

October 20, 2003

**BOARD OF SELECTMEN
MINUTES
OCTOBER 20, 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. The Board had met at Big Alum Lake at 5:00 p.m., which had been posted.

Approval of Minutes

**MOTION: To approve the minutes of October 6, 2003 as amended,
 by C. Blanchard.**

2nd: D. Sosik

Vote: Four in favor; H. White abstained.

Piccadilly Pub – Change of Manager

Paul Alward and Alvin Lavoie appeared before the Board. Their paperwork was complete and in order.

**MOTION: To approve the change of manager for Piccadilly Pub to
 Paul Alward, by C. Blanchard.**

2nd: D. Schmida

Vote: All in favor.

Department Head Monthly Reports

Chief Button read his report to the Board (copy on file). The Police Department has received numerous complaints about speeding on residential roads.

The Sturbridge Police and Fire Departments received money from the Homeland Security Grant to improve radio operations for the town. The study from the NIJ indicates that three repeaters at three receiving sites are needed.

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Sgt. Ford, Officer Newsham and Officer Lewis attended the TRI-Epic mock disaster drill at the Southbridge Airport and Harrington Memorial Hospital. A Local Emergency Planning Committee meeting was held on October 9th at the Public Safety Complex. They have asked the Board of Selectmen to approve the appointments of additional members to the LEPC, and a list of individuals to be appointed to the Citizen Corps. Council.

H. White said that he was invited to attend the Safe School presentation and was impressed. He said that Sgt. Curboy deserves a special commendation, and offered congratulations.

Chief Senecal read his report to the Board (copy on file). Halloween activities sponsored by the firefighters and the Sturbridge Lions Club will take place on October 31, 2003, with trick or treating from 5:00 p.m. to 7:00 p.m. followed by the Horribles Parade starting behind Town Hall to the Town Common. Prizes for the best costumes will be distributed.

Creative Promotions brought Firefighter Phil to Burgess Elementary School for a presentation to several grades. On October 8th the Jason Chamberland Memorial Program for Fire Safety was presented to the first grade at Burgess. On October 15th Dave Peterkin and Matt Roderick made a presentation at Tantasqua High School on Career Day.

Chief Senecal informed the Board that there were four applicants for the temporary (to start) firefighter position; interviews will be conducted on Thursday, October 23rd.

The Federal Emergency Firefighter Assistance Grant provided \$68,702; the Town will match the rest, for a total of \$76,335.

J. Malloy said that there is a public safety team that has been meeting for a year, discussing communications equipment and the fact that there are "dead spots" around the town. It may be possible to pay the full cost of upgrading the town's communications equipment from the grant, due to the efforts of Chief Senecal and Chief Button.

J. Malloy read the Building Inspector's report to the Board (copy on file).

G. Morse read his report to the Board (copy on file). At the Millyard Park, they installed stone dust, excavated for steps, poured concrete footing, set the steps and pavers. The Millyard storm water management is coming along well. They cut and removed the pavement, began cutting trees and removing stumps. The final paving will be done soon.

The initial pump tests have been completed at the proposed well site. The pump rate was reduced to 375-385 gallons/minute, which would equal a permitted rate around 475 gpm. G. Morse said that Mike Zylich of Tighe and Bond indicated that the work should be completed in about three weeks. G. Morse said that it would take approximately 90 days to hear from Mass. DEP.

The initial work at the Hobbs Brook pump station has been done, with expected completion in mid-December. G. Morse noted that flow rates are typically low during the winter. A.Wilson said that he would like to see a test phase. J. Malloy said that a guideline could be found by taking the flow from January through December at the plant for the past year; then take the flow through the pump station and see how many gallons/day could be removed from the plant's flow. A.Wilson wanted to know what the impact would be on cost and situation if the flow were reduced at the plant, and whether Southbridge would be willing to handle it. He suggested coming back with a plan.

G. Morse asked when it would be possible to purchase a sweeper. J. Malloy said that he would talk to Barbara Barry, Finance Director, about the timing of the purchase so that the debt service payment would be next year. It would be necessary to wait until February to make the purchase.

D. Sosik asked if they plan to replace or repair the guardrail that was damaged across from Cherry Brook Circle. G. Morse said that it will be repaired.

Paul Donahue read his report to the Board (copy on file). He reported that the water plant has been performing well, with a small decrease in flow from the previous month. The Water Department received the final report from DEP on the results of the town's Cross Connection Control Program audit that was conducted by the DEP Drinking Water Program in April 2003. The report identifies deficiencies and violations with Mass. Drinking Water Regulations including findings and compliance plan. The audit results indicated five minor findings, which will be corrected before the end of the year. P. Donahue said that the Wastewater Treatment Plant performed well during September, and flow data reflected a 4% decrease since August.

They have been doing hydrant flushing and winterizing, with 24 hydrants remaining to be done.

J. Malloy said that he has invited U.S. Filter and the Board of Health to attend the next Dialogue for the Future on November 10th. He noted that there is a 7% failure rate on the grinder pumps, and said it would be worth considering having an in-house contract for repair of the pumps.

