

January 18, 2005

**BOARD OF SELECTMEN
MINUTES
JANUARY 18, 2005**

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 January 3, 2005 as amended, by C. Blanchard.

2nd: H. White

Vote: Four in favor; D. Schmida abstained.

Michael Norton – Bike Race

Michael Norton appeared before the Board. J. Malloy, Chief Button, Chief Senecal and Deb Boyd, TRSD Business Manager met with M. Norton regarding the bike race planned for April 23, 2005. There were no concerns with the event.

MOTION: To approve the special event for a bike race under the auspices of the U.S. Cycling Federation for Saturday, April 23, 2005 from 8:00 a.m. to 4:00 p.m. with the following conditions: (1) That the race promoter, Michael Norton, name the Town of Sturbridge as a co-insured on a \$4 million liability policy; (2) That police details are provided as directed by the Chief of Police; (3) That signage is provided to warn motorists of the event. In connection with this approval, the Board of Selectmen approve temporarily closing the southbound lane on Route 148 from the Brookfield town line to Warren Road, and the westbound lane of Warren Road from Route 148 to the Warren town line, by H. White.

2nd: D. Sosik

Vote: All in favor.

A.Wilson announced that there had been an error in the newspaper relative to the deadline for nomination papers. The last day to take out nomination papers is Friday, February 18, 2005 at 4:00 p.m. The last day to return papers to the Board of Registrars is Tuesday, February 22, 2005 at 4:00 p.m.

Alcohol Compliance Checks

The Police Department recently conducted alcohol compliance checks at 16 licensed establishments, of which Kahula Restaurant and Applebee's sold alcohol to underage individuals.

MOTION: To set a hearing date for Tuesday, February 22, 2005 for both licensees, by H. White.

2nd: D. Schmida

Vote: All in favor.

Appointments

MOTION: To confirm the Town Administrator's appointment of Jim Cunniff to the Betterment Committee, by D. Sosik.

2nd: H. White

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Eric Riendeau as a Call Firefighter/EMT for a term to expire in 2007 at a starting rate of \$13.49 per hour, effective immediately, by D. Sosik.

2nd: D. Schmida

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Derek Hirons as a Call Firefighter/EMT for a term to expire in 2007 at a starting rate of \$13.49 per hour, effective immediately, by D. Sosik.

2nd: D. Schmida

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Linda Fortier as a Call Firefighter/EMT for a term to expire in 2007 at a starting rate of \$13.49 per hour, effective immediately, by D. Sosik.

2nd: D. Schmida

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of John Hastings as a Call Firefighter/EMT for a term to expire in 2007 at a starting rate of \$13.49 per hour, effective immediately, by D. Sosik.

2nd: D. Schmida

Vote: All in favor.

Pole Hearing – McGilpin Road

MOTION: To open the pole hearing for McGilpin Road, by H. White.

2nd: D. Schmida

Vote: All in favor.

J. Malloy informed the Board that T. Chamberland, Tree Warden and G. Morse, DPW Director, had no concerns regarding the placement of the pole.

MOTION: To approve the pole location for a new pole on McGilpin Road as per the application, by H. White.

2nd: D. Schmida

Vote: All in favor.

MOTION: To close the public hearing, by H. White.

2nd: D. Schmida

Vote: All in favor.

Appointment

MOTION: To confirm the Town Administrator's appointment of Harold Nichols as the Building Inspector/Zoning Enforcement Officer at a salary of \$54,000 with an effective date of February 1, 2005, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Old Business

H. White said that he had spoken with George Berry, who informed him that the Board of Health has a new policy regarding grease traps. All new and upgraded restaurants must have an external grease trap, effective January 6, 2005. Restaurants must provide monthly grease trap reports and pumping records to the Board of Health.

With regard to the organization chart, C. Blanchard noted that the Board of Selectmen appoints the Board of Registrars. J. Malloy said that there are also some changes to be made under the Finance Director.

C. Blanchard asked about the status of amendments to the Traffic Rules and Regulations. J. Malloy said that the Board could discuss it on February 14th, when the Police Chief could be present.

A. Wilson requested that the Town Clerks of the Tantasqua towns be contacted regarding their votes to maintain the contract from the 1950's.

New Business

A.Wilson asked for a review of stipends.

A.Wilson asked the Board to provide goals for the Town Administrator for the coming year.

Correspondence

D. Sosik noted that there was a December 28 letter from Mark Beaton, Town of Kingston Board of Selectmen regarding amending Chapter 40B to include manufactured homes in the calculations to determine percentage of low and moderate income housing. It was the consensus of the Board to send a letter to the state representative and senator in support of it.

Pole Hearing – Leadmine Road

J. Malloy read the public hearing notice (copy on file).

MOTION: To approve the pole location for a new pole on Leadmine Road as per the application, by H. White.

2nd: D. Schmida

Vote: All in favor.

MOTION: To close the public hearing, by H. White.

2nd: D. Schmida

Vote: All in favor.

Konover Development Corp. -- Rezoning Consideration

James McDonald, Senior Vice President of Konover Development Corp. and Donald Klepper-Smith, Chief Economist and Director of Research for DataCore Partners LLC appeared before the Board. J. McDonald requested the Board's support for a zoning change for a 37-acre piece of land on the south side of Rt. 20, to be re-zoned from rural residential to commercial. He indicated that they would like to build a retail facility on the property, which would have an access driveway to Rt. 20 instead of Fiske Hill Road.

D. Klepper-Smith presented the Board with a study of the economic and fiscal impacts associated with the proposed retail facility in Sturbridge (copy on file). He said that it would provide a 5-year net tax benefit to the Town of \$576,000, using conservative assumptions.

