

**BOARD OF SELECTMEN
MINUTES
DECEMBER 1, 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 approve the minutes of November 17, 2003 as amended, by C. Blanchard
2nd: H. White
Vote: All in favor.

Copper Stallion – New Liquor License and Common Victualler License

Donald Garfield and Terry and Joni Light appeared before the Board. J. Malloy read the legal ad into the record. The difference between this application and their previous application was a change in square footage, to 1577 square feet. D. Garfield explained that they propose to open a restaurant within the existing footprint of the restaurant that was formerly there, Margaux's Café.

H. White asked whether they should have gone through site plan review, since the previous restaurant was chiefly a deli with no evening hours, and no liquor license. J. Malloy said that Mark Lev, Building Inspector, felt that it did not need site plan review. A. Wilson expressed his opinion that it should go through site plan review, since 55 seats are proposed for the Copper Stallion, while Margaux's had 26 seats, which is an expansion of the use, and there will be a change of activity. D. Garfield said that it was made clear by the Planning Board that site plan review was not necessary, since they do not propose to increase the square footage. They had decided not to pursue the use of the third floor. He added that Margaux's probably had more traffic than his plan would, because it was a take out facility. No other business is open at night in that building.

D. Sosik noted that the site plan review process allows abutters to come forward to address their concerns. A. Wilson said that Patricia Affenito, an abutter, had sent a letter requesting that the hours of serving alcohol be restricted to ending at 11:00 p.m.

Frances O'Connell, an abutter, said that her second floor windows are level with the restaurant. She said that her concerns could be better addressed through site plan review. She felt that serving alcohol adds another dimension to the use of the building, and expressed concern about noise, traffic, exhaust, business hours, lighting, trash removal, and the liability issue regarding snow guards and a pathway that may be used as a driveway. C. Blanchard questioned whether the Board had the authority to force someone to go through site plan review, and under what conditions it could do so. It should be clarified in the town bylaws. J. Malloy said that the only types of things to be addressed in site plan review would be the issues of loading, lighting, noise control, parking and acceptable sanitary conditions. He noted that the Building Inspector and the Board of Health could address the sanitary conditions as an enforcement issue.

Joni Light said that they have consulted Tom Wright, the owner of the building, regarding the trash pickup issue. She noted that the kitchen faces Ms. O'Connell's apartment building, and does not have any windows, so there would be no problem regarding lights. A light will be necessary for lighting the egress.

Ron Woolhouse, Fire Inspector, noted that it is an old building with a heavy fire load on the first floor (the Handmaiden shop). He said that before an occupancy permit can be issued, they must meet the fire code.

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

2nd: H. White

Vote: All in favor.

MOTION: To grant the liquor license for the Copper Stallion, limiting the hours of operation to 11:00 p.m., by C. Blanchard.

2nd: D. Schmida

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

MOTION: To approve the Common Victualer license for the Copper Stallion, with hours of operation from 11:00 a.m. to 9:30 p.m., by C. Blanchard.

2nd: D. Sosik

Vote: Four in favor; H. White opposed.

D. Sosik requested that they work with their abutters to be sure that their concerns are addressed. Terry Light agreed.

C. Blanchard recused himself from the Board.

Attorney Robert George – Spaho Corp. Water/Sewer Extension

Attorney Robert George, Mike Loin and Mike Lussier, the developer, appeared before the Board. R. George said that the new valves are on line and the pump station has been repaired. He requested that the Board take action on the water and sewer extension permit.

J. Malloy noted that the expected completion date for the work on the Hobbs Brook pump station is within the next two or three weeks. The pump came in from Germany, then was held up in New Jersey for a few months. Mr. Malloy said that he and Greg Morse discussed it, and determined that 80% of the flow could go to Sturbridge's pump station, and the rest go to Southbridge. He said that during the March/April period, there would be about 15,000 gallons going to Southbridge.

