

June 17, 2002

**BOARD OF SELECTMEN
MINUTES
JUNE 17, 2002**

Present: Arnold Wilson, Chairman
 Charles Blanchard
 George Dib
 Hal White
 Doris Sosik
 James Malloy, Town Administrator

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

Approval of Minutes

MOTION: To approve the minutes of June 3, 2002 as corrected, by
 C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

MOTION: To approve the executive session minutes of June 3, 2002
 as submitted, to remain confidential, by C. Blanchard.

2nd: H. White

Vote: Four in favor; D. Sosik abstained.

Police Chief Thomas Button -- Monthly Report

Chief Button reviewed the highlights of Police Department activities (copy on file). He announced that the Sturbridge Police Dept. was awarded accreditation by the Massachusetts Accreditation Commission, and the 9th Annual Robert Trojanowicz Memorial Community Policing Award. A. Wilson offered congratulations for those accomplishments.

Chief Button informed the Board that three full-time police officers will be hired. Five officers competed in the promotional process for sergeant, with Kevin Mercier scoring the highest.

The Sturbridge Police Dept. received a grant award of \$7,247.40 from the U.S. Dept. of Justice, Office of Justice Programs to provide a 50% match towards the purchase of new bulletproof vests. The state will pay the remaining 50%, with no cost to the Town. They applied for a federal COPS UHP grant to pay for a portion of the two new police officers to

reduce the cost to the Town (if awarded). They also applied for a state grant of \$2,000 to purchase infant car seats and safety check point equipment.

The Sturbridge Police Dept. received \$5,520 from the Governor's Highway Safety Bureau for a Community Speedwatch Program on Cedar Street. Sgt. Alan Curboy made a presentation to the Board regarding traffic safety, education and enforcement. D. Sosik commended Sgt. Curboy and the Sturbridge Police Dept. for the fine job on the presentation and program.

Sergeant Appointment

MOTION: To confirm the Town Administrator's appointment of Kevin Mercier to the position of Sergeant in the Sturbridge Police Dept. at a rate of \$21.44, effective immediately, by H. White.

2nd: C. Blanchard

Vote: All in favor.

Town Administrator's Matching Grant Fund

MOTION: To approve the use of \$1,428 from the Town Administrator's Matching Grant Account for the Local Law Enforcement Block Grant, by G. Dib.

2nd: H. White

Vote: All in favor.

Injured On Duty Claims

MOTION: To approve the injured on duty claim of Robert Campbell dated 6/3/02 under MGL Ch. 41, §111F, by G. Dib.

2nd: C. Blanchard

Vote: All in favor.

MOTION: To approve the injured on duty claim of Michael Couture dated 6/13/02 under MGL Ch. 41, §111F, by H. White.

2nd: D. Sosik

Vote: All in favor.

Fire Chief Leonard Senecal – Monthly Report

Chief Senecal read his report to the Board (copy on file). The Sturbridge Fire Dept. has been communicating with the State Police and Harrington

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Hospital regarding mutual aid in future emergency situations. The state provided a decontamination system that will be available to every town that uses Harrington Hospital. District 7 will also have a decontamination trailer, and the town of Southbridge will have its own unit. Brian Towns, Hazmat Coordinator, did a good job on the table top disaster scenario exercise, conducted with the State Police, Sturbridge, Southbridge and Charlton Police and Fire Departments and Harrington Hospital staff. The main objectives of the table top exercise were to look at communication issues and the decontamination system. A major drill will be conducted in September.

The Fire Dept. purchased 1200 feet of 4 inch hose, fittings and equipment to fit one of the pumper trucks with the large diameter hose.

Building Inspector's Monthly Report

J. Malloy submitted M. Lev's report to the Board (copy on file). In response to the Selectmen's request, he said that according to M. Lev's records, about 40% of new residential construction is in the sewered areas of Town, and 60% is in non-sewered areas of Town.

Greg Morse, DPW Director and Paul Donahue, U.S. Filter/EOS – Monthly Reports

G. Morse informed the Board that they are in the middle of the paving season, and have paved five roads so far. The Senior Center sidewalk has been completed.

G. Dib asked how they handle traffic coming from the side streets while they are paving. G. Morse will look into it.

P. Donahue is working on the Consumer Confidence Report. Hydrant flushing and testing has been completed, and the hydrants are being painted. They are in the process of gathering pricing for equipment for Well #3.

Matt Sosik and Dan Flynn – Dumas Property

D. Sosik recused herself. Matt Sosik said that in the fall of 2001, he and Dan Flynn put the Dumas property under contract. Changing the project to 12 ANR lots alters the dynamics of it, and increases the risks. A Purchase and Sale agreement is contingent upon percs, and many of the lots are not perced. Dan Flynn said that there is a pipeline on the west side of the

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road, and there are wetlands on the property. He said that some of the lots could be combined.

