

October 4, 2004

**BOARD OF SELECTMEN
MINUTES
OCTOBER 4, 2004**

Present: Arnold Wilson, Chairman
 Charles Blanchard
 Doris Sosik
 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

It was the consensus of the Board to hold the minutes and executive session minutes of September 20, 2004 for editing.

MOTION: To accept the executive session minutes of September 7, 2004, to remain confidential, by D. Sosik.

2nd: C. Blanchard

Vote: Three in favor; A. Wilson abstained.

Pole Hearing – South Road

J. Malloy informed the Board that Verizon had withdrawn the pole hearing application.

MOTION: To close the pole hearing for South Road which had been continued to this evening, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Department Head Quarterly Reports

J. Malloy read the Town Accountant's report to the Board (copy on file). She had indicated that the transition from FY 2004 to FY 2005 went smoothly, with GASB 34 implementation behind them. The balance sheet was submitted to the Dept. of Revenue and free cash was certified in the amount of \$1,447,648, which is higher than anticipated. J. Malloy met with Barbara Barry, Finance Director and Jean Joel regarding the free cash figure, and determined that the additional amount is due to higher than anticipated revenues in several categories and budgets that were not fully expended.

J. Joel informed the Board that R.E. Brown & Co. has indicated that the FY 2004 audit would begin sometime in November 2004. No management letter

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regarding corrective action was necessary. D. Sosik congratulated the financial team for a job well done.

Beverly Poirier, Assistant Assessor, read her report to the Board (copy on file). She said that the revaluation has been completed, public disclosure was held and they are waiting for final certification. As soon as they hear from the Dept. of Revenue, they will submit the Recap and have an approved tax rate. J. Malloy said that the public disclosure notice should have indicated that residential values have gone up significantly. He noted that residential values have increased by 52%, while commercial/industrial values have gone up 17-18%, indicating a shift in the tax burden from commercial/industrial to residential.

Barbara Search, Council on Aging Director, read her report to the Board (copy on file). There is an arthritis exercise program that was instituted at the end of August, paid for by the formula grant.

J. Malloy noted that for the past three months there has been a program for free transportation to the Senior Center. He suggested that she find out if the seniors are aware of the Elderbus program.

B. Search said that on Wednesday, October 6th there will be a birthday party at the Senior Center for people age 90 and over. She said that there are 41 people in Sturbridge who are in that category.

Larry Adams, Town Planner, reviewed his outline with the Board (copy on file). He said that there should be rigorous stormwater management studies as part of subdivision control, with more stringent engineering and larger detention basins. The Allen Homestead has continuing construction, with 24 built homes and 14 vacant lots with some issues with the Conservation Commission. The Preserve has 18 homes with two lots to be held in surety. Fifteen lots at Draper Woods have been released for development. Regarding Whittemore Woods, seven lots have been released for development, and there will be a one year extension for that project. With Spring Hill Estates, there was a problem with flooding onto Lake Road. There may be a bus turnaround at the end of Old Town Way; G. Morse and J. Malloy will assist L. Adams with that.

C. Blanchard asked about the continuing problems at the Hobbs Brook parking lot. L. Adams said that there are no catch basins at Hobbs Brook. The design was that stormwater would flow into detention basins. Rain is getting into the tree wells, resulting in buckling of the pavement. C. Blanchard commented that potholes are also a problem.

Fee for Determinations

Ginger Peabody, Chairman of the Zoning Board of Appeals, appeared before the Board to request approval for a fee for determinations for non-conforming lots.

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Fees are \$85 for a variance and \$200 for a special permit. She suggested that the fee for a determination be set at \$50, since there is a lot of paperwork to be done. C. Blanchard indicated that he was opposed to charging the fee because the applicants must go through a formal application process, and adding a \$50 fee for services that are already being paid for would be a bad idea.

MOTION: To not charge \$50 for a determination fee, by C. Blanchard.

2nd: D. Schmida

Vote: Three in favor; A. Wilson opposed.

Board of Assessors – Classification Hearing

Donald Mapplebeck and Thomas Chamberland appeared before the Board. J. Malloy said that the Town does not have the certified valuation from the state; the figures were submitted to the state last week. A. Wilson suggested that the hearing be continued to two weeks from now when all of the numbers will be in. C. Blanchard said that the big concern is the shift of the tax burden to residential, and he questioned whether the commercial/industrial review was conducted properly by Visions. He noted that residential values have increased by 52%, while commercial/industrial values have gone up 17-18%, which is not consistent. He requested more information about the matter. A. Wilson said that commercial/industrial valuations are based on whether the business has had a good year financially, while residential valuation is based on the market approach, comparison to other properties. T. Chamberland said that this is the way that Proposition 2 ½ operates, that sales are the basis for the valuation of residential properties, but not for commercial/industrial properties.