C. Blanchard (speaking as a private citizen) said that it is required that water and sewer permits be in place. The Town of Sturbridge has home rule legislation which allows the Town to have its own sewer service bylaw. He presented the Board with a summary of what has happened both prior to and after the sewer service bylaw has been in place (copy on file), listing subdivision approvals with town water and sewer, indicating the number of lots on the amount of acreage for each subdivision. He noted that the Board received a letter from the Conservation Commission, expressing concern about the sensitivity of the wetlands and wildlife in the area, and there is a presentation pending regarding how the wetlands meet all 10 of the criteria set by the Open Space Committee. He expressed concern about the proposed number of lots and the fact that there is no open space preserved other than what is required for the wetlands. He pointed out that the ratio of lots to acres for this subdivision should be 8-10 lots on the 23 acres, to be consistent with what the Board has granted previously. The project has still not been before the Conservation Commission.

H. White asked about the number of successful perc tests on the site. M. Loin said that there have been 17 percs so far. D. Sosik asked whether they would be willing to reduce the number of lots to 17. R. George said

that if the Board would grant approval for 19 lots, they would move forward with it. J. Malloy said that the Town could handle the flow once the pump station is operational. R. George said that the Board's decision should be based on the capacity issue.

MOTION: To allow Spaho Corporation to have single family home sewer connections not to exceed connections for 17 single family homes, contingent upon the successful completion and testing of the Hobbs Brook pump station to the satisfaction of the Board of Selectmen, by D. Sosik.

2nd: D. Schmida

MOTION: To amend the motion, that there be no more than 15 sewer connections, by H. White.

2nd: D. Schmida

Vote: Four in favor; C. Blanchard abstained.

MOTION: To grant water connections for Spaho Corporation to a maximum of 15 properties, by H. White.

2nd: D. Schmida

Vote: Four in favor; C. Blanchard abstained.

C. Blanchard rejoined the Board at 7:55 p.m.

Brunell Energy – Aboveground Fuel Storage Tanks

A. Wilson said that the proposed use of the site for a warehouse was not in conformance with the Town's Zoning Bylaw and is not a permitted use. He said that if the Town wanted to permit it, there should be a zoning change.

Attorney Philip Leader, representing Brunell Energy, and their engineer appeared before the Board. They proposed to place one large tank with a capacity of 150,000 gallons and two smaller tanks, each with a capacity of 20,000 gallons at property owned by Brunell Energy at Technology Park Drive.

Tom Root, representing Optim Inc. at 64 Technology Park Drive, requested that the Board require Brunell Energy to pay to monitor Optim's well water and heating/ventilating system per OSHA and Board of Health standards to ensure the health and safety of Optim's employees; that Brunell Energy be required to obtain insurance in the event that there is contamination of Optim's property; that the setback requirements not be waived. He was also concerned that the weight of the trucks would

damage the roads. T. Root said that Optim, Inc. would not be opposed to this, if these conditions were met. C. Blanchard said that it should be considered by site plan review. P. Leader said that the comments will be considered.

MOTION: To grant a license to Brunell Energy to store flammable liquids and combustible material as approved by the Fire Chief, Leonard Senecal, by C. Blanchard.

2nd: D. Schmida

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

Cooperative Trail Management Agreement

MOTION: To authorize the Town Administrator to execute the agreement between the Town of Sturbridge and Opacum Land Trust for Trail Management on the Grand Trunk Trail, by D. Sosik.

2nd: D. Schmida

It was the consensus of the Board to hold action pending Town Counsel's recommendation. D. Sosik withdrew the motion; D. Schmida withdrew the second.

Senior Municipal Service Program

MOTION: To approve the Senior Municipal Service Program project for Henry Chartier working for the DPW, painting the interior of the offices, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

MOTION: To approve the Senior Municipal Service Program project for Joyce Simpson working for the Library, doing data entry, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Water/Sewer Abatement Application

MOTION: To approve the abatement application for account number 507, due to an incorrect bill in the amount of \$1,530.95, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

77 Fairview Park Road

J. Malloy informed the Board that they needed to sign the Quitclaim Deed which had been approved for execution.

Hobbs Brook Pump Station Modifications

J. Malloy submitted to the Board three spreadsheets (copies on file); the first contained information relative to the current wastewater flow at the Sturbridge Wastewater Treatment Facility, the Hobbs Brook Pump Station, and the flow going to Southbridge; the second contained the same base information, but with 100% of the flow going to Southbridge; the third used a managed flow to the Sturbridge treatment plant to maintain an 80% or less capacity use. All three spreadsheets contained the associated costs. Currently the budget for flow going to Southbridge is \$110,000. Mr. Malloy explained that although the goal would be to set a policy of maintaining a flow of 80% or less of the capacity at the Sturbridge Wastewater Treatment Facility, maintaining exactly 80% will not be possible due to differences in the loadings on a daily basis. Although 80% is the goal, it will likely be slightly higher or lower. Maintaining this policy will allow additional development on both the west end and east end of Sturbridge for the near-term future.