C. Blanchard asked what they planned to do to preserve open space. M. Sosik said that they feel strongly about the quality and types of homes that would be built on the site, and they want to blend the houses into the topography. He said that 65 acres of the southeasterly field would be sold to the Division of Fisheries and Wildlife; 20 acres of the northerly fields will be under a conservation restriction. They would like to restore the house for a new buyer, and 20 acres would go with it. M. Sosik said that he and D. Flynn are local residents and have a vested interest in what happens to the Town.

D. Sosik rejoined the Board at 8:00 p.m.

George's Pizza of Sturbridge – Common Victualler License

Dimitrios Voyiatzis appeared before the Board. His restaurant will be in the same location as Sturbridge Pizza.

MOTION: To approve the Common Victualler license for George's Pizza of Sturbridge, by D. Sosik.

2nd: H. White

Vote: All in favor.

U.S. Filter Contract

MOTION: To authorize the Board of Selectmen to execute the contract between U.S. Filter Operating Services, Inc. and the Town of Sturbridge, dated June 17, 2002, by C. Blanchard.

2nd: G. Dib

Vote: All in favor.

Resignation

MOTION: To accept the resignation of Patricia Barnicle from the Community Preservation Committee, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

MOTION: To accept the resignation of Sean Lewis as a reserve police officer, by G. Dib.

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2nd: H. White
Vote: All in favor.

Tantasqua Request

MOTION: To accept the Access and Utility Easement from Tantasqua Regional School District to construct, operate and maintain a pump station as dated March 14, 2002, by C. Blanchard.

2nd: D. Sosik
Vote: All in favor.

Phase III Sewer Easement

MOTION: To authorize the Selectmen to accept a sewer easement from Swiacki Trust Management Company dated May 24, 2002, by C. Blanchard.

2nd: H. White
Vote: All in favor.

Cooperative Heating Fuel Bid

MOTION: To approve the cooperative heating fuel bid for FY03 at \$.8290 per gallon to Peterson Oil Company, by H. White.

2nd: D. Sosik
Vote: All in favor.

Cedar Lake Bathhouse

The low bid on the project was \$80,500, which is \$2,180 more than the budget for the project, without any amount for contingencies. J. Malloy asked the Board to consider a "raise and appropriate" article for the Special Town Meeting increasing the funding for the project by \$10,000.

MOTION: To include a raise and appropriate article for Special Town Meeting to increase funding for the project by \$10,000, by G. Dib.

2nd: D. Sosik
Vote: Four in favor; C. Blanchard opposed.

Sprint Cell Tower – St. Anne's

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D. Sosik said that the \$24,000 amount to be paid to the Town was not worth possibly compromising the public water supply. A. Wilson said that there would be another unsightly cell tower in Town, and it was not worth the risk to go forward with it. H. White noted that the Board had just received the information, and suggested that someone from Sprint, the state and other interested parties should meet with the Board.

MOTION: To decline entering into a lease agreement with Sprint Spectrum, by C. Blanchard.

2nd: G. Dib

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

Auctioneer's Permit Application

MOTION: To approve the auctioneer permit for D.L. Straight Auctioneers to hold an auction at the Hamilton Rod & Gun Club on June 27, 2002 from 1:00 p.m. to 10:00 p.m., by G. Dib.

2nd: C. Blanchard

Vote: All in favor.

Vacation

J. Malloy informed the Board that he plans to take the first week of July off for vacation.

Building Study Committee

MOTION: To form a Building Study Committee to study the use and renovation of the Center School Building and Town Hall, consisting of a member of the Board of Selectmen, Town Administrator, representative from the second floor offices of the Town Hall, representative from the first floor offices of the Town Hall and a member of the Finance Committee, by G. Dib.

2nd: D. Sosik

Vote: All in favor.

D. Sosik said that the Community Preservation Committee is interested in donating funds for that project.

Ballard Property

J. Malloy informed the Board that payment has been released to Edward Ballard in the amount of \$55,000 for the property on Stallion Hill Road, 60% of which will be reimbursed through the Self-Help Grant Program. The Town will pay \$19,500 for the land.

J & W Local Initiative Program Application

A. Wilson said that he hoped to have a report from the Town Planner indicating his recommendation. Ginger Peabody, Chairman of the Zoning Board of Appeals, stated that the ZBA stands by their decision of June 12th, recommending that the Board of Selectmen not support the LIP process for the proposed Stallion Hill project, and to request instead a conventional Chapter 40B approval process. Their request is based on providing the ZBA with the best methodology for working with Tyrone Jones to ensure a timely and successful development that will provide market rate condominium units and address the need for affordable housing.

