

January 20, 2004

**BOARD OF SELECTMEN
MINUTES
JANUARY 20, 2004**

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 January 5, 2004 as corrected, by D. Sosik.

2nd: H. White

Vote: All in favor.

MOTION: To accept the executive session minutes of January 5, 2004 as submitted, to remain confidential, by D. Sosik.

2nd: H. White

Vote: All in favor.

MOTION: To accept the executive session minutes of December 15, 2003 as submitted, to remain confidential, by D. Sosik.

2nd: H. White

Vote: All in favor.

Fire Chief Leonard Senecal – Monthly Report

Chief Senecal read his report to the Board (copy on file). The Fire Department has submitted an application to acquire a Trail Gator, a John Deere utility vehicle to be utilized for EMS calls, search and rescue and forest fires, from the U.S. Smokeless Tobacco Trail Gator Program. Sixty units were donated to area towns and rescue services last year.

Chief Senecal said that he had applied for a \$23,000 fire prevention grant from the U.S. Fire Administration for extra money toward programs for the schools and on the Town Common.

Michael Andrade, Graves Engineering – Sewer Extension Application

Michael Andrade appeared before the Board on behalf of Mystic Builders. He requested approval for a 1500' low pressure sewer force main to service eight proposed four-bedroom dwellings on Westwood Drive. J. Malloy said that it cannot be confirmed that these are buildable lots with regard to the grade. He recommended that the Board disapprove the application as submitted and direct the applicant to resubmit a completed application.

MOTION: So moved, by H. White.
2nd: D. Schmida

J. Malloy said that according to the Sewer Service Bylaw, there should be one connection for each vacant lot that abuts a sewer line; this does not abut the sewer line, it is an extension, and therefore it is solely up to the Selectmen whether or not to allow the extension. M. Andrade said that there is an ANR for the existing lots, and he did not have a site plan for each individual lot. Jim Bigelow, part owner of the land, said that the driveways are about 20' long, and the land is level going into the driveways.

C. Blanchard said that he would not support the sewer extension. He noted that the land was not part of the Town's sewer system, and the lots would only be buildable if sewers were there. H. White indicated that he did not like this approach to extending sewer lines.

C. Blanchard amended the motion to say: **That the Board disapproves the application for a sewer extension, and to delete directing the applicant to resubmit a completed application.**

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

Pole Hearing – McGilpin Road

Bob Strand of Verizon appeared before the Board. The application was to place a pole 1,492 feet from the northerly intersection of McGilpin Road and Fiske Hill Road. Tom Chamberland, Tree Warden, had no concerns; Greg Morse, DPW Director, indicated that the pole should be situated as far off the road as possible.

MOTION: To approve the pole placement subject to the pole being placed as far off the road surface as possible, by C. Blanchard.

2nd: D. Schmida

Vote: All in favor.

MOTION: To close the public hearing, by H. White.

2nd: C. Blanchard

Vote: All in favor.

Senior Municipal Service Program

MOTION: To approve the Senior Municipal Service program for A. Jean Parks to work for the Sturbridge Police Department, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

MOTION: To approve the Senior Municipal Service program for Rita Choquet to work for the Conservation Commission, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Mass. Highway Ch. 90 Contract

MOTION: To authorize Arnold Wilson, Chairman of the Board of Selectmen, to execute the contract between Mass. Highway and the Town of Sturbridge #35014246291 for \$220,785, by H. White.

2nd: C. Blanchard

Vote: All in favor.

MOTION: To authorize the Town Administrator to sign the statement that Arnold Wilson was authorized to execute the above referenced contract, by H. White.

2nd: C. Blanchard

Vote: All in favor.

Common Vtctualer Application

MOTION: To approve the Common Victualler application of Joseph & Patricia Spadea for Sellia Corp. d/b/a McDonald's Restaurant, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Appointment

MOTION: To confirm the Town Administrator's appointment of Denise Fontaine as a part-time dispatcher at \$12.47 per hour, by H. White.

2nd: D. Sosik

Vote: All in favor.

