

June 21, 2004

**BOARD OF SELECTMEN
MINUTES
JUNE 21, 2004**

Present: Arnold Wilson, Chairman
 Charles Blanchard
 Doris Sosik
 Hal White
 David Schmida
 Gregory Morse, Acting Town Administrator

The Chairman called the meeting to order at 6:30 p.m. following the pledge of allegiance.

Applebee's – New Officer/Director on Liquor License

Barry Gerstein of Applebee's appeared before the Board. The application was complete.

MOTION: To approve the change in director/officer for Applebee's, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

John Massauro, Waterman Design – Senior Housing on Hall Road

John Massauro appeared before the Board. The proposed project is for 71 units on 17 + acres on Hall Road in a rural residential zone, which falls under 502J for elderly housing. J. Massauro requested water and sewer to service the proposed project. Based on his discussions with the Assessors office, the project would generate approximately \$300,000 in revenue for the Town. The sewer line is in place; the discharge would go to Southbridge. Water service is available on the street.

C. Blanchard said that the current bylaw indicates half an acre per dwelling unit, so 35 units would be what they could get under the bylaw. J. Massauro said that extra acreage is available to add as open space to meet the land requirement for the project. He will discuss the matter with Larry Adams, Town Planner.

A.Wilson read a letter from Larry Adams dated May 3, 2004 into the record (copy on file). A.Wilson expressed concern about the issues of density, accessibility and roadways.

C. Blanchard noted that if they have approval by the Board of Selectmen for a 502J elderly housing project and the location, then they could go to the Planning

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Board for a special permit. He felt that 60 units would be a more reasonable number.

A.Wilson noted that 71 units would generate approximately 10,500 gallons/day. G. Morse said that Spectran would like some research of the pump capacity for their operations and expansion beyond the stations. A.Wilson added that they would like to increase their reserves to 42,000 gallons/day.

H. White noted that the plan is the same one that the Board saw six weeks ago, with the same traffic issues. He did not think that the Board had enough facts to make a positive action.

MOTION: That the Board approve the project for housing for the elderly as shown on the plans presented and with the understanding that the density of 71 units on 17.3 acres is extreme, and the Board expects them to bring that density down through the use of additional acreage or reduction of the number of units, and the project shall meet all of the requirements of the zoning bylaw; contingent and conditional approval, by C. Blanchard.

2nd: D. Sosik

Vote: Four in favor; H. White opposed.

A.Wilson said that the Board had a special meeting regarding sewer capacity and current applications, and the Board just received a detailed report from Greg Morse, which he suggested that they review. D. Sosik stated that she considered the elderly housing project to be a good project. She felt that it would be wrong to grant approval for water and sewer for the project, while denying it to those residents who are already here and paying taxes. D. Schmida said that the project should move forward, but the Board should not give final approval yet. H. White expressed concern that the Board does not have definite numbers yet. It was the consensus of the Board to continue to review the project and address it again at the meeting on July 6th.

Dept. Head Monthly Reports

G. Morse, DPW Director, read his report to the Board (copy on file). The road paving work has begun. The annual bids for road materials and equipment rentals have been opened and reviewed.

Paul Donahue, Veolia Water North America, read his report to the Board (copy on file). A high efficiency motor has been installed at Well #3. Flow meters have been calibrated. Hydrant exercising and flushing has begun. P. Donahue is working on the Consumer Confidence Report, and it will be submitted within the next few weeks.

A.Wilson asked about the status of ownership of the pump station at Tantasqua. P. Donahue said that the Town is still responsible for the pump station.

Kelly Road Partnership – Mike Loin – Sturbridge Retirement Co-operative – Sewer Extension

Mike Loin from Bertin Engineering appeared before the Board, along with Mary Berry, Manager of the Sturbridge Retirement Co-Operative. M. Berry said that a sewer extension would be the best affordable option for fixed income seniors. On their behalf, she requested that the Board vote to permit a sewer extension on Route 15 from Haynes Street to Kelly Road, with the cost to be borne by the applicants, and that the sewer privilege fee to be held in abeyance.

C. Blanchard said that Town Counsel has determined that the Board of Selectmen does not have the authority to modify the sewer privilege fee, since it is in the Town's bylaw. M. Berry said that there is some precedent that mobile homes should not be treated like single family dwellings; instead, they should be dealt with on a water consumption basis. She indicated that they are hoping to get some funding to reduce the monthly cost, and there must be a wastewater treatment permit in place before the filing deadline. M. Loin said that the Kelly Farm property is paying 50% of the construction costs, which is a big savings for the people living in the park.

