

August 16, 2004

**BOARD OF SELECTMEN
MINUTES
AUGUST 16, 2004**

Present: Arnold Wilson, Chairman
 Charles Blanchard
 Doris Sosik
 Hal White
 David Schmida
 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 August 2, 2004 as corrected, by C. Blanchard.

2nd: D. Sosik

Vote: Four in favor; D. Schmida abstained.

MOTION: To accept the executive session minutes of August 2, 2004 as submitted, to remain confidential, by C. Blanchard.

2nd: D. Sosik

Vote: Four in favor; D. Schmida abstained.

Department Head Monthly Reports

Police Chief Thomas Button read his report to the Board (copy on file). The Cops and Kids parties are continuing to be held at the Westville Recreational Area, with a turnout of approximately 150 young people each week. Chief Button met with residents regarding the Cedar Lake Recreational Area and skate park in order to resolve issues in that area. The CERT team continued to train on Saturdays throughout July at the Public Safety Complex. A Citizen Police Academy class is scheduled to begin on September 22nd.

D. Sosik commended the Police Dept. for the number of grants applied for and received.

Fire Chief Leonard Senecal read his report to the Board (copy on file). While Ambulance #1 was out for repairs, the Webster Rescue Squad and Town of Brimfield gave Sturbridge their ambulances to use in the interim. Engine #4 has been having pump problems, needs brakes in the rear and valve replacement. Chief Senecal has placed an ad in the newspaper for part-time Firefighters and EMTs and will be accepting applications until the end of the month.

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Jeffrey Bonja, Building Inspector, read his report to the Board (copy on file). He submitted a Permit Summary, Permit Report, Daily Inspections Summary and a sample of the Occupancy Worksheet (copies on file). He passed the second Building Inspector Test and is studying for the Fire Code Test. There have been a number of building code enforcement issues which have been taking a good amount of effort. He said that there are well over 200 building permits currently open.

Greg Morse, DPW Director, read his report to the Board (copy on file). He said that the Vilandre family at 114 Brookfield Road needs to add onto their house, due to their daughter Hollie's illness, and requested a waiver for the water and sewer connection fees.

**MOTION: To waive the water and sewer fees for 114 Brookfield Road, by
C. Blanchard.
2nd: D. Sosik**

H. White noted that the Board should have some documentation on the matter before taking a vote. It was the consensus of the Board to hold action pending more information.

Paul Donahue read his report to the Board (copy on file). He has posted the new mechanic position internally and on line. The Wastewater Treatment Plant performed very well, with removal efficiency at 99%. Third quarter Toxicity sampling and testing will begin during the third week in August. He said that hydrant #140 on Main Street will be replaced. The Consumer Confidence Report is at the printer.

A.Wilson asked about the status of grease at the pump stations. P. Donahue said that the situation at the Rt. 20 pump station is terrible, with grease so hard that it had to be broken up. J. Malloy said that the Board of Health had indicated that they would take a more proactive role regarding grease traps being cleaned.

Escape Estates – Andre Cormier

Andre Cormier appeared before the Board. A.Wilson noted that at the last meeting a motion was made to grant the sewer extension, but there was a tie vote, so the motion was defeated. He said that a motion to reconsider should be made by someone on the side that prevailed (those who voted in opposition). J. Malloy read Town Counsel's email regarding procedures (copy on file), and said that since the Board has not adopted Roberts' Rules, there is no formal procedural guideline, so anyone could make a motion to reconsider.

**MOTION: That the Board reconsider the vote for Escape Estates, by C.
Blanchard.
2nd: D. Sosik**

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A. Wilson refused to recognize the motion made by C. Blanchard. D. Schmida said that additional research should be done before the next meeting, and the question must be answered as to whether or not the Board follows a certain set of rules. H. White said that there needs to be a process, and the Board should adopt that process with due diligence. He suggested that research be done to identify what previous Boards have adopted in the past. C. Blanchard said that the Board should take the opportunity to reconsider the matter and try to be as fair and open as possible. D. Sosik agreed that the matter should be reconsidered at the present time.

A. Wilson agreed to allow comments. Andre Cormier said that he had been under the impression that the Board was going to reconsider the matter, because it had been stated at the last meeting. He said that he would appreciate reconsideration, if possible.

Stephen Tomas of 173 Cedar Street suggested that the Board take care regarding procedures before voting on the issue.

D. Schmida noted that in the minutes of the August 2, 2004 meeting it was stated that the Escape Estates matter would be reconsidered when a full Board was present.

