

August 5, 2002

**BOARD OF SELECTMEN
MINUTES
AUGUST 5, 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 July 15, 2002 as corrected, by
 C. Blanchard.
 2nd: D. Sosik
 Vote: All in favor.

Public Hearing – Town’s Right of First Refusal on the Dumas Property

A.Wilson opened the public hearing, and explained that the CPC article had failed to achieve the necessary 2/3 majority vote at the Special Town Meeting. The Board of Selectmen had voted on July 23, 2002 to enter into a contract with Matt Sosik and Dan Flynn with a vote of two in favor, one opposed, one abstained and one recused.

Chip Silvestri asked whether the Board had contacted the Nature Conservancy. A.Wilson said that they had been contacted, but the Board did not receive any feedback from them or other conservation agencies. C. Silvestri thanked A. Wilson and H. White for their support, then asked J. Malloy and the other Board members to explain in letter form to the Southbridge Evening News why they did not support it, noting that 65% of the voters and two Selectmen voted for it. A. Wilson said that the executive sessions relative to the Dumas property have been made public, and are now part of the public record. C. Blanchard said that he has made his position clear. He said that the Board had explored different options, including Shelter Island, to try to limit development. The Board reached an agreement with the developers that 92 of the 134 acres will be protected as open space, with no development whatsoever and at no cost to the

Town. The existing house will be upgraded to increase its value. The offer that was on the table was for \$800,000 including the farm.

G. Dib said that the goal from the outset was to protect as much of the land as possible in a financially feasible manner. The Board reviewed the various proposals, and it was clear that the option that the developer presented was the best option. It will not cost the Town any money to protect the land.

D. Sosik stated that it was necessary to recuse herself from the proceedings.

J. Malloy stated that he had never taken a position for or against purchasing the Dumas land, and had made no comments at the Special Town Meeting. He negotiated agreements for the Town. He did not feel it was necessary to explain his vote at the Town Meeting.

C. Silvestri said that there is a field on the property that could have been used as a ballfield.

William Gour asked when the executive session minutes had been made public, and the dates of the minutes. G. Dib said that the minutes of April 16, 2002 and July 1, 2002 were released, as well as the portions of minutes regarding the Dumas property. W. Gour asked why the Board had entered into executive session to discuss the Dumas property. J. Malloy explained that Mass. General Law allows the Board to enter into executive session when negotiating the purchase of real property. W. Gour asked about the status of the Selectmen's meeting minutes for July 23rd. J. Malloy said that he had taken notes and would write the minutes. C. Blanchard noted that there was coverage of the meeting in the Telegram & Gazette and a summary of the votes in the Southbridge Evening News. G. Dib added that the meeting time was established in open session, and the meeting had been properly posted.

C. Blanchard said that the agreement that the Board signed limits the number of houses to 16 on that property, and the preservation of 92 acres designated as open space is a significant accomplishment of the Board. H. White said that Mr. Dumas put 134 acres, less the house and one acre, under Ch. 61, for which he received a tax advantage over 16 years; in return, the Town received the right of first refusal. The Open Space Committee identified the Dumas property as one of the parcels of highest priority for the Town to acquire. H. White said that there was more to this than limiting house lots. The Town had the right to acquire 134 acres of

open space, and in his opinion it was well within the Town's financial realm to come up with \$625,000. He felt that the Town had missed an opportunity by not acquiring the land.

C. Silvestri said that it was conservation land, not open space, and it was for all of the residents of Sturbridge to use. J. Malloy said that 65 acres will be open to the public; 92 acres will be left as open space in perpetuity, not to be developed.

MOTION: To close the public hearing, by C. Blanchard.

2nd: G. Dib

Vote: Three in favor; H. White opposed; D. Sosik abstained.

Barbara Black-Sheppard and William Reid, Old Sturbridge Village

Barbara Black-Sheppard and William Reid of Old Sturbridge Village appeared before the Board to discuss plans for a Day of Remembrance on the anniversary of September 11th. Old Sturbridge Village will be open free of charge to all visitors on that day, and will hold a historically appropriate memorial service in the Center Meetinghouse with readings, prayer and singing, and the bell will be run at the conclusion of the service. Village staff will wear black crepe armbands as a silent memorial. The Village is exploring ideas such as: the raising and lowering of the American flag with a musket volley salute; a group of militia wives sewing a 26-star American flag; women baking an election cake at the Fitch house; patriotic musical performances; storytelling with an American sense, such as "Grandma remembers the War of Independence"; and Militia Day demonstrations.