G. Morse said that in his memo from last week, he had mentioned that when the lot next door is developed, anything could be built there, such as a casino, a transfer station or a truck stop. M. Loin said that zoning would restrict the type of development there.

MOTION: That the Board approve the extension of the sewer line as proposed for 69,000 gallons, with 34,500 gallons to be used by the Sturbridge Retirement Co-operative and 34,500 gallons by the Kelly Farm Partnership, by C. Blanchard.

2nd: D. Sosik

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

Annual Bids

MOTION: To accept the bids for rental equipment as presented by Greg Morse, and award those highlighted as being the low bidders, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

MOTION: To accept the bids for road materials and award to the low bidders as highlighted by Greg Morse, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Chapter 90 Reimbursement

MOTION: To authorize the Board to sign Chapter 90 reimbursement requests submitted by Greg Morse: MA #38586 Chapter 150 for \$8,646.06; MA #235286 Chapter 235 for \$40,688.68; MA #53C0287 Chapter 53C for \$105,452.01; and MA #246287 Chapter 246A for \$166,645.37, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Recreation Area Committee

The Board had asked that J. Malloy develop a proposal for membership and goals for a committee to review the issues raised regarding the recreation area and skate park. Mr. Malloy recommended the following:

Committee Membership to consist of one representative of the Police Dept., Recreation Committee, Selectmen or Town Administrator, one representative of the neighborhood, and a representative of either the original Skate Park Committee or a skateboarder.

Committee Goals: develop recommendations to be submitted to the Town Administrator for the use of the facility, to include rules regarding proper safety equipment, hours that the facility should be open, etc.; develop a parking plan to address parking issues; develop a maintenance plan to ensure that the recreation area is free of garbage and debris; review whether there should be full time town staff for supervision of the recreation area during the times that it is open; review security issues and make a recommendation on how enforcement of any policies will be undertaken.

A.Wilson suggested that G. Morse serve on the committee. C. Blanchard suggested asking for applications for people who want to serve. He felt that the committee should be focused on overseeing the operations of the recreation area, and should be more of a reporting nature. It was the consensus of the Board that it should be patterned after the Landfill Study Committee.

Sewer Related Issues

It was Town Counsel's opinion (copy on file) that the Selectmen do not have the authority to negotiate sewer privilege fees, and that on a 40B project the ZBA would have the authority, not the Selectmen. J. Malloy had reviewed Greg Morse's memo, and they had discussed the following:

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- Section 5.54 of the Sewer Bylaws dictates reserve for future municipal use to be 30,000 gpd.
- Section 5.52 & 5.59 of the Sewer Bylaws guarantee 200 gpd per lot only. Section 5.53 states that all new lots require both the approval of the DPW Director and the Board of Selectmen before any subdivision can be approved to connect.
- Section 5.56 & 5.57 of the Sewer Bylaws cover expansions to existing facilities. Section 5.56 requires the approval of the Board of Health and Board of Selectmen to allow expansions of flow for existing customers.

Tantasqua Study Committee

The Burgess School Committee recommended Ron Levine as their representative.

MOTION: To nominate C. Blanchard to serve on the Tantasqua Study Committee, by D. Sosik.
2nd: D. Schmida
Vote: All in favor.

COA Formula Grant

MOTION: To authorize the Town Administrator to sign and submit the COA Formula Grant, by D. Sosik.
2nd: C. Blanchard
Vote: All in favor.

Old Business

There was no old business.

New Business

A.Wilson noted that the Board had received a document from the Bureau of Indian Affairs relative to the petition for recognition of the Nipmucs. The two bands of Nipmucs were not recognized. There is an appeal period through the Dept. of the Interior or the court or Congress.

A.Wilson asked the Board to think about what to communicate to the school committee about distribution of funds regarding the lawsuit settlement.

A.Wilson noted that two veterans groups had met in Town, and were welcomed into the community at the Sturbridge Host Hotel.

A.Wilson noted that MMA has asked the Board to contact legislators again regarding lottery diversion.

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IOD

MOTION: To approve the IOD claim for Officer Campbell, by C. Blanchard.

2nd: H. White

Vote: All in favor.

MOTION: To approve the IOD claim for Ron Woolhouse, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Ask the Selectmen

Mary Blanchard called to say that special permits granted by the ZBA and the Planning Board expire in one year.

MOTION: To adjourn, by H. White

2nd: C. Blanchard

Vote: All in favor.

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date