

November 1, 2004

**BOARD OF SELECTMEN
MINUTES
NOVEMBER 1, 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 October 18, 2004 as amended, by C. Blanchard.

2nd: H. White

Vote: All in favor.

MOTION: To approve the minutes of October 4, 2004 as amended, by D. Sosik.

2nd: D. Schmida

Vote: Four in favor; H. White abstained.

MOTION: To accept the executive session minutes of October 4, 2004 as submitted, to remain confidential, by D. Sosik.

2nd: C. Blanchard

Vote: Four in favor; H. White abstained.

MOTION: To approve the minutes of September 20, 2004 as submitted, by A. Wilson.

2nd: C. Blanchard

Vote: Four in favor; D. Schmida abstained.

MOTION: To approve the executive session minutes of September 20, 2004, to remain confidential, by C. Blanchard.

2nd: D. Sosik

Vote: Four in favor; D. Schmida abstained.

Public Hearing – Discontinuance of Bushnell Road and Walker Road as Public Ways

J. Malloy read the legal ad for the public hearing.

MOTION: To open the public hearing, by H. White
2nd: D. Schmida
Vote: All in favor.

J. Malloy noted that the hearing came about as a result of a request from Representative Reed Hillman. He said that both roads have not been well maintained, providing access to 4-wheelers and people dumping garbage in that area. J. Malloy and Larry Adams, Town Planner, have discussed the matter.

Rep. Reed Hillman, who lives at 49 Bushnell Road, appeared before the Board. He said that they are single lane dirt roads, and there is some liability for the Town. He said that there has been illegal dumping of appliances and household trash, and there have been parties, drinking and fires left unattended. The area is only accessible with a 4-wheel drive vehicle; police cruisers cannot access it. He noted that 4-wheel drive vehicles have caused extensive damage. He requested that the Board put it on the next Special Town Meeting.

J. Malloy said that Town Counsel's recommendation was to discontinue the roads as public ways.

MOTION: To place and recommend support of an article on the Special Town Meeting in December to discontinue the portion of Bushnell Road as shown on the map in red, by C. Blanchard.
2nd: D. Sosik
Vote: All in favor.

MOTION: To place and recommend support of an article on the Special Town Meeting in December to discontinue the portion of Walker Road as shown on the map in red, by C. Blanchard.
2nd: D. Sosik
Vote: All in favor.

Mike Loin, Bertin Engineering

Mike Loin appeared before the Board to discuss the Fiske Hill Commons project. J. Malloy said that Greg Morse, DPW Director, had expressed some concerns over the water issue, and the fact that there have been no definite details yet. M. Loin said that according to G. Morse, Sturbridge cannot support the water for the project.

C. Blanchard suggested that J. Malloy meet with Clayton Carlisle of Southbridge. M. Loin said that he is working with the Southbridge Water Department regarding a tower on the upper side of this site. He requested the Board's support of the concept. J. Malloy noted that there has not been an engineering study, and noted that bringing water from another community is a complicated issue, and an intermunicipal agreement and Town Meeting vote would likely be necessary.

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J. Malloy said that he will meet with G. Morse to define concerns and issues to be addressed.

Dan Flynn, Developer, asked whether the cross connect is the thing that requires an intermunicipal agreement. J. Malloy said that an agreement is necessary when a service is provided from one municipality to another.

It was the consensus of the Board that J. Malloy should get more information from G. Morse and from Southbridge.

C. Blanchard recused himself from the Board at 7:08 p.m. when the Spaho Corp. subdivision came up for discussion.

J. Malloy provided the Board with Town Counsel's opinion that the condominium project is considered to be a new application, not an amendment to the previous application, which was for 15 single family homes.

M. Loin said that they have created a conservation friendly design, with enhanced green buffers, and open space land under Conservation Commission control. They proposed 21 one-story condominium units for residents age 55 and over. He requested the Board's approval of water and sewer extensions for the 21 units. He said that there would be creation of a trail over the water/sewer line, with the trail head at the end of the development.

J. Malloy calculated that the sewer privilege fee would be \$124,026.84. A. Wilson suggested that if the Board approved the 21 connections to water and sewer, that there be a stipulation in the motion that any further significant changes to the plan would render the water and sewer permit null and void. H. White suggested that the motion include reference to public access and parking. J. Malloy recommended having Town Counsel review the wording of the sewer privilege fee to make sure that it is appropriate.

It was the consensus of the Board that if a motion is made at the November 15th meeting to grant water and sewer connections for the 21 units, with approval tied to this specific plan; if the plan has any significant changes, it would be null and void; that the connection to Rt. 131 be consistent with the new design of Rt. 131; to approve the sewer extension subject to payment of the sewer privilege fee in the amount of \$124,026.84 and subject to approval of the design by Bertin Engineering; any subsequent changes must be approved by the Board of Selectmen. J. Malloy said that he will finalize the draft, submit it to Town Counsel for review, and it will be ready for the next meeting on November 15th.

Mike Lussier said that there would be no further changes to the plan.