J. Malloy had previously provided a memo to the Board (copy on file) regarding concerns with the revaluation, and indicating that the Board may need to consider having a split tax rate, given the shift of the tax burden from the commercial/industrial base to the residential base. He noted that the supplemental budget bill for FY04 provides an additional \$75,436 in unrestricted local aid that can be appropriated in several different ways. He submitted to the Board the 9/20/04 memo from the Dept. of Revenue (copy on file), explaining how these funds can be used. He recommended using these funds to offset the tax rate. He also provided a comparison (copy on file) of the FY05 tax rates at \$13.37 (9.4% increase) without using these additional funds; and \$13.30 (8.8% increase) by using these additional funds.

T. Chamberland said that there was a proposed interim revaluation which was rejected by the Town. The value for residential is derived from analysis of sales. He said that a review of values should be done every year, and appropriate adjustments should be made when values fall outside of the 10% range.

MOTION: To continue the public hearing on tax classifications to October 18, 2004 at 8:10 p.m., by D. Sosik.

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

Thai Place Restaurant – Liquor License and Common Victualler License

Pon Chanthavong appeared before the Board. C. Blanchard said that he had understood that the seating would be the same amount as the Red Rooster had (22 seats), but the application states a 40 seat capacity. He said that the application might need to go to Site Plan Review, and to the Planning Board for the parking issue. A. Wilson said that there may be an increase in the use of the property, and it will be necessary to receive input from the Building Inspector and Planning Department.

C. Blanchard suggested that the Board review the application based on the amount of seating that the Red Rooster formerly had.

MOTION: To approve the Beer and Wine license for the Thai Place Restaurant, with a change of the seating capacity to 22 seats, by C. Blanchard.
2nd: D. Sosik
Vote: All in favor.

MOTION: To approve the Common Victualler license for the Thai Place Restaurant with a seating capacity of 22, for a sole owner, not a corporation, by C. Blanchard.
2nd: D. Schmida
Vote: All in favor.

MOTION: To close the public hearing, by C. Blanchard.
2nd: D. Schmida
Vote: All in favor.

Sturbridge Host Hotel – Transfer of License and Change of Manager

Scott Queipo appeared before the Board. The application was to transfer the license from Fine Hotels to Cedar Lake Innkeepers, Inc.

MOTION: To approve the Transfer of License and Change of Manager application as submitted by Cedar Lake Innkeepers, Inc., by D. Sosik.
2nd: C. Blanchard
Vote: All in favor.

Kahula Restaurant – Alter Premises

Charles Boutelle appeared before the Board. The application was to add an outdoor patio. C. Boutelle said that the Building Inspector had determined that there were enough parking spaces for the additional seats, and the Fire Inspector is reviewing it. C. Blanchard said that it may be necessary to go through Site Plan Review.

MOTION: To approve the Alter Premises application to allow service of alcohol, per conditions on the current license, on a new deck on the right side of the building, as submitted by Chung May, Inc., by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

MOTION: To close the public hearing, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

The Copper Stallion – Extend Hours of Operation

J. Malloy said that they would like to extend their hours of operation to midnight, which did not require a public hearing or notification to abutters. D. Sosik said that the abutters should be notified of the request for change of hours, since they had expressed concerns in the past.

MOTION: To deny the request to extend hours of operation for the Copper Stallion based on the information presented, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Mike Loin, Bertin Engineering – Fiske Hill East

Mike Loin submitted information to the Board (copy on file) to begin discussion on a subdivision project at the Fiske Hill property on Rt. 131, of a combination of residential units and commercial units for retail and restaurant use. He proposed 120 three-bedroom multi level condominium units, similar to Sturbridge Hills. Anticipated water/sewer usage would be 60,000 gallons/day. He noted that Southbridge has a water tower at the top of the hill, and this site abuts that property, so there could be an emergency cross connection to Southbridge. Approximately 100 acres of the lot would be left as open space, which is 74% of the lot.

A.Wilson asked J. Malloy for a calculation of the sewer privilege fee for 60,000 gallons/day.

Resignations/Appointments

MOTION: To accept the resignation of Debbie Hill from the Planning Board, with regret, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Joseph Overly as a full-time Firefighter at a rate of \$14.92 per hour, by D. Sosik.

2nd: D. Schmida

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Matthew Kelly as a part-time Firefighter/EMT at a rate of \$14.22 per hour, by D. Sosik.

2nd: D. Schmida

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Nicholas Dadalt as a part-time Firefighter/EMT at a rate of \$14.22 per hour, by D. Sosik.

2nd: D. Schmida

Vote: All in favor.

CMRPC MPO Alternate

The Central Mass. Regional Planning Commission sent a letter requesting a replacement alternate member from the Sturbridge Board of Selectmen for the Metropolitan Planning Organization. D. Sosik agreed to serve as the alternate, and C. Blanchard offered to go to the meetings with her.