William Emrich, 12 Woodlawn Drive, said that he was opposed to the extension on Cedar Street because in his opinion it would open the door for more extensions. He expressed concern about the limited treatment capacity, and suggested that the Board follow the Sewer Service Area Bylaw carefully.

D. Sosik noted that the town sewer system is better for the environment than septic systems. H. White disagreed, and said that a recent study has shown that in some cases septic systems are better than town sewer, since they don't put a load on the waterways, and the water is recycled back into the property.

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

The motion carried.

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

2nd: D. Sosik

A. Wilson noted that the Board has not heard from the DPW Director. A. Cormier said that he would not charge the homeowners. He said that he would be happy

to give up the ANR lot as open space, and the entrance would have woods on either side.

MOTION: To amend the motion as follows: That the ANR lot not be developed, by C. Blanchard.

2nd: D. Sosik

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

The motion carried.

Big Alum Sewer Project

J. Malloy submitted to the Board the betterment assessment lien document (copy on file) for the Big Alum Sewer Project. He also submitted two letters of appeal from:

R. Wesley Gilbert – His property at 214 Hemlock Path was assigned two ERUs since there are two structures that are served. There is a year-round residence and a second building that is a seasonal building with a bedroom and bathroom. Section 3.02(B)(1)(b) of the Sewer Bylaws states that single family dwellings shall comprise one sewer unit. In putting together the betterment assessments for this project, J. Malloy considered this a multiple family dwelling property and counted the second building as an assessed building.

Lori Faxon – She is being assessed for the lot located at 238 Brookfield Road, which extends to Mt. Dan Road. Section 3.00 of the Sewer Bylaws states, “That the Board of Selectmen shall assess land abutting a public sewer line installed by the Town by a rate based upon the uniform unit method.”

J. Malloy submitted to the Board an updated/corrected version of the Big Alum Sewer Betterment Assessment (copy on file). The corrections are explained as follows:

- 17 Harrington Court – this is a vacant “unbuildable” lot, it should have been included in the list of properties to have a lien placed on it in case it is deemed buildable in the future.
- 212 Hemlock Path - I received a request from Robert Norris to review the second building on the property is not a dwelling, but a building with a sleeping room and sink/toilet. On the original document it was shown as having 2 pumps, which was incorrect – this property has one pump (see attached letter). According to the Assessor’s values, the second building on the property has a value of \$13,200 which would indicate that it’s not much of a building.
- 214 Hemlock Path – This property also only has 1 pump and the second building on the property has a value of \$9,500.

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- 143 Lake Road – This is a vacant lot that is unbuildable and should not have been assessed as 1 ERU.
- 144 Lake Road – I spoke with the property owner today and the second unit originally included on the 8/13 list is a studio apartment and should only be assessed .5 unit under our bylaws (for a total of 1.5 for this address vs. 2 ERU).
- 152 Lake Road – Although this resident did not contact me, I re-checked all of the properties that were assessed 2 ERU's and found the second building on this property is only valued at \$100 and therefore could not be a second dwelling unit. Therefore, this property was corrected to be assessed 1 ERU.

Lori Faxon said that because her property is on Brookfield Road, she was under the impression that she would have the option to connect to the Rt. 148 sewer line. She would like to keep it as open space, and she did not think it was fair to be charged because it also has frontage on another road. Her shed is valued at under \$10,000.

MOTION: To deny the appeal of Lori Faxon based on her letter of August 12, 2004; and assess her property for one ERU, by C. Blanchard.

2nd: D. Schmida

Vote: All in favor.

J. Malloy informed Lori Faxon that she had six months to appeal the Board's vote.

Regarding R. Wesley Gilbert's property at 214 Hemlock Path, it was the consensus of the Board to change the assessment to one ERU.

Regarding 152 Lake Road, it was the consensus of the Board to change the assessment to one ERU.

MOTION: To approve the order as amended to establish betterment assessments for the Big Alum Sewer Project at a revised per unit assessment of \$10,368.53, by C. Blanchard.

2nd: D. Schmida

Vote: All in favor.

Appointments

MOTION: To confirm the Town Administrator's appointment of Thomas Freeland as a Laborer in the Public Works Department effective 8/17/04 at a starting rate of \$13.03 per hour, by D. Sosik.

