted are grandfathered, and that this bylaw will affect future developments.

C. Blanchard expressed concern about the legal restriction that this has placed on the normal construction activity that residents and taxpayers are expected to undertake over the next three months while the bylaw is being reviewed. He said that the proposed bylaw is very complex and in some ways confusing; paragraph 26.03A seems to exempt all construction of dwelling units from the bylaw, and the point system and the administration of the youth lot process will need clarification.

H. White asked whether the Planning Board has voted on 26.01. Mike Beaudry said that the Planning Board has not voted on it yet. J. Malloy said that the public hearing has been scheduled for February 26th.

Sewer Extension Applications for The Preserve, The Sanctuary and The Highlands

Bob Moss appeared before the Board, along with James Bernardino and James Tetreault of Thompson-Liston Associates, Inc. G. Morse had submitted his comments on the sewer extension permits for the subdivisions on Arnold Road and New Boston Road (copy on file). Bob Moss said that the final plans will indicate sewer manholes and connections, which will satisfy G. Morse's concern, and he offered a total of \$50,000 toward some specific improvements to be made to the pump station.

James Tetreault provided a comparison on how the site would be developed with the sanitary sewer and otherwise. The Preserve consists of 319 acres bounded by the Mass. Pike. The proposed 71 lots will utilize 50 acres; the remaining acreage will be preserved as open space.

D. Sosik said that she was not comfortable in approving the proposal considering that G. Morse wants to wait for a more refined proposal, and that the Board should consider the water issue as well as sewer before voting.

MOTION: That the Board of Selectmen grant a sewer tie-in to The Preserve with the conditions that the sewer privilege fee be paid as per the Town Administrator's calculation; that G. Morse approves the tie-in to existing manholes; that G.

Morse approves sewer details and elements of construction and approves pumps station details; that the Town will accept a minimum contribution of \$25,000 as approved by G. Morse for reasonable improvements required at the Rt. 20 pump station, by C. Blanchard.

2nd: G. Dib

Vote: Four in favor; D. Sosik opposed.

The Highlands and The Sanctuary consist of a total of 130 acres, and both discharge into the existing sanitary infrastructure on Arnold Road. They propose to build on 70 acres, with 60 acres to be donated to open space.

MOTION: That the Board approve the sewer extension permits for The Highlands and The Sanctuary subject to the final approval of Greg Morse; that the pipe be lined by a contractor acceptable to G. Morse and that the work be acceptable to G. Morse, the cost to be paid up front by Bob Moss; that 50% up to \$50,000 be credited against the sewer privilege fee assessed at each lot as permits are developed; that the pump station detail requirements be complied with, and a minimum contribution of \$25,000 for the Rt. 20 pump station, by C. Blanchard.

2nd: G. Dib

Vote: All in favor.

Robert Sauer – Change in School Funding

Robert Sauer, former Selectman and Chairman of the Finance Committee for the town of Princeton, submitted an outline to the Board of Rep. David Bunker's proposal regarding a change in school funding (copy on file). He pointed out the differences between the education reform assessment formula and the prior regional agreement formula.

J. Malloy commented that the unanimity part is of great concern. A. Wilson suggested that the Board review the matter before taking any action. C. Blanchard said that with the current agreement, the towns share the cost on a per-student basis, which is satisfactory.

Grant for Conservation Commission

Jayne Vranos of Millennium Power Plant, Charlton (a branch of P G & E) presented a check for \$5,000 to the Conservation Commission for the Lake, Stream and Wetlands Project.

Budget

It was the consensus of the Board to take more time to review the budget, and to schedule a regular meeting on February 11th to begin after the Board's joint meeting with the Planning Board.

Zoning Articles (continued)

Rate of Development Bylaw – C. Blanchard suggested that the Board authorize the Building Inspector to grant building permits in February, March and April of 2002 for dwelling units up to the total number of units that were granted for each of these months in 2001. Further, that if the number of requests exceeds the number granted for that month in the previous year, the Building Inspector may grant additional permits for situations that he considers to be a severe hardship, provided that he obtains the approval of both the Town Administrator and the Town Planner. If the bylaw is accepted at the Annual Town Meeting, he requested that the Board of Selectmen then adopt the same building permit policy for each month until the bylaw is approved by the Attorney General's office. He noted that the bylaw has not been discussed or approved by the Town, and there were flaws on how it was advertised.