C. Blanchard said that in his letter dated March 21, 2002, Tyrone Jones said that they were initially planning to develop the property into 150 condo units, with 25% going into affordable housing under the comprehensive permit law. He said that as an alternative to this plan, they would propose a project of no more than 45 units with 9 affordable housing units, if the Board of Selectmen would support an application for these units under the LIP. Without the LIP, J & W cannot apply for a comprehensive permit under Chapter 40B, because under this law the applicant must be a public agency, a non-profit organization or a limited dividend organization. A project proposed under 40B must also be fundable by a subsidizing agency supported by the federal or state government under a low or moderate income housing subsidy. Mr. Jones would have to form an organization which would have standing under Ch. 40B, and rather than use conventional financing, would have to partner with a subsidizing agency, which would be in the position of deciding the number, layout and design of the units to be built. C. Blanchard expressed concern that a conventional Ch. 40B application for this site might be dramatically different than what is being proposed under the LIP.

G. Dib did not think that J & W Company would have to reorganize. D. Sosik indicated that she was not comfortable voting for it. H. White agreed with D. Sosik, and said that the ZBA has the principal responsibility for this.

MOTION: That the Board of Selectmen not accept the LIP under Ch. 40B, as submitted by Tyrone Jones, by H. White.

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2nd: D. Sosik
Vote: All in favor.

A.Wilson said that Tyrone Jones would be welcome to come back before the Board to address this issue.

Old Business

G. Dib asked for clarification of the bylaw regarding yard sale signs, as discussed at the last meeting. J. Malloy said that M. Lev will look into it.

G. Dib said that details have been finalized for the July celebration. Shuttle service will run from Sturbridge, with buses picking up passengers at the Burgess Elementary School parking lot and the back lot of the Town Hall parking lot. Gary Fontaine of the Southbridge Police Dept. will contact Chief Button.

G. Dib indicated that he is pleased with the Webside revisions. J. Malloy said that changes can now be made here at Town Hall, instead of having to go through Virtual Town Hall. D. Sosik noted that Mr. Malloy is going to be responsible for changing the pictures, and suggested purchasing a digital camera for that purpose. Mr. Malloy said that there is some money in the computer account that could be used to purchase the camera.

C. Blanchard suggested that J. Malloy meet with Tighe and Bond for a work session at the first opportunity.

D. Sosik brought up the issue of charging seniors \$5 to cover mailing costs for their newsletter. J. Malloy said that he had been contacted by C. Blanchard and A. Wilson, and had spoken to Barbara Search about it, and pointed out that the Town has always mailed the newsletter out free of charge. This is a municipal newsletter from an agency supported by property taxes. Barbara Search will make some changes and send the newsletter out free of charge.

A.Wilson said that the new liaison assignments would become effective immediately.

New Business

G. Dib informed the Board that Old Sturbridge Village has asked him to become an overseer, and asked whether that would create a conflict of

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interest if OSV should ever have to come before the Board. C. Blanchard suggested he check with the Ethics Commission.

G. Dib asked about the status of the tree cutting complaint on McGregory Road. J. Malloy said that he had sent a memo to Mark Lev regarding this issue, and they met with Mark Judson at the site. One tree was half in the right of way, half out. Tom Chamberland wanted the tree taken down, and had no issue with it. The other trees were on private property, so there were no violations.

C. Blanchard announced that the Sturbridge Police will play softball with the New England Celebrity Team on June 22nd at 6:00 p.m. for a fund raiser. Tickets are available at the Police Department.

A.Wilson noted that there was a letter from Perkins-Coie under confidential correspondence regarding extension of the review period to 60 days. C. Blanchard indicated his opposition, since the Board had previously agreed not to oppose recognition of the tribe. G. Dib agreed. A.Wilson indicated that he would support a 60-day extension. H. White noted that Town Meeting was told that the Board would not support the use of any money to oppose tribal recognition. He said that the Board is being placed in a difficult position.

MOTION: To extend the review period for 90 days, by H. White.

2nd: D. Sosik

Vote: H. White in favor; four opposed.

MOTION: To support the state of Connecticut with their application for a 60-day extension, by A. Wilson.

2nd: H. White

Vote: Three in favor; C. Blanchard and G. Dib opposed.

A.Wilson announced that the Pan-Mass Challenge bicycle race will start at the Sturbridge Host Hotel on August 3rd and go to Provincetown. Proceeds will be donated to the Jimmy Fund. They are looking for volunteers to organize the start of the race.

G. Dib announced the Concerts on the Common.

Ask the Selectmen

There were no calls.

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MOTION: To enter into executive session under MGL Chapter 39, §23B, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation; and Paragraph #6: To consider the purchase, exchange, taking, lease or value of real property, and to reconvene in open session afterward to set the Special Town Meeting date, by G. Dib.

2nd: H. White

Roll call vote: All were in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date