Personnel Committee

The major changes to the merit-based pay program are as follows:

- There is a different policy proposed for exempt (salaried) and non-exempt (hourly) employees.
- For exempt employees, the “merit” part of the program would be paid on a one-time basis instead of being added to the base salary. Merit pay will be determined on the successful completion of weighted goals.
- Non-exempt employees would be placed back onto a step-in-grade scale, but movement within the steps will be based on whether the employee’s performance evaluation justifies a step increase.
- Increases in the wage scales for both exempt and non-exempt employees will not be tied to the CPI, but will be based on a determination from the Selectmen on what the Town can afford to include.

MOTION: To adopt the Exempt Employees Merit Based Incentive Program dated 12-1-03 as recommended by the Personnel Committee, by C. Blanchard.

2nd: D. Sosik.

Vote: All in favor.

MOTION: To adopt the Non-Exempt Employees Merit Based Step-in-Grade Program dated 12-1-03 as recommended by the Personnel Committee, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Special Town Meeting

J. Malloy submitted to the Board the minutes from the Finance Committee meeting that relate to the upcoming town meeting. The Finance Committee voted to recommend that the Town Meeting take no action on Article #31 (OFS Fitel TIF agreement) and did not vote to either support or not support Article #33 (Verizon Easement).

MOTION: To have the Town Administrator prepare a substitute motion and present it at the Special Town Meeting, authorizing extension of the TIF agreement for OFS Fitel, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor

MOTION: To have the Town Administrator prepare a substitute motion and present it at the Special Town Meeting, to support Article #33, the Verizon Easement, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

The Community Preservation Committee asked whether the Selectmen could place Article #35 without the CPC's recommendation. Town Counsel submitted an opinion on the issue that placing the article was appropriate (copy on file).

A. Wilson noted that the CPC made a decision relative to the use of their funds, and it is their responsibility to do so. He recommended that the Board support the recommendations of the CPC at Town Meeting.

Appointments/Resignation

MOTION: To accept Mary Lou Volpe's resignation as a full-time dispatcher, by H. White.

2nd: C. Blanchard

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Mary Lou Volpe as a part-time dispatcher at the rate of \$12.47 per hour, effective 12-12-03, by H. White.

2nd: C. Blanchard

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Denise Fontaine at a starting rate of \$12.47 per hour effective 12-12-03, by H. White.

2nd: C. Blanchard

Vote: All in favor.

Old Business

C. Blanchard asked about the status of the hearings for the Class 2 license holders. J. Malloy said that only two have been scheduled for the December 15th meeting.

New Business

C. Blanchard announced that the tree lighting ceremony will take place on Friday, December 5th at 6:00 p.m. on the Town Common. Santa Claus will be there, and hot chocolate will be served.

A. Wilson said that there will be a meeting on December 12th at Tantasqua relative to financing of the regional school. He suggested that the Sturbridge representatives be invited to meet with the Board at Burgess Elementary School at 6:30 p.m. on December 8th, before the Special Town Meeting for a general discussion. The Board agreed with that suggestion.

Ask the Selectmen

H. White received a call from Sheila Wright, who asked whether the Town has done any research on the traffic impact resulting from liquor stores being open on Sundays during the holiday season.

H. White received a call from Molly Giordano regarding using the capped landfill area as a site for a telecommunications tower. J. Malloy said that a cell company had conducted tests and determined that the soils are not stable enough to support a cell tower.

D. Schmida received a call from Marge Cooney, who felt that the Copper Stallion application should have gone back to the Planning Board. D. Schmida explained that it was not a change of use, so it did not require site plan review.

MOTION: To enter into executive session under MGL Chapter 39, §23B, Paragraph #3: To discuss strategy with respect to collective bargaining, not to reconvene in open session, by D. Schmida.

2nd: H. White

Roll call vote: All were in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date