MOTION: To authorize the Building Inspector to grant building permits in February, March and April of 2002 for dwelling units up to the total number of units that were granted for each of these months in 2001. Further, that if the number of requests exceeds the number granted for that month in the previous year, the Building Inspector may grant additional permits for situations that he considers to be a severe hardship, provided that he obtains the approval of both the Town Administrator and the Town Planner, by C. Blanchard.

There was no second to the motion.

J. Malloy suggested that the Board consider a motion directing him to have the Town Planner re-advertise the public hearing and correct the errors in the advertisement.

MOTION: To request the Town Administrator to re-advertise the Rate of Development Bylaw with corrections to the mistakes that were in the first publication and also to add

an interim building permit approval system by authorizing the Building Inspector to grant building permits in February, March and April of 2002 for dwelling units up to the total number of units granted for each of these months in 2001; if the number of requests exceeds the number granted for that month in the previous year, the Building Inspector may grant additional permits for situations that he considers to be a severe hardship, provided that he obtains the approval of both the Town Administrator and Town Planner; if the bylaw is accepted at the Annual Town Meeting, the Board of Selectmen will then adopt the same building permit policy for each month until the bylaw is approved by the Attorney General's office, by C. Blanchard.

2nd: G. Dib

Vote: Three in favor; A. Wilson and H. White opposed.

The motion carried.

J. Malloy suggested re-advertising just the corrections on the advertisement, then add a section onto that specific advertisement, noting that it would be easier to have a separate bylaw proposal regarding the interim policy. The Board agreed to that.

Shriners' Request

J. Malloy informed the Board that Mark Lev met with Gerry Roy, Manager at the Sturbridge WalMart. M. Lev is satisfied that the Shriners' carnival will be on the east side of the WalMart store in the parking area between WalMart and Stop-N-Shop. Mr. Malloy contacted Ed Os and asked for a written request stating the dates.

It was the consensus of the Board to hold off on voting until more details are received regarding lighting, hours of operation, parking, traffic control, noise level, and who would be responsible for liability. The Fire Chief and Police Chief should review the matter and make recommendations to the Board.

Old Business

A.Wilson requested that the Board members submit their comments and corrections regarding the Town Administrator's performance evaluation to

him. He also requested the Board's input on wages. The Board requested copies of the performance evaluations.

New Business

H. White asked about the status of Lorraine Murawski's letter regarding warrant articles. J. Malloy said that he will put together the Town Meeting warrant this week.

D. Sosik announced that there will be a meeting of the ad hoc Casino Group on Thursday, February 7th at 7:00 p.m. at the Senior Center.

A. Wilson asked about the status of the additional Chapter 70 funds to be transferred to Burgess. J. Malloy said that the School Committee can request the additional Chapter 70 funds; it will go to the Finance Committee first, and upon their approval the Board of Selectmen will have the final vote.

A. Wilson gave the Board an update on his visit to Washington DC. He met with Guy Martin and Don Bower at Perkins-Coie, and Dr. Virginia Marsh of the Bureau of Indian Affairs, who gave him their complete research. There will be a substantially revised petition sent to the BIA. He said that the Town should retain the services of Perkins-Coie in the \$5,000 - \$6,000 range. C. Blanchard did not think there would be any benefit in obtaining a legal analysis from Perkins-Coie.

MOTION: To engage the services of Perkins-Coie to provide legal analysis of the Nipmuc petition(s) at a rate not to exceed \$6,000, by H. White.

2nd: D. Sosik

Vote: Four in favor; C. Blanchard opposed.

The motion carried.

MOTION: To spend \$3,000 for the public relations firm, by A. Wilson

2nd: H. White

C. Blanchard suggested asking the public relations firm for a list of what they would provide for \$3,000. J. Malloy said that he would ask them to provide a refined plan. The Board agreed to suspend the vote until the next meeting.

February 4, 2002

A. Wilson announced that on February 14th at 4:00 p.m. there will be the public signing ceremony of the Quinebaug-Shetucket National Heritage Corridor Community Compact at the Woodstock Academy.

Ask the Selectmen

C. Blanchard received a call from Howard Boyd, who expressed concern about the vote for \$6,000 for a legal analysis regarding the Nipmuc petition. He felt that the Town should not oppose the Nipmuc people, and cautioned that this could result in a lawsuit against the Town.

MOTION: To enter into executive session under MGL Chapter 39, §23B, Paragraph #6: To consider the purchase, exchange, taking, lease or value of real property, not to reconvene in open session, by H. White.

2nd: C. Blanchard

Vote: All in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date