

February 7, 2005

**BOARD OF SELECTMEN
MINUTES
FEBRUARY 7, 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 18, 2005 as corrected, by H. White.
2nd: D. Schmida
Vote: All in favor.

MOTION: To approve the executive session minutes of January 18, 2005 as submitted, to remain confidential, by C. Blanchard.
2nd: H. White
Vote: All in favor.

MOTION: To approve the minutes of January 10, 2005 as submitted, by C. Blanchard.
2nd: D. Schmida
Vote: All in favor.

Fiske Hill Commons

Dan Flynn, Mike Loin of Bertin Engineering and Attorney Jonathan Finkelstein appeared before the Board regarding water and sewer connections for the proposed Fiske Hill Commons project located on Route 131.

M. Loin said that they have elected to put the housing component on hold and focus on the commercial component. There will be a 20,000 sq. ft. retail store, two 250-seat restaurants, a beauty salon and a mixed use office/retail, for a requested water and sewer of 20,000 gallons per day. He assured the Board that it would not affect the immediate neighborhood in the Fiske Hill area, since the entrance will be off Route 131. He said that Greg Morse, DPW Director, has reviewed the plan and met with him at the site.

February 7, 2005

J. Malloy calculated that the sewer privilege fee will be about \$720,000, based on 100 ERUs.

Chip Silvestri, 16 Beaudry Road, noted that sewage is being sent to Southbridge, and expressed concern about the possibility of their capacity being reached, or a malfunction in the system. He suggested that the Board put a moratorium on sewer connections.

Carol Hanson, 126 Fiske Hill Road, requested that the Board consider the traffic situation, and to think about the safety of people who are using Route 131.

Jane Switchenko, 41 Fiske Hill Road, asked about the policy regarding development and the use of water. J. Malloy said that the Town had adopted a Sewer Service Area Bylaw around 1999. He said that the Town keeps a running total of what is going into the Wastewater Treatment Plant and how much is in reserve. H. White said that connections are granted on a first come, first served basis, and the Board can decide on the amount of capacity for residential and commercial development.

J. Finkelstein said that when a development comes before the Board issues are always raised, but availability and capacity should be the touchstone for the Board's decision on the project. H. White suggested that the Board hold action to take time to study it.

MOTION: To approve water and sewer connection for Fiske Hill Commons 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 \$659,131, for a maximum usage of 20,000 gallons per day per the document from Michael Loin dated February 7, 2005, and any significant changes to the plan shall be submitted to the Board for review, by D. Schmida.

2nd: C. Blanchard

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

The motion carried.

Paul and Kathy Harrington – Betterment Assessment

Paul and Kathy Harrington appeared before the Board. P. Harrington said that they represented 18 families on Lakewood Trail, the Trail and Harrington Court. Per their letter dated January 28, 2005 (copy on file) they requested that the Town grant an abatement of the sewer betterment assessment on the two common use lots included in The Trail at Big Alum Lake Association, Inc. He noted that the deeds of the common-use lots refer to the Declaration of

Restrictive Covenants, which state that these are recreation properties only and cannot be built upon.

J. Malloy said that the sole criteria for betterment assessment is whether it is a buildable lot, which it is. He noted that state law does not take into account future intentions. He said that the lots could have been placed under recreational designation, but were not, and the deadline ends at the next meeting. C. Blanchard asked whether it would be possible to continue it beyond the deadline period in order to get a more permanent restriction on the lots. He added that the Conservation Commission must also review and vote on it.

MOTION: To accept the application for abatement on these two properties and continue the matter to within three months to get more information regarding being able to guarantee that they will never be built upon, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Special Town Meeting Warrant

MOTION: To set a Special Town Meeting for March 1, 2005 at 7:30 p.m. at Burgess Elementary School, by A. Wilson

2nd: D. Schmida

Vote: All in favor.

Article #55 – Insurance Proceed Appropriation - Ambulance

MOTION: To place Article #55 on the Special Town Meeting warrant, by A. Wilson.

2nd: H. White

Vote: All in favor.

Article #56 – Ambulance Appropriation

MOTION: To place Article #56 on the Special Town Meeting warrant, by A. Wilson.

2nd: H. White

Vote: All in favor.

Article #57 – Glass Crusher Replacement

MOTION: To place Article #57 on the Special Town Meeting warrant, by A. Wilson.

2nd: H. White

Vote: All in favor.

MOTION: To close the warrant for the Special Town Meeting, by H. White.

2nd: D. Schmida

Vote: All in favor.

Personnel Issues

MOTION: To accept the resignation of Jim Johnson as the Animal Control Officer, with regret, by H. White.

2nd: D. Schmida

Vote: All in favor.

MOTION: To approve the position description for the Board of Health Agent with a rating of grade 10, by H. White.

2nd: D. Schmida

Vote: All in favor.