Roy Wood will put a report together regarding sludge handling for the November 10th work session. It costs between \$90,000 - \$150,000/year to dispose of sludge at another facility. There may be some options to avoid the cost of trucking and disposing the sludge offsite.

MOTION: To accept the gift of cots and blankets from U.S. Filter, with thanks, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Appointments

MOTION: To confirm the Town Administrator's appointment of Barbara Search, Nancy Ryder, Lawrence Adams, George Berry, Bernard Lorkiewicz, Paul Donahue and Brian Towns to the Local Emergency Planning Committee, by D. Sosik.

2nd: H. White

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of James Malloy, Thomas Button, Leonard Senecal, Arnold Wilson, Greg Morse, Carol Hooker, Deborah Boyd, Barbara Search, Nancy Ryder, Lawrence Adams, George Berry, Bernard Lorkiewicz, Paul Donahue and Brian Towns to the Citizen Corps. Council, by D. Sosik.

2nd: H. White

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Deborah Morse as the Assistant Treasurer/Collector, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Senior Municipal Service Program

MOTION: To approve Edward Douty's participation in the Senior Municipal Service Program, to continue working for the Dept. of Public Works, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Plow Bids

MOTION: To approve the list of private snow plow contractors for the 2003-2004 winter season as per the 10/1/03 memo from Greg Morse, DPW Director, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Class 2 Licenses

J. Malloy had forwarded a request to Town Counsel regarding the condition of several Class 2 licensed premises and whether there were additional regulatory controls that the Selectmen could have regarding limiting the number of vehicles that are on any given parcel. The Selectmen had limited the number of vehicles on the last two Class 2 licenses that were issued, but several of the older licenses do not limit the number of vehicles, and the condition of these properties have been the source of continued complaints over the years. Town Counsel provided the opinion that as each of these licenses expires at the end of the calendar year, the Selectmen have the authority to treat each application for renewal as a new license, and may place appropriate conditions on the licenses. In an effort to address the complaints, and the eyesore that has been created by these businesses, Mr. Malloy recommended that the Board reconsider all Class 2 licenses and have each licensee come before the Board during the Selectmen's meetings in November and December with site plans so that the Board can place conditions on the licenses as they renew on January 1, 2004.

It was the consensus of the Board to agree with Mr. Malloy's recommendation, and proceed with it.

Mobil, Shell & ARCO Litigation

MOTION: To approve the transfer of \$29,443.00 from the Town of Sturbridge v. Mobil, et. al litigation settlement to the General Fund and deposit \$1,570,557 to the Water Fund, by C. Blanchard.

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

Early Retirement Incentive (ERI)

MOTION: To amend the previous vote to accept the ERI, changing the limit number to a total of 10 employees , with a maximum of two from Group 4, by C. Blanchard.

2nd: D. Sosik

Vote: D. Sosik, C. Blanchard and D. Schmida in favor; A. Wilson and H. White opposed.

Big Alum Sewer Project

MOTION: To approve the motion as follows:

"VOTED: That all action taken in arranging for the sale of the \$1,087,000 Sewer Bond, No. R-1 ("Bond No. R-1") and \$202,978 Sewer Bond, No. R-2 ("Bond No. R-2", together, Bond No. R-1 and Bond No. R-2 are referred to as the "Bonds") authorized pursuant to Section 8(20) of Chapter 44, of the Massachusetts General Laws, and by a vote of the Town duly adopted under Article 23 of the Warrant at the 2001 Annual Town Meeting and Article 10 of the Warrant at the 2003 Annual Town Meeting, be and hereby is ratified, confirmed, approved and adopted;

That said \$1,087,000 loan shall be represented by a single registered bond, No. R-1, which shall be dated as of such date as it is actually delivered to its purchaser against payment to the Town, and shall be dated as of the date hereof, payable in annual installments on the anniversary of its date in the amount of \$27,872 in each year 2004 to 2041, inclusive, and \$27,864 in 2042, bearing interest payable annually on the date thereof at the rate of 4.625% per annum;

That said \$202,978 loan shall be represented by a single registered bond, No. R-2, which shall be dated as of such date as it is actually delivered to its purchaser against payment to the Town, and shall be payable in annual installments of principal in the amount of \$5,205 in each year 2004 to 2041, inclusive, and \$5,188 in 2042, bearing interest payable annually on the date thereof at the rate of 4.50% per annum;

That the interest rate on Bond No. R -1, payable from the date of delivery, be and is hereby fixed at the rate of four and five-eighths percent (4.625%) per annum, with payments applied first to interest

on the outstanding indebtedness evidenced thereby and next to principal, as further provided therein;

That the interest rate on Bond No. R-2, payable from the date of delivery, be and is hereby fixed at the rate of four and one half percent (4.50%) per annum, with payments applied first to interest on the outstanding indebtedness evidenced thereby and next to principal, as further provided therein;

That the Town reserves the right to prepay all or part of the Bonds on any payment date without penalty or premium, each such premium payment to be applied to the last principal due thereunder;