8 Brookfield Road Lease

J. Malloy met with Terri Gordon regarding the lease, and she asked whether the following could be included:

- Under Section 2.1 – “Term” – She asked if the following could be added: “The term of the agreement may be extended for an additional five (5) year term under the same terms and conditions as this agreement, at the option of both parties.”
- Under Section 3.1 – “Rent and Other Charges” – She asked if she could enter the property in February to begin making the necessary changes with the plan to be open March 1, 2004 at which time rent would commence.
- Under Exhibit C – Use/Alteration of the Property – She asked that the wording be left as it presently exists, but that the following be added:
 1. Installation of a dance floor
 2. Removal of office partitions (on the east side of the building)
 3. Installation of a hall between the separate offices/rooms on the west side of the building and the dance floor area
 4. Removal of the wall dividing the two rear offices (if it is not structural)

J. Malloy informed the Board that a heating pipe burst and flooded the carpeting in the building. Insurance covered the damages.

It was the consensus of the Board that the Board should approve the sub lease.

Spinney's Automotive – Class 2 License

William Spinney appeared before the Board. C. Blanchard noted that there is a new state law that Class 2 licensees are required to get a \$25,000 bond. J. Malloy will research the new law.

MOTION: To approve the Class 2 license for Spinney's Automotive; that up to 10 cars for resale be stored in the area shown on the plan dated 1/20/04 along the left side of the building from Route 131, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Tetreault Forest Management – Logging Permit

Gary Moulton and Ruth Mogavero appeared before the Board. Nancy Ryder had indicated that it will be reviewed by the Conservation Commission on January 22, 2004. She stated that trees to be cut are not clearly marked at the site, the buffer zones are not clearly delineated and the cut may exceed the 50% basal cut allowed. Also, the site may be slated for future development.

Daniel Curboy, an abutter, said that Ruth Mogavero does not own some of the property that she claims to own. He said that the boundaries are wrong, and he owns and pays taxes on the land. J. Malloy had a copy of the deed dating back to 1975, but metes and bounds were not indicated on it. An abutter stated that the property in question never belonged to George Curboy.

H. White felt that the applicant could have submitted the application sooner, and that the Board was being pressured to vote on it. He noted that Bernie Lorkiewicz's comments were just received by the Board on January 20th.

MOTION: To approve the logging permit with recommendations submitted by Bernie Lorkiewicz from the Board of Health dated 1/20/04, and subject to final approval by the Conservation Commission before any work starts, by C. Blanchard.

2nd: D. Sosik

Vote: Four in favor; H. White opposed.

MOTION: To close the public hearing, by H. White.

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

J. Malloy informed the Board that two of the green return receipt cards were missing.

Waterman Design – Elderly Housing Project

A.Wilson announced that the presentation has been postponed to February 2, 2004, but since abutters had been sent letters notifying them that it would be held on January 20th, it was the consensus of the Board to receive input from those present. A.Wilson said that the Board considered the elderly housing project to be a substantial project, which would impact the neighborhood on Wallace Road. He noted that the development is in an area that allows multi-family dwellings.

J. Malloy explained that right after the letter was sent out, Waterman Design said that they would like to meet with the residents directly, so they set up a meeting on January 22, 2004 at 7:00 p.m. at the Joshua Hyde Library.

C. Blanchard noted that Waterman Design presented a project for the elderly age 60 years and older, which falls under 6.02(E), which requires that they go before the Board of Selectmen, then the Planning Board. If they make it for people age 55 and over, it would have to go through the ZBA, since there is a different requirement under the bylaw for a multi-family development. If it were a low income or a special needs housing project, the state would get involved and 40B would apply, which would require a comprehensive permit, then to go through the ZBA.

Richard Lawrence, 21 Wallace Road, informed the Board that the property has a high water table. He expressed concern about putting 28 units in such a small area, and said that only four acres of the parcel are buildable. There would be two parking spaces for each unit, for a total of 56 cars. He felt that it would add to traffic and accidents on Wallace Road. He did not feel that this type of development fits the neighborhood profile.

Jim Crowley, 23 Wallace Road, expressed disappointment that Waterman Design could not be present at the Board meeting on January 20th. He said that Wallace Road is an area of single family houses, and the level of density in the proposed project does not fit in with the neighborhood. He also expressed concern about how water would be provided to the project.

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He presented the Board with a petition (copy on file) signed by the abutters, in opposition to the project.

Alice Martini, 13 Wallace Road, expressed concern about lights, noise and water pollution and drainage problems.

Scott Garieri, 28 Wallace Road, asked what would happen if there were not enough seniors to fill the project, and who would be the watchdog for it.

Bob Trueman, 11 Wallace Road, said that putting senior housing on a back side road would not be a good idea, since there are no town services and no public transportation available there.