Request for Technical Assistance from the Trust for Public Lands

J. Malloy informed the Board that in his meetings with members of the Community Preservation Committee regarding discussions on the Heins and Barrett properties, the Trust for Public Lands has indicated interest in becoming involved in the potential acquisition of these parcels as open space. Mr. Malloy noted that TPL's expertise could help facilitate negotiations if the Town is to consider acquiring the parcels.

MOTION: To request that the Trust for Public Lands formally provide technical assistance to the Town for acquisition of property as described in the 2/7/05 letter, by D. Schmida.

2nd: C. Blanchard

Vote: All in favor.

Fire Dept. On-Call Service

J. Malloy and the Fire Chief have been discussing a new requirement from the Office of Emergency Medical Services related to Advanced Life Support coverage, that it be available 24 hours a day, 7 days a week. Mr. Malloy and the Fire Chief met with Phil Bonaiuto from the Office of EMS, and the Fire Chief proposed that the Town establish an on-call provision to ensure that the Town is able to meet the 24/7 requirement. Currently, it is estimated that all but approximately 32 hours per week is ALS covered. An on-call rate of \$3.00 per hour is recommended for ALS certified EMTs to be on call during this period each week. The Fire Chief indicated that with some of the new call staff that are ALS certified, the number of hours per week that will need to be covered will decrease significantly.

J. Malloy said that he would send a letter to the firefighters union to let them know that the Board is reviewing the matter. It was the consensus of the Board to hold action. C. Blanchard suggested getting information on the block of time.

Snow and Ice Purchase of Services Budget

MOTION: To authorize the DPW Director to deficit spend in the Snow and Ice Control Accounts 14231-51300 Overtime; 14232-52000 Purchase of Services; and 14232-54000 and for the DPW Director to include the total amount expended for Snow and Ice Removal as part of his regular monthly report to the Selectmen, by C. Blanchard.

2nd: H. White

Vote: All in favor.

MOTION: To enter into executive session under MGL Chapter 39, §23B, Paragraph #6: To consider the purchase, exchange, taking, lease or value of real property, to reconvene in open session afterwards, by D. Sosik.

2nd: D. Schmida

Roll call vote: All were in favor.

The Board convened in executive session at 8:00 p.m.

The Board reconvened in open session at 8:30 p.m.

Miscellaneous

J. Malloy informed the Board that the Finance Committee cannot attend the Special Town Meeting on March 1st, due to a conflict in schedule. Lorraine Murawski, Town Clerk indicated that she would be unable to hold extended voter registration hours 10 days before February 28th due to other commitments. It was the consensus of the Board to hold the Special Town Meeting on March 1, 2005 to accommodate the Town Clerk, with the hope that one member of the Finance Committee would be able to attend.

J. Malloy said that Kevin Smith, Chairman of the Finance Committee asked whether the Board would be willing to make a clarification in a motion limiting deficit spending on snow and ice to FY05. Kevin Smith suggested including an article for full cost of a new glass crusher.

The Board had asked about the update to the organization chart that J. Malloy had sent to all departments. He received comments regarding the Finance Director, Assistant Assessor and Tree Warden, and made the appropriate changes to the chart. He did not make the change suggested by the Board of Assessors regarding the Assistant Assessor, that the position be shown under the Board of Assessors, since there is no legal authority for this change in the Town Charter. It was the consensus of the Board that J. Malloy look into it, whether it would be possible to make a change outside of the charter.

Executive Session Minutes

MOTION: To release the executive session minutes of December 6, 2004, October 4, 2004, September 10, 2001 and August 20, 2001, by A.Wilson.
2nd: H. White
Vote: All in favor.

Other

It was the consensus of the Board to hold a regular Board meeting on February 14, 2005 to discuss the budget and Town Meeting articles.

MOTION: To reopen the Special Town Meeting warrant for March 1, 2005 and modify Article #57 to change the amount to \$5,690, then close the warrant, by A. Wilson.
2nd: H. White
Vote: Four in favor; C. Blanchard opposed.

MOTION: To close the Annual Town Meeting warrant, by C. Blanchard.
2nd: H. White
Vote: All in favor.

Old Business

H. White said that the Burgess Feasibility Study Committee made a presentation on January 5th, and asked whether they could make the same presentation to the Board of Selectmen. C. Blanchard said that he would see if it is possible to have the architect, DRA meet with the Board.

D. Sosik asked about a discount for senior citizens from Charter Communications. J. Malloy said that he had sent Charter a letter about it. He said that Charter gives the Town an annual grant for equipment and to cover the cost of media people to run the cameras during meetings. He will invite Robert Spain of Charter Communications to a Board meeting.

New Business

H. White noted that Senator Brewer was honored with the "Legislator of the Year" award from the Mass. Municipal Association. It was the consensus of the Board to send him a congratulatory letter.

A.Wilson said that the rough draft of the report of the Board of Selectmen for the town report is available for their comments.

February 7, 2005

Ask the Selectmen

C. Blanchard received a call from a resident who suggested that the sound not be turned off during executive sessions.

MOTION: To adjourn, by D. Schmida.

2nd: H. White

Vote: All in favor.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date