

August 2, 2004

**BOARD OF SELECTMEN
MINUTES
AUGUST 2, 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 Minute

MOTION: To approve the minutes of July 19, 2004 as amended, by D. Sosik.
2nd: C. Blanchard
Vote: All in favor.

Andre Cormier, Escape Estates – Sewer Extension Request

Andre Cormier appeared before the Board. He requested the Board's opinion as to which direction he should go with his engineering. J. Malloy said that both the Board of Selectmen and the DPW Director must approve the extension.

A.Cormier said that there are eight percs on the lot, and they could possibly have up to ten, which is the limit according to the bylaw, due to the length of the cul de sac.

A.Wilson suggested that the Board decide whether to hear from the DPW Director first or vote to keep expanding the sewer for further development. He said that the project was outside the sewer service area bylaw. H. White said that this would be expanding the sewer on an ad hoc basis. He suggested trading off sewer connections for less dense developments.

J. Malloy said that there is a reserve for all of the homes with failed septic systems that have not connected to Town sewer. He said that all of the Board's votes on sewer extensions for developments should include the specific number for the sewer privilege fee. He said that the Board's motion for this project should include the wording: "Subject to payment of a sewer privilege fee of \$53,154.36 per the Town's bylaws."

Ginger Peabody asked for clarification on the number of sewer connections as maximum houses allowed on the property. J. Malloy said that the connections would be limited to up to nine single family homes.

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MOTION: To grant the sewer extension for a limit of up to nine sewer connections for single family homes at 176 Cedar Street; subject to payment of a sewer privilege fee of \$53,154.36 per the Town's bylaws, by C. Blanchard.

2nd: D. Sosik

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

The motion was defeated. It was the consensus of the Board that they would be open to reconsider the matter when there is a full Board present.

Route 15 Sewer Extension

J. Malloy submitted to the Board a memo from Greg Morse, DPW Director, dated July 29, 2004 (copy on file) regarding this sewer extension. G. Morse raised several concerns; in summary, he requested additional information regarding the maximum contaminant levels (MCLs) over the past several years before he would consider approving the extension. This memo has been forwarded to both Mary Berry at SRCC and Gary Galonek at Kelly Road Ltd. Partnership.

A. Wilson said that the Board of Health and Tighe & Bond will meet with the Board of Selectmen on August 9th. C. Blanchard noted that discussion at that meeting will be about expansion at the Wastewater Treatment Plant. He suggested getting an analysis of the overall cost of treatment of the flow from the Sturbridge Retirement Community which will go to Southbridge.

Request from Pioneer Oil

The Board had previously approved an oil storage permit for Brunell Energy. David Brunell sent a letter dated July 26, 2004 (copy on file) indicating that he has decided to rename the company Pioneer Oil LLC, and requested that the new name be transferred under all of the same conditions from Brunell Energy to Pioneer Oil LLC. The company's name issue was related to the previous bylaw provisions, with the change in the bylaws at the 2004 Town Meeting.

MOTION: To approve the transfer from Brunell Energy to Pioneer Oil LLC for oil storage as per the original permit granted to Brunell Energy on December 1, 2003, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

H. White noted that it is a separate company.

Water and Sewer Rate Change

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MOTION: To approve the water and sewer fee schedule as follows:

Water Rate	\$3.11/100 c.f.
Sewer Rate	\$2.43/100 c.f.
Sewer w/o Water Qtr. Bill	\$65.00/qtr.
Minimum Water Bill	\$31.10/qtr.
Minimum Sewer Bill	\$24.30/qtr.

by C. Blanchard.
2nd: H. White
Vote: All in favor.

IOD Claim

MOTION: To approve the IOD claim for David Peterkin for the lumbar strain suffered on July 16, 2004, by D. Sosik.

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

Cedar Lake Recreation Area

J. Malloy met with residents abutting the Cedar Lake Recreation Area, Police Dept. and Recreation Department. He noted that current actions of the Police Dept., such as increased patrols in the area, have alleviated some of the problems. The biggest issues remain noise, parking, signage, developing standardized rules/regulations, dealing with the area around one resident's driveway and finding out whether the recreation area could be limited to town residents only. They will meet again on August 31st.

Balloon Test for the Cell Tower

Ginger Peabody addressed the Board regarding the balloon test that was performed for the Cell Tower on the Ryder property. She said that the ZBA has had no communication regarding the matter. She asked that the Board base its decision within the bylaws. She said that an issue had been brought up regarding the use of a platform, which would raise the tower above the bylaw's restricted height for it.

Big Alum Sewer Project

J. Malloy said that the contract requires that the project be completed by September 9, 2004. Mr. Malloy has worked with Bev Poirier, Assistant Assessor, and Terry Smith of Tighe & Bond on the list of betterment assessments. Mr. Malloy sent letters to the residents, asking for their response by August 13th. Barbara Barry, Finance Director, will send a letter to homeowners indicating that the betterment assessments will be on their tax bills this fall.

Old Business

C. Blanchard noted that the eight mobile homes on Cedar Lake were assessed as .75 ERU each. He felt that to be consistent, the Sturbridge Retirement Community should be assessed as .75 ERU each instead of one ERU each.

D. Sosik noted that the Dan Szumilas Fund was to be used for signage for a recreation area or wildlife preserve, and asked whether the money had been utilized. J. Malloy said that it has not been used, and the Conservation Commission asked that it be held until a significant parcel is located that could be named after Dan Szumilas. Mr. Malloy will talk to David Barnicle about it.

A.Wilson asked about the status of the committee to study the issue of withdrawal from the Tantasqua Regional School District. J. Malloy said that he had provided two or three names to the Board; he has not heard from the Finance Committee. Mr. Malloy said that he would invite members of the Finance Committee to the Board's August 16th meeting.

New Business

A.Wilson noted that Tantasqua has voted assessments on the towns, but Sturbridge has not received the revised budget. The Board has no information about their revised budget. He suggested that J. Malloy contact the school to get a copy of the revised budget.

A.Wilson announced that on August 18th at 7:00 p.m. the Board of Appeals will begin discussion on the Chapter 40B development project that is proposed for the area in back of the post office.

Ask the Selectmen

H. White took a call from Janice Arpin, who pointed out a safety issue on Rt. 20 West at the Cedar Street traffic light, in that the left lane is not for left turn only, causing cars to back up when merging with the right lane traffic. H. White explained that Rt. 20 is a state highway, and suggested contacting the Traffic Safety Committee.

D. Sosik took a call from Mary Smith, who said that the lady Selectman could not be heard. D. Sosik indicated that she would get closer to the microphone.

MOTION: To enter into 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.

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2nd: H. White

Roll call vote: All were in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk _____ Date