

May 17, 2004

**BOARD OF SELECTMEN
MINUTES
MAY 17, 2004**

Present: Arnold Wilson, Chairman
 Charles Blanchard
 Doris Sosik
 Hal White
 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 executive session minutes of May 3, 2004 as amended, to remain confidential, by H. White.

2nd: D. Sosik

Vote: All in favor.

William Nemeroff – Pledge of License Application for Cedar St. Restaurant

William Nemeroff appeared before the Board. His application was complete.

MOTION: To approve the Pledge of License application for William Nemeroff, d/b/a Cedar Street Restaurant as attached, by H. White.

2nd: C. Blanchard

Vote: All in favor.

Request for reduced sewer connection permit fee

J. Malloy had received a request from Kenneth Petrillo for a reduction from \$1200 to \$200 for the sewer connection permit. Mr. Petrillo had previously paid \$200 under the reduced fee approved by the Selectmen; however, a year has passed, the original permit has expired, and the Public Works Dept. has notified Mr. Petrillo that an additional \$1,000 is now due (which is consistent with the Selectmen's policy). Mr. Petrillo informed J. Malloy that the property belongs to his 81-year-old mother, who is on a fixed income. They had originally intended to connect, but had to install a well on the property, and the cost of installing the well delayed connection to town sewer. Mr. Petrillo requested that the Selectmen consider allowing the connection for the \$200 fee already paid.

MOTION: To grant the request from Kenneth Petrillo (for his mother) to waive the additional \$1,000 sewer connection permit fee, due to the hardship shown, by D. Sosik.

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2nd: C. Blanchard
Vote: All in favor.

Police Detail Request – Chief of Police

MOTION: To approve a fee of 10% above the administrative fee of 10% for police details which require a police cruiser, by D. Sosik.
2nd: C. Blanchard
Vote: All in favor.

Fences on Above-Ground Pools

J. Malloy submitted to the Board Section Four of the Town's General Bylaws regarding residential swimming pools. Section 4.02 requires that every swimming pool must have a fence four feet in height, and does not differentiate between in-ground or above-ground pools. Section 4.05 provides the authority for the Selectmen "to make modifications, upon a showing of good cause, with respect to the necessity, provided the protection as sought is not reduced." A question was raised by the Building Inspector on a new above-ground swimming pool regarding the fencing requirement and whether above-ground pools require the same four-foot fence that in-ground pools do. It was the consensus of the Board that as long as there is compliance with the state law relative to above ground pools, the fencing requirement would not be a necessity. The intent of the bylaw was that the wall of the pool would be four feet high.

Right of First Refusal

There was a request from Attorney Robert Cotton from Montague and Desautels for the Town to consider waiving its right of first refusal on a back lot off Whittemore Road. J. Malloy spoke with Nancy Ryder about the property, and she indicated that the Conservation Commission did not see any value in the Town acquiring it, but had asked Ed Goodwin to speak with the Open Space Committee and the Community Preservation Committee to see if they had any interest. It was the consensus of the Board to hold action until the next meeting, to review input from the Open Space Committee and Community Preservation Committee.

Water/Sewer Abatement for NetOptix

There had been an error in the reading; a "5" was read as a "6" which substantially increased their bill, due to a dirty meter.

MOTION: To abate \$48,800 of the water/sewer bill issued to NetOptix for account #50, by D. Sosik.
2nd: H. White
Vote: All in favor.

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Resignation

MOTION: To accept the letter of resignation from Nancy Ryder as the Conservation Agent with regret, by D. Sosik.

2nd: H. White

Vote: All in favor.

Quaboag/Quacumquasit Lake Association Request

The QQLA requested a letter of support for a grant application that they are seeking, which does not require any funding from the Town.

MOTION: To send a letter regarding the QQLA grant, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

TRSD Study Committee

J. Malloy submitted to the Board drafts of letters to the school district, Finance Committee and an advertisement for the Study Committee on TRSD for the Board's review. The Board approved them.

Babineau

J. Malloy noted that the Town is in litigation with Mr. Babineau, and there were a series of releases that may require Town Counsel's involvement. He suggested that the Board discuss it in executive session. The previous owner of the gas station had a fuel leak, and the Town spent \$50,000 to remove contaminated materials at the site. Mr. Babineau intends to sell the property if his neighbor is allowed to connect to Town sewer. Mr. Malloy said that Town Counsel should write any agreements that contractually obligate Mr. Babineau.

George Sladdin – Change of d/b/a and Change of Corporate Name on Liquor License

George Sladdin appeared before the Board.

MOTION: To approve the Change of d/b/a and Change of Corporate Name for George A. Sladdin and Daughter, Inc., by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Andre Cormier, Escape Estates, Inc.

