

October 18, 2004

**BOARD OF SELECTMEN
MINUTES
OCTOBER 18, 2004**

Present: Arnold Wilson, Chairman
Charles Blanchard
Doris Sosik
Hal White
David Schmida
Greg Morse, Acting 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 October 4, 2004 as amended, to remain confidential, by D. Sosik.

2nd: C. Blanchard

Vote: Four in favor; H. White abstained.

It was the consensus of the Board to hold the revised minutes of September 20, 2004 until the Board has had a chance to review them.

Department Head Monthly Reports

Chief Button read his report to the Board (copy on file). He announced that Halloween activities will be held on October 31st with trick or treating from 5:00 p.m. to 7:00 p.m. followed by the Horribles Parade to the Town Common. He said that the Police Dept. received the AAA Traffic Safety Award. They have applied for a Lo Jack mini grant and the \$2,200 MEMA reimbursement grant. They received \$12,800 in the Homeland Security grant. They received a new Mass. Instant Records Check Station (MIRCS), which is a computer that is linked to the state's information web and the national crime database.

Jeffrey Bonja, Building Inspector, read his report to the Board (copy on file). Regarding commercial construction activity, Iparty and Pier One have Certificates of Occupancy. J. Bonja has warned Empire Village that their permit can be revoked if the work does not commence soon. He informed the Board about the new law that a liquor license cannot be issued unless a Certificate of Inspection has been issued by the Building Inspector and signed by the Fire Chief. There is a new summons procedure which gives the Fire Dept. and Building Dept. the ability to write tickets for violations vs. going to court. Fines would go directly to the local government.

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Greg Morse read his report to the Board (copy on file). Road maintenance included brush cutting, removal of fallen trees, installing paved driveway aprons and opening culverts due to beaver problems. Various catch basins and drop inlets have been rebuilt. Pavement has been cut on New Boston Road for future drainage work.

Paul Donahue, Veolia Water North America read his report to the Board (copy on file). They have been flushing hydrants in preparation for winter. There have been some problems with the alarms at the Fiske Hill booster station. Mass. Electric had a problem with a transformer.

David Healey and Omer Dumais, Tighe & Bond

David Healey and Omer Dumais appeared before the Board. They provided the Board with a summary of the water supply situation, along with their recommendations.

O. Dumais said that the Hamant Brook site (proposed Well #4) will yield 470,000 gallons/day of excellent quality water. An operational restriction is likely. He noted that restrictions are subject to negotiation with DEP. The land purchase price is \$800,000; the total estimate is \$3,308,000. He said that Well #5 (the old Well #2) will yield 200,000 gallons per day.

Alternatives are: To reclaim Well #1; To construct the Hamant Brook well at \$3.5 million; To construct the South Pond well; Sites adjacent to Long Pond remain untested.

Recommendations: Proceed with development of the Hamant Brook well site. Their second recommendation is to reclaim Well #1, and to rehabilitate the well screen and pumping equipment; operate Well #1 during dry periods when the Hamant Brook well must be off line; operate Well #1 as needed to meet the high water demand during maintenance of other wells; design the VOC treatment addition to on work when Well #1 is on line; investigate the Long Pond sites and estimate the water flow potential.

D. Healey noted that long term planning needs to be reviewed historically, and it would be a good idea to identify potential availability of a future source.

Empire Village – New Liquor License and Common Victualler License

Attorney Joseph Lasorsa and Jerry Ying, Manager of Empire Village appeared before the Board. The restaurant will contain 110 seats, and there are 46 existing parking spaces with more room available.

A.Wilson noted that there has been very little construction activity at the site. He requested that they provide the Board with a construction schedule. H. White

said that he was not in favor of issuing a license to a foundation, and suggested keeping the hearing open until their construction schedule has been submitted to the Board.

MOTION: To continue the public hearing to November 15, 2004 at 7:00 p.m., by H. White.
2nd: D. Sosik
Vote: All in favor.

Mike Loin, Bertin Engineering – Fiske Hill Commons

Mike Loin of Bertin Engineering appeared before the Board to discuss Fiske Hill Commons, a proposed subdivision composed of a 120-unit residential condominium complex and a 5-building commercial village on Route 131, just east of the intersection of Fiske Hill Road. He said that Fiske Hill Commons will be situated on approximately 45 acres of a 135 acre parcel. Approximately 75-90 acres of the project will remain undeveloped and will be preserved as permanent open space. The sewer flow from the project will be gravity fed directly to the Town of Southbridge under the municipal agreement between Sturbridge and Southbridge, so there will be no impact on the sewer treatment capacity for the Town of Sturbridge. He requested the Board's approval of a water and sewer connection for the project.

It was the consensus of the Board to take it under advisement, and they asked G. Morse to look into the water situation. It will be discussed again in two weeks.