That the bid of the UNITED STATES OF AMERICA to purchase the Bonds at par, bearing interest at the aforesaid rate, being the best bid received for the Bond, be and hereby is accepted, and the Town Treasurer be and hereby is authorized to deliver the Bonds to the aforesaid purchaser or order against payment therefor;

That the proceeds of the Bonds shall be used for improvements to the Town's Sewer System;

That the Board of Selectmen/Sewer Commissioners hereby covenants and agrees on behalf of the Town with the purchaser or holder from time to time of the Bonds that the Town shall maintain rates and charges for the use of the Town's sewer system in an amount which, together with other available funds, shall be sufficient to pay all costs of operating and maintaining such system and the entire principal of and interest on the Bonds and all other indebtedness of the Town issued for municipal sewer purposes, as the same becomes due. The Bonds shall nevertheless be a general obligation of the Town, payable from any of its revenues, including revenues derived from ad valorem taxes levied in accordance with the law upon all the property within the Town which is lawfully subject to such taxes."

We hereby certify that the foregoing is a true copy of the vote adopted at said meeting as appearing in the minutes thereof; that the meeting was open to the public; that notice stating the place, date and time of the meeting was filed with the Town Clerk of the Town of Sturbridge and a copy thereof was posted in the Town Clerk's office or on the principal official bulletin board of the Town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting; that no deliberations or decisions in connection with the vote were taken in executive session; and that the official record of the meeting was made available to the public promptly and will

remain available to the public, all in accordance with Chapter 39, Section 23B, of the General Laws, as amended (the "open-meeting law"). by D. Sosik.

2nd: H. White

Vote: All in favor.

Traffic Safety Committee

J. Malloy asked Larry Adams, Town Planner to review the Traffic Safety Committee's recommendation on the large boulder at the Country Village Shops to see whether this was part of the site plan and whether it is within the Town's Right of Way.

Town Clerk's Request to accept MGL Ch. 40 §22F

J. Malloy discussed this section with Lorraine Murawski and Town Counsel, and felt that the Town should consider acceptance of this statute. One of the benefits is that it would permit the town to consider fees and charges higher than the statutory limit. In many cases, statutes have not been changed in many years and allowed fees do not cover the cost of providing a service. It was the consensus of the Board to put it on the Special Town Meeting warrant.

Special Town Meeting

MOTION: To set the Special Town Meeting for December 8, 2003 at 7:30 p.m., by D. Sosik.

2nd: H. White

Vote: All in favor.

C. Blanchard expressed concern about the budget, and suggested that only those items that are really needed be accepted and the notice that goes out on the Special Town Meeting should state that the Selectmen will only place those articles that are necessary. The Board agreed.

8 Brookfield Road

J. Malloy toured the building with Terry Gordon, who feels that it would be a great location for her dance studio, but it would need to be upgraded for that use with installation of a dance floor. Ms. Gordon's interest is long-term (up to 10 years). She also said that since she wouldn't be using the building at all times, she would be willing to discuss other community uses, such as boy/girl scouts, etc.

Mr. Malloy has not heard anything further regarding interest in the idea of a youth center at this location. He felt that the Town should be looking for a tenant to use the building and generate income for the Town, considering the current financial outlook for next year. He said that if the Board is interested, he would draft a Request for Proposals for review at the next meeting. The Board asked J. Malloy to provide a proposal for the next meeting.

Ballot Letter

J. Malloy submitted to the Board a letter to be sent to the state Elections Division indicating what kind of ballots should be sent to the Town (copy on file). This piece of equipment (AccuVote OS) is what the Town Clerk will be seeking at the upcoming town meeting. C. Blanchard noted that the Board has not reviewed the alternatives.

MOTION: To authorize the Chairman of the Board of Selectmen to sign the letter, to include the wording: “subject to Town Meeting appropriation,” by D. Sosik.

2nd: H. White

Vote: Four in favor; C. Blanchard opposed.

Cedar Lake Drawdown

MOTION: To approve the drawdown of Cedar Lake as proposed in the letter received on 10/20/03, by D. Sosik.

2nd: H. White

Vote: All in favor.

J. Malloy informed the Board that there was an anonymous donation to the Town of an oven and dishwasher valued at \$500.

MOTION: To accept the donation, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Correspondence

C. Blanchard expressed concern regarding the October 2nd letter from Jim Wettlaufer, Town of Holland, about the real intent of the meeting to change the way that Chapter 70 funds are applied to the Tantasqua budget. It was the state statute’s recommended method and there is a regional

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agreement that defines a certain method of allocating costs. C. Blanchard recommended that the Board get a copy of the legal opinion, and let the other towns know that they should adhere to the agreement, and that the Sturbridge Board of Selectmen will aggressively oppose changing the agreement.

Old Business

None

New Business

None

Ask the Selectmen

C. Blanchard received a call from an individual (who did not wish to be identified on camera), who indicated that the stone on Cedar Street is in the way when she pulls out of the parking lot.

MOTION: To adjourn, by H. White.

2nd: D. Schmida

Vote: All in favor

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date