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Andre Cormier appeared before the Board. He requested the Board's permission to extend Town sewer to 180 Cedar Street, to accommodate his proposed subdivision at 176 Cedar Street. He showed two different plans to the Board, one with septic systems, and the other with Town sewer. The septic system plan was for eight lots; every house would have a pump system, and more trees would be cut with this plan. The plan with Town sewer would have ten lots and one ANR; fewer trees would need to be cut, and the layouts of the lots have better configuration.

C. Blanchard said that it would be better if the ANR lot was not built upon. D.Sosik asked who would own the open space. A. Cormier said that the homeowners would have common ownership of the open space. H. White indicated that he was opposed to sporadic extension of sewer lines and capacity, and noted that the subdivision would create 15 to 17 additional sewer users on Cedar Street. A.Wilson suggested that he return on June 14th with information regarding sewer capacity.

Tom Chamberland, Veterans Agent – Memorial Day Activities

Tom Chamberland provided the Board with a list of Memorial Day activities in the Town of Sturbridge (copy on file). He noted that the dedication of the World War II Memorial in Washington, DC will take place on Saturday, May 29th, and the American Legion Post will have a special open house on that day from 1:00 p.m. to 5:00 p.m., during which time a Certificate of Appreciation will be presented to every World War II veteran who is a member of the Post. He said that the poppy sale will be held on May 24th, and the proceeds will go to hospitalized veterans. On May 28th special activities will be held at Tantasqua Jr. High School beginning with a breakfast at 8:00 a.m., which will be open to all veterans. At Burgess Elementary School, there will be a Memorial Day Assembly at 1:30 p.m. with a presentation by each of the grades. The Memorial Day Parade will form at the Lions Community Center on Rt. 20 at 9:10 a.m. on Monday, May 31st and step off at 9:25 a.m.

T. Chamberland said that the Veterans Administration is working on a complete National Registry of World War II veterans, and requests that all World War II veterans register to be added to their database. T. Chamberland is authorized to enter the data into the Registry.

Steve Paquette, SPL Development – Wind Gate Active Adult Community

Steve Paquette of SPL Development appeared before the Board. The proposed site of Wind Gate active adult 55+ community is off Main Street, adjacent to the Autumn Ridge development. The project has been reduced from 76 units to 69 units. The Conservation Commission requested that they not work within 50 feet of the brook area. They proposed a 57-unit, three-story villa with parking below,

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with units ranging from 800 square feet to 1100 square feet, and 12 cottage units of 1600 square feet each.

J. Malloy noted that the sewer betterment assessment for studio and one bedroom units are considered ½ unit. Mr. Malloy read Section 3.02 of the sewer unit designation section, paragraph B, item #1 (b)(i) into the record. He said that it may not apply in this case, and the Board should take it into consideration.

Charlie MacGregor, Brendon Homes Inc. – Sewer Privilege Fee – The Preserve

Charlie MacGregor of Brendon Homes Inc. informed the Board that after they had purchased The Preserve project from Bob Moss, they were told that they owe the Town \$104,000 in fees. C. Blanchard suggested that research be done as to whether a letter had been sent to Bob Moss regarding the sewer privilege fee. A. Wilson said that it could have been part of the Planning Board approval, and suggested researching their minutes. C. MacGregor will return on June 7th.

Old Business

H. White asked about the status of public swimming at the pool at Tantasqua High School.

C. Blanchard asked how the sewer was extended to 146 Cedar Street. J. Malloy said that the property was one property beyond the Phase 2 project, so it was extended to them.

D. Sosik noted that the Traffic Safety Committee had determined that a sign would be placed at the intersection on Country Hill Road, and asked J. Malloy to find out when it might be installed.

D. Sosik indicated that she had toured Terri Gordon's dance studio, and was very impressed with it.

A. Wilson said that the gates at Burgess have been switched. C. Blanchard said that the custodian should close the gates.

A. Wilson announced that the Board of Selectmen will hold a public hearing on June 7, 2004 at 6:35 p.m. to discuss concerns regarding the skate park at the Cedar Lake Recreation Area.

A. Wilson announced that the Board of Selectmen will hold a public hearing on Monday, June 21, 2004 at 6:45 p.m. regarding proposed senior housing on Hall Road.

New Business

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There was no new business.

Ask the Selectmen

H. White received a call from Craig Hansen, 116 New Boston Road, who said that two or three parcels of land at The Preserve were unbuildable and would be given to abutters on either side. He asked when that would be done, and who he should contact about it. J. Malloy said that he should contact Larry Adams, Town Planner, since it would be done through the subdivision approval process.

MOTION: To convene in executive session under MGL Chapter 39, §23B, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation, and Paragraph #6: To consider the purchase, exchange, taking, lease or value of real property, not to reconvene in open session, by D. Sosik.

2nd: H. White

Roll call vote: All were in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date