Pizzeria Uno – Change of Manager

Michael Ross of Pizzeria Uno appeared before the Board.

MOTION: To approve the application for a Change of Manager for Uno Restaurants, LLC d/b/a Pizzeria Uno, by D. Sosik.
2nd: H. White
Vote: All in favor.

Tax Classification Hearing

The Donald Mapplebeck, Tom Chamberland and Marita Tasse of the Board of Assessors appeared before the Board. The Visions representative was unable to attend. T. Chamberland said that the figures have been certified by the Dept. of Revenue, and are accurate and acceptable. He said that the values have been set and established, and Visions had used all three approaches to value. The basic tax rate submitted to the Dept. of Revenue is \$13.24.

C. Blanchard said that there needs to be an adjustment to the rate to split the tax more equitably, and suggested a shift of 1.25 or 1.24. T. Chamberland said that

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the dollars for commercial/industrial should be kept equal to what was paid last year. The tax bill will be the same in actual dollars paid out. He said that the shift in rate accommodates that. C. Blanchard commented that it looks like an 8.8% increase.

H. White said that Visions is using two different standards of measure: one for residential and one for commercial, derived at by different standards. He said that both parties are paying more taxes; with a common rate, residential goes up dramatically, while some commercial goes down by almost 30%. Looking at the dollars, the dollars are equitable, but residential would pay disproportionately more.

A. Wilson read the letter from Robert Chartier of the Tri-Community Chamber of Commerce into the record (copy on file) in which he offered to serve as the conduit for communication for the business community. Mr. Chartier would like an opportunity to speak with the Sturbridge business members about this issue before the Board votes on it. He wants to have an opportunity to bring their concerns before the Board. A. Wilson noted that if the Board delays their vote, the tax bills will go out late.

Kevin Smith, Chairman of the Finance Committee, agreed with H. White's comments. T. Chamberland said that the income and expense statements are sworn statements that are true and accurate.

Bill Gagnon, President of Arland Tool, noted that industrial businesses are having hard times right now. Patricia Affenito of the Sturbridge Country Inn expressed concern about an increased tax burden on small businesses in a bad economy. Dick Roscioli, owner of Rom's Restaurant, said that he was uncomfortable with the situation and requested clarification on a few points.

A. Wilson said that the Town has a tax incentive program that encourages businesses in order to increase the number of jobs in the community, and the Town has zoning bylaws that have more control than any tax policy the Board could come up with.

MOTION: To adopt a residential factor of 93.2477, by C. Blanchard.
2nd: H. White
Vote: All in favor.

Mike Loin, Bertin Engineering – Spaho Corp.

Mike Loin of Bertin Engineering returned to discuss the Spaho subdivision. C. Blanchard recused himself from the Board at 8:55 p.m. M. Loin requested an amendment to the previously granted 15 water and sewer connections for the subdivision on Farquhar Road, requesting approval for 21 condominium units. He said that they have come up with a more environmentally sensitive design

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with enhanced open space. The new plan has not gone through the Conservation Commission yet. They have to run a water loop and sewer extension up to Blueberry Lane.

A. Wilson commented that it is a whole new plan, not an amendment to the previous plan. G. Morse noted that the plan is environmentally better. D. Schmida suggested rescheduling the discussion until November so that residents can have a look at the plan. H. White agreed.

MOTION: To take the matter under advisement and continue the discussion on November 1, 2004 at 7:00 p.m., by D. Schmida.
2nd: H. White
Vote: Four in favor; C. Blanchard abstained.

C. Blanchard commented that the new plan is an improvement, with sensitive handling of the wetland area, and is an environmentally friendly concept.

C. Blanchard returned to the Board.

Public Safety Radio System Bid

In reviewing the bid, it was determined that it did not meet the Invitation for Bids requirements. It will be re-bid.

MOTION: To reject the bid received by D & R Communications for the Public Safety Radio System IFB, by H. White.
2nd: D. Sosik
Vote: All in favor.

Senior Municipal Service Program

MOTION: To approve the Senior Municipal Service Program application for Edward Douty to work for the DPW, by D. Sosik.
2nd: C. Blanchard
Vote: All in favor.

MOTION: To approve the Senior Municipal Service Program application for Ellen Speed to work in the Finance Director's office, by C. Blanchard.
2nd: H. White
Vote: All in favor.

Private Snow Plow Bids

MOTION: To approve the winter snow plow bids as per the DPW Director's recommendation, by D. Schmida.

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

Route 15 Speed Limits

J. Malloy had submitted to the Board a copy of a letter from Mass. Highway Dept. dated August 13, 1999 regarding setting speed limits on Route 15. Mass. Highway Dept. indicated that this was never returned with signatures from the Board of Selectmen, but that it was not too late to do so.