WWTF Study

J. Malloy and Greg Morse, DPW Director met with Jay O'Reilly from Tighe & Bond to refine the proposal to review the Town's Wastewater Treatment Facility. The new proposal includes a clear flow diagram on the flows, pump stations and two WWTFs (Sturbridge and Southbridge). Mr. Malloy recommended that this be included in the Special Town Meeting warrant and funded through the Sewer Fund Reserves.

MOTION: That the Board accept the proposal and let Tighe and Bond know that it is contingent upon approval at the next Special Town Meeting, by C. Blanchard.

2nd: A. Wilson

Vote: All in favor.

IOD Claim

Ron Woolhouse sustained an injury during an ambulance call.

MOTION: To approve the IOD Claim for Ronald Woolhouse, by C. Blanchard.

2nd: D. Schmida

Vote: All in favor.

Public Safety Complex

J. Malloy submitted to the Board a proposal (copy on file) from Reinhardt Associates Inc., who designed the Public Safety Complex, and a response memo that was sent to the Fire Chief (copy on file). He suggested that the Board consider replacing or upgrading the HVAC system and replacing the roof on the flat part of the building. It was the consensus of the Board to wait until the new proposal has been submitted before taking a vote.

Tax Classification Hearing

MOTION: To authorize the Chairman of the Board of Selectmen to sign the Dept. of Revenue form certifying that the Town understands that the supplemental revenues are a one-time revenue source, by D. Sosik.

2nd: D. Schmida

Vote: All in favor.

MOTION: To authorize the Board of Assessors to use the additional \$75,436 as FY2005 revenue to be used in calculating the FY2005 tax rate, by D. Sosik.

2nd: D. Schmida

Vote: All in favor.

Free Cash

J. Malloy informed the Board that the Town's Free Cash figure has been approved at \$1,447,648, due to higher than anticipated revenues in several categories and budgets that were not fully expended. Total Free Cash and Stabilization is now approximately \$2,000,000 out of the Town's \$19,000,000 General Fund or about 10.5% in reserves.

Easement Agreement – MECO

Town Meeting had authorized the Board to execute easements with Verizon and the Massachusetts Electric Company for the St. Anne's water tower for the Sprint Telecommunications tower.

MOTION: To authorize the Board of Selectmen to execute the easement agreement between the Town of Sturbridge and the Massachusetts Electric Company, by D. Sosik.

2nd: D. Schmida

Vote: All in favor.

CPA Committee

The Community Preservation Committee asked for an executive session with the Board of Selectmen to discuss the purchase of real estate.

Old Business

C. Blanchard noted that the Board did not receive a copy of the letter that was sent by Kathleen Reynolds, Superintendent, to the other towns. In her letter, she stated that Ron Levine and Arnold Wilson blamed her for dissention of the other towns. C. Blanchard expressed the importance of sending a letter to the other Boards of Selectmen explaining that the Sturbridge Board takes exception to this, and that we never charged her with that. There were other items presented and other concerns.

MOTION: To send the exact letter that we approved and sent to the school committees, with a cover letter explaining and highlighting what they received and this memo, indicating what was actually said, and send a copy to the Chairmen of the school committees and the Superintendent, by C. Blanchard.

2nd: D. Schmida

Vote: All in favor.

C. Blanchard said that there should also be a statement of what was stated in the newspaper and letter from the Superintendent's office.

C. Blanchard received a call from John Boniface, who expressed concern that Westville Road, which was closed several years ago, has not been re-opened. Rep. Reed Hillman was going to write a letter to the other legislators to set up a joint meeting with the Selectmen and Southbridge Town Council to review this matter. The promise to keep the road open was made by the federal government.

C. Blanchard said that there was \$2,000 appropriated from the Community Preservation Fund for the Sturbridge Proprietors Book Project. Bob Briere from the Sturbridge Historical Society accepted a check in the amount of \$214.25.

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C. Blanchard asked about the status of the Strategic Planning Survey. J. Malloy said that we are just five surveys away from reaching the 80% goal.

D. Sosik asked whether two months would be a reasonable time for the Affordable Housing Committee to draft the housing plan. The Board felt that two months was a reasonable amount of time.

New Business

C. Blanchard said that the Burgess Elementary School Feasibility Study Committee will hold a Community Information Meeting on Wednesday, October 20, 2004 at 7:00 p.m. in the Burgess School Cafeteria. The architect, DRA, will present a summary of the study results and various options for the residents of Sturbridge to consider. All interested parties are invited to attend.

A.Wilson announced the Last Green Valley's Walking Weekends on October 8-11 and 15-17 in the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

Ask the Selectmen

D. Schmida received a call from a Cedar Street resident who did not wish to be identified, who thanked Greg Morse and the DPW for painting the lines on Cedar Street.

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

2nd: D. Schmida

Roll call vote: All were in favor.

MOTION: To invite the CPC to join the executive session, by D. Sosik.

2nd: D. Schmida

Roll call vote: All were in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date