

May 19, 2003

**BOARD OF SELECTMEN  
MINUTES  
MAY 19, 2003**

Present:     Arnold Wilson, Chairman  
              Charles Blanchard  
              David Schmida  
              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 accept the minutes of May 5, 2003 as submitted, by C. Blanchard.**

**2<sup>nd</sup>:     D. Sosik**

**Vote: All in favor.**

**MOTION:    To accept the executive session minutes of May 5, 2003 as corrected, to remain confidential, by D. Sosik.**

**2<sup>nd</sup>:     D. Schmida**

**Vote: All in favor.**

**Library Vacancy – Joint Interview with the Library Board of Trustees**

Richard Callaghan, the third candidate, appeared before the Board. He has served as Director of the South Hadley Public Library for seven years, and is familiar with the issues confronting public libraries.

Douglas Quigley, Chairman of the Library Board of Trustees, expressed appreciation for Richard Callaghan's interest in the vacancy.

**MOTION:    To nominate Richard Callaghan as the new trustee, by Sharon Hennessey.**

**2<sup>nd</sup>:     H. White**

**Vote: All in favor (both Boards).**

**Outstanding Public Servant Award**

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Rep. Reed Hillman presented the Governor's Outstanding Public Servant Award to Charles Blanchard, in appreciation of his years of community involvement, participation and service to the Town of Sturbridge.

### **Tom Chamberland, Director of Veteran Services – Memorial Week Activities**

Tom Chamberland, Director of Veteran Services, outlined the Memorial Week Activities for the Board (copy on file). The activities will conclude with the Annual Memorial Day Parade and Services on Monday, May 26<sup>th</sup>, starting at 9:15 a.m. at the Sturbridge Lions Community Center, proceeding to St. Anne's Cemetery for services at 9:40 a.m., then reforming at the Public Safety Complex at 10:30 a.m. and ending at 11:30 a.m. in front of Town Hall. Open House will follow at the American Legion Hall.

### **Arnold Road Widening**

C. Blanchard said that it was his understanding that if Arnold Road is widened, the sidewalk will be reconstructed closer to the Senior Center and there would be a significant improvement in traffic flow.

**MOTION: To approve the widening of Arnold Road as proposed by Robert Moss and approved by CME Associates, Town Engineer, by C. Blanchard.**

**2<sup>nd</sup>: D. Sosik**

A. Wilson noted that it must be submitted to Mass. Highway. D. Sosik asked whether it would be possible to relocate the five trees. Tom Chamberland, Tree Warden, said that he has not seen the plans, so he didn't know which five trees need to be relocated. He expressed concern about the 36 inch maple tree (one of the large trees at the site). They had been careful of protecting its root system when installing the sidewalk. He suggested the possibility of minimizing the slope by installing a retaining wall. Bob Briere said that the widening of Arnold Road would not accomplish anything, because the problem is in turning left and going into traffic. He suggested installing a traffic light. A. Wilson agreed with B. Briere, and said that he would not support widening the road. C. Blanchard suggested that the Board hold off voting until CME comes in to discuss the matter. He said that regarding movement and construction of the sidewalk, the developer would have to regrade what is there. D. Schmida suggested postponing the vote until the next meeting, and said that he had questions regarding traffic. C. Blanchard withdrew his motion

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for further consideration. It was the consensus of the Board to take it up again on June 2<sup>nd</sup>.

D. Sosik left at 7:15 p.m.

### **Big Alum Sewer Project**

J. Malloy informed the Board that the project is moving ahead very quickly. Most of the mainline is now completed on the west side of Big Alum (with the exception of the hill on The Trail, Harrington Court and Lakewood Trail, which should be done soon). On the east side of Big Alum, the main line is completed to the point where Clark Road Ext. ends.

There will be a meeting on June 5<sup>th</sup> at Burgess Elementary School North Cafeteria for the residents to go over the installation, maintenance, etc. of the grinder pumps and to ask questions regarding the project. Jay O'Reilly and Terry Smith of Tighe & Bond will be there, with J. Malloy.

As part of the increase in the project appropriation at the last Town Meeting, USDA was able to fund an additional grant and loan amount for the project to cover a portion of the additional appropriation. They have approved increasing the grant portion of the project (Phase I Grant) from \$1,041,978 to \$1,289,978 and there are various agreements between the Town and the USDA which J. Malloy must be authorized to sign.

**MOTION: To authorize the Town Administrator to execute the grant agreement for an additional amount of \$166,072, by C. Blanchard.**

**2<sup>nd</sup>: D. Schmida**

**Vote: All in favor.**

**MOTION: To approve the resolution as follows and authorize the Town Administrator to execute the additional loan amount of \$202,978, by C. Blanchard.**

**2<sup>nd</sup>: D. Schmida**

**Vote: All in favor.**

### **Loan Resolution (Public Bodies)**

A resolution of the Board of Selectmen of the Town of Sturbridge authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing,

enlarging, improving and/or extending its Big Alum Pond Cost Overrun facility to serve an area lawfully within its jurisdiction to serve.

WHEREAS, it is necessary for the Town of Sturbridge (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of Two hundred two thousand nine hundred seventy-eight and xx/100 Dollars pursuant to the provisions of Massachusetts Statutes; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute and comply with Form RD400-4 "Assurance Agreement" and Form RD400-1 "Equal Opportunity Agreement" including an "Equal Opportunity Clause" which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the

Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source) incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide

the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities, and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$166,072.00 under the terms offered by the Government; that Chairman, Board of Selectmen of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

### **Sewer Easements**

**MOTION:** To authorize the Board of Selectmen to accept an easement from Edward Paquette, Trustee of Paquette Realty Trust for a sewer pumping station on the corner of Route 148 and The Trail, by C. Blanchard.