MOTION: To approve Special Speed Regulation No. 7748, by C. Blanchard.
2nd: D. Schmida
Vote: All in favor.

IOD Claim

MOTION: To classify injuries sustained by Officers Desplaines and Lewis as Injuries on Duty under MGL Ch. 41, §111F, by H. White.
2nd: C. Blanchard
Vote: All in favor.

Big Alum Sewer Project Bond

MOTION: That all action taken in arranging for the sale of the \$1,034,440 Sewer Bond No. R-1, authorized pursuant to Section 8(20) of Chapter 44 of the Massachusetts General Laws, and by votes of the Town duly adopted under Article 23 of the Warrant at the 2001 Annual Town Meeting and Article 10 of the Warrant at the 2003 Annual Town Meeting, be and hereby is ratified, confirmed, approved and adopted.

That said \$1,034,440 loan shall be represented by a single registered bond, No. R-1 which shall be dated as of such date as it is actually delivered to its purchaser against payment to the Town, and shall be payable on the anniversary of its date in annual installments of principal in the amount of \$34,482.00 in each year 2005 through 2034 inclusive;

That the interest rate on the Bond, payable annually from the date of delivery, be and is hereby fixed at the rate of four and one quarter percent (4.25%) per annum, with payments applied first to interest on the outstanding indebtedness evidenced thereby and next to principal, as further provided therein;

That the Town reserves the right to prepay all or part of the Bond on any payment date without penalty or premium, each such premium payment to be applied to the last principal due thereunder;

That the bid of the UNITED STATES OF AMERICA to purchase the Bond at par, bearing interest at the aforesaid rate, being the best bid received for the Bond, be and hereby is accepted, and the Town Treasurer be and hereby is authorized to deliver the Bond to the aforesaid purchaser or order against payment therefore;

That the proceeds of the Bond shall be used for improvements to the Town's sewer system;

That the Board of Selectmen/Sewer Commissioners hereby covenant and agree on behalf of the Town with the purchaser or holder from time to time of the Bond that the Town shall maintain rates and charges for the use of the Town's sewer system in an amount which, together with other available funds, shall be sufficient to pay all costs of operating and maintaining such system and the entire principal of and interest on the Bond and all other indebtedness of the Town issued for municipal sewer purposes, as the same becomes due. The Bond shall nevertheless be a general obligation of the Town, payable from any of its revenues, including revenues derived from ad valorem taxes levied in accordance with the law upon all the property within the Town which is lawfully subject to such taxes, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Miscellaneous

- Dental Insurance – Barbara Barry has indicated that since the Town is now offering dental insurance (at the full expense of the employees), the Board needed to determine whether to continue this benefit for retirees.

It was the consensus of the Board to get clarification on it.

- Special Town Meeting Date – Tantasqua High School auditorium has been reserved for December 13th, but that would require the Town Clerk to be open for 12 hours for voter registration the day after Thanksgiving. Burgess is not available on December 14th because that is the snow date for their Christmas concert. It was the consensus of the Board to find out whether Tantasqua would be available on December 14th.
- Shepard Property – Tighe & Bond had submitted a proposal to conduct an environmental review of the Shepard Property.

MOTION: To approve the attached proposal from Tighe & Bond to conduct an environmental review on 80 Route 15 and to pay the expense from the Lucent Gift Fund, not to exceed \$1,200, by H. White.
2nd: C. Blanchard
Vote: All in favor.

Dow v. Town of Sturbridge

MOTION: To authorize Town Counsel to agree to the settlement proposal as outlined by Town Counsel, by H. White.
2nd: C. Blanchard
Vote: All in favor.

Correspondence

There was an October 3rd letter from William Fairchild, 12 Chamberlain Ave., regarding parking and traffic issues at the Common. It was the consensus of the Board that J. Malloy look into it, with the Traffic Safety Committee and Recreation.

There was an October 8th letter from Senator Richard Moore proposing that an advisory committee be established to work with the Executive Office of Transportation and the Dept. of Conservation & Recreation to plan for future trail use. C. Blanchard suggesting getting a recommendation from J. Malloy on this.

Old Business

There was no old business.

New Business

C. Blanchard said that there was a notice in the newspaper that there will be a discussion regarding the re-opening of the Westville Access Road at 7:00 p.m. in the Rice conference room at Southbridge Town Hall.

C. Blanchard announced that there will be an EQA Audit Meeting of the Tantasqua/Union 61 School District on November 4th. It was the consensus of the Board that J. Malloy should attend.

C. Blanchard announced 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.

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Ask the Selectmen

H. White received a call from a resident who wanted to know what the residential tax rate would be, and when the tax bills would be mailed. A. Wilson said that the tax rate will be announced once the Board of Assessors has calculated the effect of the split tax rate, and the bills should be mailed during the first week in November.

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

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date