J. Malloy said that he had discussed the Day of Remembrance with Chief Button and Chief Senecal. Members of the Police Dept. and Fire Dept. will wear their full dress uniforms, there will be the lowering of the flag, and police officers will offer a gun salute in front of the Public Safety Complex. B. Sheppard said that the OSV militia would join them.

WWTF Study Meeting

J. Malloy submitted to the Board a memo regarding the Tighe & Bond study of the Wastewater Treatment Facility (copy on file). The problem at the treatment plant is a loading problem, not a hydraulic flow problem, which should be reduced significantly by eliminating septic waste. Interim measures include improvements on fine bubble aeration, plant efficiency issues, and Hobbs Brook pump station modifications. The design is complete and has been at the DEP since May.

A. Wilson suggested that the Board review all of the facts contained in the study before taking any action, and requested that Tighe & Bond and U.S. Filter/EOS come in to discuss the matter with the Board during a work session. H. White agreed, and noted that the Wastewater Treatment Plant is being subsidized by all property owners through the landfill accepting sludge. J. Malloy stated that the quid pro quo was that the Wastewater Treatment Plant accepted the leachate from the landfill. C. Blanchard suggested asking G. Morse or U.S. Filter/EOS to look into how much septage flow the Town is getting. He suggested the Board consider increasing septage charges. J. Malloy said that he would arrange to have the various parties meet with the Board at the next work session on August 12th.

William Blood Memorial

Brian Burns had requested that the Board review the draft of the William Blood memorial to be installed next to the Civil War Monument. Mr. Blood was killed at Antietam. C. Blanchard said that the dedication ceremony would take place on September 22nd, and the Historical Society is considering meeting before that time, open to the public. Old Sturbridge Village has also been contacted.

MOTION: To approve the draft as presented, by G. Dib.

2nd: H. White

Vote: All in favor.

Skate Park

J. Malloy suggested having the skate park open without supervision for a limited time, then reviewing the use prior to making a final decision. He and Mike Hager agreed that the Skate Park Committee needs to be formalized by a vote of the Board of Selectmen, which would make it clear that it is a Town function, so that appointments, minutes and information would be more readily available.

MOTION: To create a Sturbridge Skate Park Committee of five members, appointed by the Town Administrator, for the purpose of establishing guidelines for use of the Sturbridge Skate Park, ensuring that the Skate Park is maintained, and any other duties as may be required in regard to the Skate Park, by D. Sosik.

2nd: G. Dib

Vote: All in favor.

J. Malloy informed the Board that David Labonte of MIIA said that it is not a requirement that the skate park be supervised, but it should be locked after dark.

C. Blanchard asked whether there are any other national or state requirements regarding supervision, or ramp heights. J. Malloy said that D. Labonte had indicated that it does not matter how high the ramps are. C. Blanchard stated that he is opposed to having the skate park open without supervision. G. Dib expressed concern about the liability issue, and asked how many towns in Massachusetts have skate parks, and whether Sturbridge could learn something from them. J. Malloy will ask the Skate Park Committee to work on that information, and will update the Board in a couple of weeks.

Senior Municipal Service Program

MOTION: To approve Modestina Galati's participation in the Senior Municipal Service Program to continue working with the Veterans Agent, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Phase III Sewer Project

J. Malloy informed the Board that a number of residents have questioned the basis for their sewer betterments, despite the early notification letter that went out several months ago. There were two requests for abatements to their betterment assessments and one request for a reduction in the sewer connection fee. A. Wilson suggested that the Board hold any action on the requests from Emil Roymans and Walter Regep, and to review them at the same time. C. Blanchard asked where the money would come from to make up the difference. J. Malloy said that it would come out of the 2% administrative charge, or the sewer users would pay for it.

MOTION: To allow Mr. Watto of 16 Old Fiske Hill Road to pay a \$200 sewer connection fee, since he was not properly notified, by C. Blanchard.

2nd: G. Dib

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H. White pointed out that the problem of notification is between the buyer and the seller, and suggested checking the records to see who had received the notification. He suggested that the Board hold action for two weeks, then act on the facts. C. Blanchard withdrew his motion; G. Dib withdrew his second.

Web Page Statistics

J. Malloy submitted to the Board the current monthly use statistics for June 2002 (copy on file), which shows 917 unique users as well as other information regarding the use of the webpage. Mr. Malloy checked statistics from other towns, and by comparison Sturbridge has one of the more heavily used websites. He credited the departments for keeping the pages current and useful.