2nd: C. Blanchard

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Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Daniel Vasconcelos as the Conservation Agent effective 10/1/04 at a starting salary of \$28,665, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Executive Session Minutes

**MOTION: To release the executive session minutes of:
January 20, 2004; October 6, 2003; September 2, 2003; May 19, 2003; March 17, 2003; January 6, 2003; June 3, 2002; December 11, 2000; September 21, 1998; February 24, 1997; October 21, 1996, by D. Sosik.**

2nd: C. Blanchard

Vote: All in favor.

Tantasqua Study Committee

It was the consensus of the Board to conduct personal interviews with the following residents who have indicated an interest in serving on the committee: Donald Michaels, Sue Haslam and Allen Falke.

Miscellaneous

J. Malloy submitted to the Board a memo from Greg Morse dated August 11, 2004 requesting that the Board consider increasing the cemetery fees in relation to weekend cremation grave openings from \$100 to \$150. The justification is that the DPW is required by the labor contract to pay a minimum of four hours (which on a weekend is all overtime) and the \$100 fee does not cover the labor costs.

MOTION: To increase the cemetery fees in relation to weekend cremation grave openings from \$100 to \$150, by H. White.

2nd: C. Blanchard

Vote: All in favor.

J. Malloy created a draft of standardized rules to apply to all parks (copy on file). C. Blanchard said that if alcohol and smoking were prohibited in the park area or the Common, there should be a better bylaw on that to enforce it.

Barbara Barry put together a comparison of costs/savings on the early retirement incentive (ERI, copy on file), which indicated a new savings amount of approximately \$7,500. C. Blanchard said that due to some of the school replacements, the actual savings would be \$13,550.

Old Business

H. White said that even though J. Malloy had sent Craig Moran a letter regarding the removal of vehicles from the setback on his property at 245 Main Street, the walkway is still obstructed, causing pedestrians to have to step into the road. J. Malloy said that he would contact Craig Moran. The Board felt that there should be consistent enforcement of setback in all similar situations.

C. Blanchard asked about the status of the Arnold Road easement. J. Malloy said that he had called Bob Strand several times, with no response. He noted that there are obvious alternatives on the west side of Arnold Road. Pole #2 is on Town property. If Verizon is concerned about moving pole #1 out of the right of way, they should remove pole #2 from town property.

C. Blanchard noted that there was an article in the newspaper about Earl Johnson, and the benefit that Tantasqua received regarding water and sewer. J. Malloy said that he would be happy to send a letter to the other towns. It was the consensus of the Board that J. Malloy send a letter.

A. Wilson said that Town Counsel recommended that the Board not reconsider the motion on Spaho. Despite Town Counsel's recommendation, A. Wilson indicated that he was going to move to reconsider. C. Blanchard recused himself from the Board. A. Wilson said that the Town Planner had told him that Spaho had submitted a different subdivision plan to the Planning Board than the one they had presented to the Board of Selectmen. The Conservation Commission indicated that they could not develop the five lots on septic systems.

MOTION: To reconsider the Board's vote to approve 15 sewer connections to Spaho off Farquhar Road and invite Spaho to a meeting to discuss the matter, by A. Wilson.

There was no second to the motion.

D. Sosik said that she didn't understand the purpose of A. Wilson's motion. Town Counsel had recommended twice that the Board leave it alone, and due to the Conservation Commission, it has worked out the way the Board wanted, without the Board's interference.

Speaking as an abutter (not as a Selectman), C. Blanchard said that he had attended the Conservation Commission meeting. The lower area is the most environmentally sensitive, and they made it clear that what they do would be under scrutiny. The Conservation Commission raised serious concerns about the critical area. It is a better project than what was originally proposed. He felt that they are moving in the right direction.

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D. Sosik suggested writing a letter to the Planning Board and Conservation Commission indicating the Selectmen's intent.

C. Blanchard returned to the Board at 9:40 p.m.

New Business

A.Wilson announced that on August 18th at 7:00 p.m. the Board of Appeals will start their review of the Windgate Ch. 40B project.

A.Wilson announced that the CMRPC will meet on August 18th at 4:30 p.m. at the regional office regarding the transportation improvement plan.

A.Wilson announced that the Rt. 20 Study Committee will meet on September 15th. He suggested that there be a joint meeting between the Planning Board and Board of Selectmen to review the recommendations of the Rt. 20 Study Committee.

Ask the Selectmen

D. Schmida received a call from a person who wished to remain anonymous, who suggested that the Conservation Commission televise their meetings.

MOTION: To adjourn, by H. White.
2nd: D. Schmida
Vote: All in favor.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date