**2<sup>nd</sup>:** H. White

**Vote:** All in favor.

**MOTION:** To authorize the Board of Selectmen to accept an easement from Kenneth Gajewski for a chemical feed station at his property 49-50 Mt. Dan Road, by C. Blanchard.

**2<sup>nd</sup>:** H. White

**Vote:** All in favor.

### **Proposed Change Order**

J. Malloy received a memo from Terry Smith, Resident Engineer, Tighe & Bond to Joe Baltazar, F & J, Inc. regarding a proposed change order. J. Malloy said that G. Morse had indicated that the property owner will be required to pay for this up front to the Town. F & J will break it down into a bid. A. Wilson said that he would like to see the grade of everyone who lives on the road before voting on moving the road. J. Malloy will follow up and provide answers to the Board on June 2<sup>nd</sup>.

### **Wellhead Protection Plan**

J. Malloy submitted to the Board an engineering proposal from Tighe & Bond relative to developing a wellhead protection plan. This is a requirement from the water withdrawal permit, and Greg Morse and Tighe & Bond developed a grant application to fund this work. A complete description of the scope of services is under Attachment A of the proposal (copy on file).

**MOTION:** To authorize the Town Administrator to execute the agreement between the Town of Sturbridge and Tighe & Bond Inc. for a lump sum fee of \$20,000, by C. Blanchard.

**2<sup>nd</sup>:** H. White

**Vote:** All in favor.

### **Emergency Operations Planning Grant**

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J. Malloy informed the Board that an Emergency Operations Planning Grant (copy on file) has been awarded to the Town in the amount of \$2,000. The funds will be used as follows:

\$500 for labor to update the Emergency Operations Plan from "Start-Up" to "Provisional" and \$1500 for a laptop computer to contain the Local Emergency Operations Plan and information to be used on scenes. No local match is required.

**MOTION: To authorize the Town Administrator to execute the grant agreement for \$2,000, by H. White.**

**2<sup>nd</sup>: C. Blanchard**

**Vote: All in favor.**

### **Surplus Equipment Sale**

J. Malloy provided the Board with a list of surplus equipment (copy on file) that has been submitted by various departments.

**MOTION: To declare these items surplus equipment, by C. Blanchard.**

**2<sup>nd</sup>: H. White**

**Vote: All in favor.**

DPW sent a list of equipment in a memo dated May 19, 2003 (copy on file) to be declared surplus.

**MOTION: To declare as surplus equipment everything on the list dated May 19, 2003 except the new International 345 gas engine V-8 Long Block, by C. Blanchard.**

**2<sup>nd</sup>: H. White**

**Vote: All in favor.**

### **Forest Legacy Program**

**MOTION: To authorize J. Malloy to send a letter supporting the Forest Legacy Program, by C. Blanchard.**

**2<sup>nd</sup>: H. White**

**Vote: All in favor.**

### **Resignations/Appointments**



**MOTION: To accept the resignation of Dr. David Schwartz from the Council on Aging, by C. Blanchard.**

**2<sup>nd</sup>: H. White**

**Vote: All in favor.**

**MOTION: To confirm the Town Administrator's appointment of Mary Lou Volpe as a full-time dispatcher in the Sturbridge Police Dept. effective June 2, 2003 at a starting rate of \$12.47 per hour, by H. White.**

**2<sup>nd</sup>: C. Blanchard**

**Vote: All in favor.**

**MOTION: To confirm the Town Administrator's appointment of Brian Curboy to the Insurance Study Committee, by C. Blanchard.**

**2<sup>nd</sup>: H. White**

**Vote: All in favor.**

### **Miscellaneous**

J. Malloy explained the process for blasting permits: (1) Permit has to be obtained from the Fire Department; (2) Notification of property owners within 300 feet of the blasting location; and (3) If the road is blocked, the Police Dept. must be notified.

109 and 81 Main St. – Sewer Connection Permit – The Board had asked if it were possible to combine the inspections for these properties so that the Town's expenses would be limited and the Board could consider the request on the sewer connection permit, which has expired. J. Malloy spoke with Greg Morse, who said that the connection has been completed at 109 Main Street, so this would not be possible.

**MOTION: To deny Mr. Proulx's request because he has gone beyond the time period where he could have tied in at the \$200 fee, by C. Blanchard.**

**2<sup>nd</sup>: H. White**

**Vote: All in favor.**

### **Old Business**

C. Blanchard suggested that J. Malloy obtain a list from the Board of Health of people whose septic tanks need to be checked.

**New Business**

C. Blanchard asked about the status of the Cedar Lake bathhouse. J. Malloy said that construction was supposed to have started two or three weeks ago. Lynne Girouard had said that the delay was due to one person waiting for another person to do something. Mr. Malloy will talk to the parties involved to try to get them to work together on this project.

C. Blanchard noted that the cost of the summer recreation program was \$20/child; \$40/three or more, and additional fees for swimming and tennis lessons, which seems like a lot to pay for a service. They have \$3,000 in revenues, which they have almost spent.

C. Blanchard asked whether the liquor license for Perennial's Restaurant includes outside service.

**Ask the Selectmen**

C. Blanchard received a call from Mary Blanchard, who said that the second rock has not been placed at the gate at Burgess School.

Velma Franz called to say that the sound was great on the cable channel.

Kevin Mongeon called to say that he had sent another letter to the Board regarding signs last week, expressing concern about the Traffic Safety Committee's action, and indicating that he would like to discuss the matter again with the Board.

**MOTION: To adjourn, by H. White.**

**2<sup>nd</sup>: C. Blanchard**

**Vote: All in favor.**

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date