Dock Permit

John MacMillan at 316 The Trail Road submitted an application for a temporary dock permit for a new dock that was professionally installed in place of his old dock.

MOTION: To approve the dock permit as submitted by John MacMillan, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Auction Permit

MOTION: To approve the auction permit for Robert Glass for the Federated Church Auction on the Town Common on August 10, 2002, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Quinn Bill

J. Malloy informed the Board that the state budget included a provision that placed a moratorium on new communities becoming part of the Quinn Bill program as of July 1, 2002. Mr. Malloy is working with the State Representative and Senator to try to exempt Sturbridge or amend the date until July 31, 2002. If this is not successful, they will be working on a separate bill to exempt Sturbridge or change the date. In any event, this may take longer than when the eligible employees would otherwise qualify

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for Quinn Bill benefits (September 1st). Mr. Malloy discussed the issue with Mike Couture and Paul Newsham of the Police Local, and suggested that the Board consider offering to pay the Town's share for the interim period so that it would be possible to move forward with the current contract while attempting to work through the problem.

C. Blanchard noted that there was overwhelming support for the Quinn Bill at Special Town Meeting. William Gour stated that he was against the procedure, and asked how an article gets to Town Meeting. He suggested that the Town Administrator provide information in the Town Meeting warrant indicating the cost to the Town. A. Wilson explained that the Quinn Bill is a state legislative initiative which has been on the books for many years. The second article at the Special Town Meeting addressed all of the financial impacts of the adoption of the Quinn Bill. W. Gour asked whether there had been any indication that it was for three years. J. Malloy read Article #28, which indicated that it was a three-year contract.

Other Issues

J. Malloy informed the Board that he heard back from Senators Kennedy and Kerry and Congressman Neal regarding stormwater regulations. They are looking into this issue on the Town's behalf.

Mr. Malloy said that Rep. Hillman and Senator Brewer are working on the issue regarding Mass. Historic Commission's requirement to conduct an archeological review of the Big Alum sewer project. C. Blanchard suggested sending Pat Howard of the Big Alum Lake Association a letter informing her of the archeological study.

D. Sosik recused herself from the discussion regarding the agreement on the Dumas property. Mr. Malloy submitted to the Board the agreement that was approved at the July 23, 2002 meeting. Town Counsel recommended that if less than the majority of the Board was willing to sign, it would be necessary to attach an addendum with the Clerk's certification of the vote, explaining the vote and signatures.

Old Business

D. Sosik rejoined the Board at 8:30 p.m.

C. Blanchard asked about the status of the shrubs at the Farquhar Road pump station and Stoney Brook pump station. J. Malloy said that G. Morse

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has it on his list of things to do, and is waiting for cooler weather to do the planting.

C. Blanchard read a newspaper article regarding the water well situation, which raised the question of whether the Board of Selectmen had missed an opportunity to sue in 1993. C. Blanchard took exception to that, and noted that there is a letter from John Desmond of DEP stating that the contaminant levels were below the standards for safe drinking. At that time, DEP was still telling the Town that there was no contamination in Well #3. The letter points out that the wells are being cleaned up, and Well #1 should not be used until the cleanup has been completed.

D. Sosik said that the marker at the Senior Center to indicate that there is a law to stop at crosswalks has been knocked over.

New Business

C. Blanchard noted that the Fiskdale Village Tavern has not been open for several months. J. Malloy will look into it, and said that there is a sign on the door indicating that they will be back in February.

A. Wilson said that regarding the state budget, all of the vetoes have been either overwritten or left in place. He asked if there was any information on Sturbridge. J. Malloy said that he had received a Cherry Sheet, and Ch. 70 aid is \$1,298,000 and lottery aid is \$765,000. There is a \$196,000 cushion between what the Town can tax against what it cannot tax. This is good, compared to other municipalities across the state.

A. Wilson said that there was a letter from the Chamber of Commerce requesting the Town to absorb the police detail cost of \$900 for the July 5th Celebration. G. Dib said that he thought the Chamber of Commerce would assume the cost of police coverage. J. Malloy said that he would talk to Chief Button to see whether the \$900 could be taken out of any of the police grants.

Ask the Selectmen

There were two calls, but the callers refused to identify themselves to D. Sosik.

MOTION: To adjourn, by G. Dib.

2nd: H. White

Vote: All in favor.

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The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date