A.Wilson noted that the Planning Board had voted not to support the project at Town Meeting. C. Blanchard noted that the Finance Committee had

recommended that the Board look into what the proper zoning should be at the site. He pointed out that rezoning would not guarantee that a family entertainment center would be located at the site.

Joseph Ouellette, 95 Fiske Hill Road, expressed concern about traffic and safety issues, and noted that no traffic studies have been done. He asked that the Board consider rejecting the proposal.

John Kittel, 1 Library Lane North, warned against reactionary rezoning, and recommended having a study done to look at all of the uses.

Tom Creamer, Planning Board, emphasized the need to determine the best use for any particular parcel. He noted that in 2002, residents had voted to defeat Article #11 as written, because not enough planning had been done. He suggested setting up a master plan to determine what direction the Town of Sturbridge is going to take.

MOTION: That the Board of Selectmen vote to not support rezoning of the 37 acre site on Route 20, by H. White.

2nd: D. Sosik.

Vote: Four in favor; C. Blanchard opposed.

A.Wilson criticized the letter from Konover Development Corp. as being condescending and insulting.

Westville Access Road

John Boniface, Shepard Road, requested the Board's support to reopen the access road to Southbridge. J. Malloy noted that it is the Southbridge side of the road that is closed at this time. C. Blanchard suggested getting funds to rebuild the road.

Carol Hanson, 126 Fiske Hill Road, noted that in the event of an emergency it would be good to be able to use that road.

MOTION: That the Board write a letter to Congressman Neal regarding the possible use of federal funds to repair the access road from the Westville area to Southbridge, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Fuel Storage License

MOTION: To approve the fuel tank license for 149 Charlton Road for Salim Enterprises, Inc. as per the plan on file in the Sturbridge Fire Department, by H. White.

January 18, 2005

2nd: D. Sosik
Vote: All in favor.

Fiske Hill Commons

J. Malloy, Greg Morse, DPW Director had previously met with Dan Flynn, developer, and his engineer to discuss issues to be addressed regarding water and sewer for the proposed Fiske Hill Commons project located on Route 131, just east of the intersection of Fiske Hill Road. The determination was that if the water and sewer connections were approved by the Board of Selectmen, the sewer would flow by gravity directly to the intermunicipal connection with Southbridge. Water for this project should be provided by the Sturbridge Water Department, with a booster station located at the south end of the property.

Dan Flynn appeared before the Board. He noted that real estate taxes for both the commercial and residential will likely exceed \$560,000 per year.

D. Sosik noted that there is a warrant article seeking funding for a new elementary school. She said that Burgess Elementary School is at its capacity now. She said that there is no assurance that young families with school age children will not move into the proposed condos.

H. White noted that there would be an impact on the Planning Board, Town Planner, Conservation Commission, and Building Inspector, all of whom are overworked. He did not feel that it would be reasonable to proceed with this type of plan.

C. Blanchard noted that the Board was being asked for approval for water and sewer, not for the whole project. He said that to not consider a project like this because of concern over Burgess is not the proper position to take. He said that the project is deserving of consideration, and noted that approval of the project is conditional upon the final engineering approval from DPW.

D. Schmida said that the Board should address water and sewer. Traffic and construction and site plan should be reviewed by the Planning Board. A. Wilson said that water/sewer approval is still at the discretion of the Board of Selectmen.

Penny Dumas applauded the efforts of some of the Board members on this issue, and thanked the Board for working in the best interests of the town.

Dale Ploski, 2 Old Sturbridge Road, said that travel toward Southbridge is a daily nightmare, and urged the Board to vote against the project.

Paul Murphy, 12 Fiske Hill Road, said that the project is a major development and expressed concern about the impact on water and sewer. C. Blanchard said that Sturbridge has an agreement with Southbridge.

January 18, 2005

John Kittel said that controlling sewer hookups is one of the few tools towns have to control their growth, and a vote in favor of expanding sewer hookups is in favor of expanding growth in Sturbridge.

Maureen Ouellette, 95 Fiske Hill Road, asked the Board to consider the projects that have been approved and are in the process of being built, and asked how much Fiske Hill could be expected to absorb.

Ed Goodwin, 19 Orchard Road, said that the Sturbridge bylaw is similar to the Essex bylaw, but that in Essex, the Town Meeting votes on sewer extensions, and suggested that Sturbridge consider this.

Jane Flynn Switchenko expressed concern over the size of the project.

MOTION: To approve the water and sewer connection to the Town of Sturbridge water and sewer systems, subject to the payment of all water fees as per the water fee schedule and a sewer privilege fee of \$1,199,617.69 and individual sewer connection and other fees as per the sewer fee schedule. This approval to connect to the water and sewer system is further subject to the approval of the DPW Director of the design plans, by C. Blanchard.

2nd: D. Schmida

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

The motion was defeated.

C. Blanchard asked whether the Board should consider a moratorium on building projects. He said that the reason why the project was turned down was not based on the town's water/sewer capacity. H. White said that the project was for 120 condos and five commercial retail establishments, and when something that significant comes before the Board, the Board can make a judgment without a blanket moratorium.

D. Schmida asked what the difference was between this project and several smaller projects. He said that the Board's vote gave the message that the Board does not want any more construction in the Town of Sturbridge.

Carol Goodwin said that the Board has total discretion as to whether to give water/sewer to a development.

C. Blanchard said that the project would get further review in the development process, but because the Board decided not to grant water and sewer, it will not

January 18, 2005

go through the process. The developer could go to Southbridge, so the project has not been stopped.

New Business

A.Wilson announced that the Budget Meeting with the Board of Selectmen, Finance Committee and Department Heads will be held on Saturday, January 22, 2005 beginning at 8:30 a.m.

Ask the Selectmen

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, not to reconvene in open session, by D. Sosik.

2nd: H. White

Roll call vote: All were in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date