Bob Delage, 76 Wallace Road, expressed concern about selling a home on Wallace Road, since having a senior housing project there would have a negative impact on property values. He also expressed concern about drainage. He noted that every time someone installs a new well, it affects the water table.

Matthew Maselli, 80 Wallace Road, asked who had authority over the situation. A. Wilson said that all of the details, including traffic, drainage and the site plan are under the Planning Board's jurisdiction. C. Blanchard reiterated the three different types of projects, and who would have jurisdiction over each one.

Jack Foley, 17 Wallace Road, said that two apartments will be 35 feet from the street. He said that the project would be surrounded by single family homes, and did not think it was an appropriate location.

One of the abutters suggested the project be relocated to 12 acres of land on Route 131.

Paul's Used Cars – Class 2 License

Michael Lafleche appeared before the Board. He applied for a maximum of 20 cars for resale at the site.

MOTION: To grant a Class 2 license to Paul's Used Cars, for up to 20 vehicles to be stored at the site as shown on the plan submitted on 1/20/04, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Applebee's – Change of Manager on Liquor License

Attorney Barry Gerstein and John Gilmartin of Applebee's appeared before the Board.

MOTION: To approve the Change of Manager application for Applebee's Northeast, Inc. naming John Gilmartin as the new manager, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Snow and Ice Deficit

MOTION: To approve snow and ice deficit spending in account #14212-52400 in the amount of \$5,000, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Chapter 90 Project Request

MOTION: To authorize the Board to execute the Chapter 90 Road Project Requested Amendment to include \$28,073.58 for Phase I of Shepard Road, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Special Counsel

MOTION: To confirm the Town Administrator's appointment of Merrick, Louison & Costello as Special Counsel to deal with the school funding issue, at a rate of \$150 per hour, by H. White.

2nd: D. Schmida

Vote: All in favor.

J. Malloy informed the Board that Attorney Pat Costello would meet with them on February 2nd.

Old Business

H. White noted that the Board has had issues with a number of Class 2 license holders regarding number of cars and where they are parked. He said that Sturbridge Service Center is parking cars on the state highway,

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creating a safety hazard. Judy Knowles will give copies of the used car licenses to Mark Lev, Building Inspector, and he will check on them.

C. Blanchard said that there was a packet of information sent to the Superintendent of School from Senator Brewer indicating comments brought forward by the Joint Legislative Committee about making regional Chapter 70 funds more equitable with a per pupil allocation.

A.Wilson said that he had asked Penny Dumas to send a letter to Tyrone Jones regarding the actions of the Town in December. He asked J. Malloy to remind Tyrone Jones that the Annual Town Meeting is coming up in April.

A.Wilson noted that there is \$1400 left in the account for Perkins-Coie regarding Nipmuc petitions.

The Board was requested to appoint a liaison to the Quinebaug-Shetucket Heritage Corridor.

MOTION: To appoint David Yaskulka as representative to the Quinebaug-Shetucket Heritage Corridor, by C. Blanchard.
2nd: H. White
Vote: All in favor.

A.Wilson said that he has made progress in meeting with department heads on a one-on-one basis, and is gathering information. He will report back to the Board.

A.Wilson asked the Board to review the draft of the Board of Selectmen's report for the Annual Town Report. J. Malloy said that the Board will be photographed on February 2nd.

A.Wilson asked the Board to submit their forms for evaluation of the Town Administrator, and asked the Board to draft goals and objectives for the Town Administrator for the coming year.

A.Wilson asked the Board if they had any questions or would like more information on any budget items.

New Business

C. Blanchard said that he had attended the MMA Annual Meeting, and made copies for the Board of information that Governor Romney had

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presented regarding the budget for this year. Governor Romney hopes that he will be able to see a slight increase in local aid.

C. Blanchard said that the Town received a dividend from MIIA of \$2,429.27 for workers compensation participants. The MIIA Loss Control Grant has been approved for \$1400 for driving training for police officers.

C. Blanchard said that Guy Conrad, legal counsel for the Nipmuc Nation, will make a presentation at the CMRPC Meeting on January 29th at 35 Harvard St., Worcester.

A. Wilson noted that the workload continues to expand for Town employees due to increasing development, and they are having a hard time coping with it.

Ask the Selectmen

There were no calls.

MOTION: To convene in executive session under MGL Chapter 39, §23B, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation, 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