C. Blanchard returned to the Board at 7:29 p.m.

Appointments/Resignations

MOTION: To confirm the Town Administrator's appointment of Wynn DuVernay to the Cultural Council for a term to expire in 2005, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Jennifer Morrison to the Planning Board for a term to expire in 2005, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

MOTION: To accept the resignation of Barbara Palmer from the Council on Aging, with regret, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

Water/Sewer Abatement

MOTION: To approve the water/sewer abatement for Robert Switzer for the mobile home park at 363 Main Street in the total amount of \$5,491.24, by D. Sosik.

2nd: C. Blanchard

Vote: All in favor.

North Cemetery

J. Malloy submitted to the Board a request from Tony Celuzza suggesting that the Town set aside an area in North Cemetery for cremains on the hillside behind the flag pole. Greg Morse, DPW Director, raised some concerns about placing remains in that area due to maintenance issues, and suggested that if it were to be implemented, there should be restrictions such as requiring flat headstones. He also raised the concern that veterans might object. J. Malloy suggested that T. Celuzza's request and G. Morse's reply be forwarded to Tom Chamberland, Veterans Agent, and have him provide input before a decision is made. It was the consensus of the Board that it is a reasonable request.

C. Blanchard suggested that T. Chamberland or G. Morse look into an alternative site for the cremains. H. White suggested that it be posted on the Town's website, with a deadline date for comments. J. Malloy suggested a deadline of 3-4 weeks. The Board will discuss it again during the second meeting in December.

Woodside Circle Request

J. Malloy submitted to the Board a petition signed by residents of Woodside Circle seeking to have sewers extended to Woodside Circle (copy on file). H. White asked how many failed systems there were on Woodside Circle. It was the consensus of the Board that J. Malloy ask Tighe & Bond about the cost of a feasibility engineering study to determine the best way to tie it in; and to put an article on the Special Town Meeting for money to do the study.

Warrington Property – Cooper Road

J. Malloy submitted to the Board a request from Atty. Bob George asking the Board to sign a release of the right of first refusal for the Warrington property on Cooper Road. The Board had previously voted not to exercise the Town's right of first refusal on July 19, 2004. J. Malloy noted that the release stated "Board of Assessors" instead of "Board of Selectmen," so Bob George must redraft the release. The Board agreed to sign it at the next meeting.

Resignation/Appointment

MOTION: To accept the resignation of Jeffrey Bonja at the Building Inspector/Zoning Enforcement Officer, by C. Blanchard.

2nd: D. Schmida

Vote: All in favor.

MOTION: To designate the Town Administrator as the Zoning Enforcement Officer until such time that a new Building Inspector/Zoning Enforcement Officer is appointed, by C. Blanchard.

2nd: D. Schmida

Vote: All in favor.

Special Town Meeting

MOTION: To set the date of the Special Town Meeting for December 14, 2004 at 7:30 p.m. at Tantasqua High School Auditorium, by H. White.

2nd: C. Blanchard

Vote: All in favor.

IOD Claim

MOTION: To approve the injured on duty claim for Officer Robert Campbell under MGL Ch. 41, §111F, by H. White.

2nd: D. Schmida

Vote: All in favor.

Old Business

C. Blanchard asked about the status of the dental plan for retirees.

MOTION: To offer the dental plan, at no cost to the Town, to all retirees, by C. Blanchard.

2nd: D. Sosik

H. White asked whether the plan would be offered to all retirees, and said that he did not think it was a good idea to offer it to former employees who are off the Town's payroll.

**Vote: A. Wilson & H. White opposed
D. Sosik, C. Blanchard & D. Schmida abstained.**

A. Wilson said that no matter when the employees retired, they would be eligible for this plan if the insurance company allows it, and there would be no cost to the Town. H. White withdrew his comments.

MOTION: To allow retirees to sign up for the dental plan at their own cost, with open enrollment, by C. Blanchard.

2nd: D. Schmida

Vote: All in favor.

C. Blanchard noted that there had been a complaint regarding traffic and congestion on the Common. J. Malloy said that he would look into it with Parks & Recreation.

C. Blanchard noted that there had been a letter from Senator Moore regarding establishment of a Regional Advisory Committee regarding the Grand Trunk Trail. He suggested contacting Senator Moore to let him know that the Board is interested in it.

D. Sosik (the CMRPC alternate) said that she met with Rosemay Scrivens, and will attend the November 17th meeting at the CMRPC facility in Worcester. They will plan transportation aid projects, bikeways, repair of bridges, and to add capacity to highways.

New Business

C. Blanchard suggested that the Board get involved with CMRPC population projections. J. Malloy said that the Town Clerk uses annual census as the base number, then adds new voter registrations to it. C. Blanchard said that there must be a way to subtract people who move out of town. It was the consensus of

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the Board to ask the Town Administrator to meet with the Town Clerk and provide additional information.

Ask the Selectmen

H. White said that there were no calls.

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.

2nd: D. Schmida

Roll call vote: All were in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date