

April 19, 2005

**BOARD OF SELECTMEN
MINUTES
APRIL 19, 2005**

Present: Arnold Wilson, Chairman
Hal White
David Schmida
William Emrich
James Malloy, Town Administrator

James Malloy, Town Administrator, called the meeting to order at 6:30 p.m. following the Pledge of Allegiance.

Reorganization of the Board of Selectmen

MOTION: To nominate Arnold Wilson to serve as Chairman of the Board of Selectmen, by H. White.

2nd: D. Schmida

Vote: Three in favor; A. Wilson abstained.

MOTION: To nominate Hal White to serve as Vice-Chairman of the Board of Selectmen, by A. Wilson.

2nd: D. Schmida

Vote: Three in favor; H. White abstained.

MOTION: To nominate Doris Sosik to serve as Clerk of the Board of Selectmen, by A. Wilson.

2nd: D. Schmida

Vote: All in favor.

A. Wilson announced that the Annual Town Meeting will be held on Monday, April 25, 2005 at 7:00 p.m. at Tantasqua High School Auditorium.

Approval of Minutes

MOTION: To approve the minutes of April 4, 2005 as revised, by H. White.

2nd: D. Schmida

Vote: Three in favor; W. Emrich abstained.

MOTION: To approve the executive session minutes of April 4, 2005, and to release them to the public, by H. White.

2nd: D. Schmida

Vote: Three in favor; W. Emrich abstained.

Tom Chamberland, Tree Warden – Arbor Day 2005

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A. Wilson read the Arbor Day Proclamation (copy on file); he also read the letter from Steven Pritchard, Dept. of Conservation and Recreation regarding Sturbridge's 16th consecutive Tree City USA Award.

T. Chamberland, Tree Warden, said that the 6th grade class at Burgess Elementary School will be bagging 1200 tree seedlings to be given out at Burgess and at the Recycling Center later in the week. He said that the Hachfeld family has donated a new White Birch tree in memory of their daughter, to replace the birch tree on the Common that has died. He informed the Board that Northern Tree Service will donate men and equipment to plant trees in front of the Public Safety Complex and along the entrance road to the Highway Department. The Rotary Club donated two trees. T. Chamberland and Steve Kelly of the Science Dept. at Tantasqua High School are developing a new urban/community forestry curriculum to introduce students to urban forestry.

Police Department Appointments

MOTION: To confirm the Town Administrator's appointment of Thomas J. Ford III as the Lieutenant in the Sturbridge Police Department at a base salary of \$62,500 per year, effective April 20, 2005, by H. White.

2nd: D. Schmida

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Michael Blanchard as a Sergeant in the Sturbridge Police Department at a rate of \$23.43 per hour, effective April 20, 2005, by H. White.

2nd: D. Schmida

Vote: All in favor.

J. Malloy presented Lieutenant bars to Thomas Ford and Sergeant stripes to Michael Blanchard.

Department Head Monthly Reports

Harold Nichols, Building Inspector, read his report to the Board (copy on file). H. White asked about the status of Empire Village restaurant. H. Nichols said that they had been issued a stop work order and cease and desist order. They will present new plans to the Planning Board, and the wetlands issue must be addressed before they are able to resume work at the site.

H. Nichols noted that there are a lot of signs posted around town that do not have permits, such as retail sales, home sales, etc.

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H. White asked about the status of 548 Main Street. H. Nichols said that there was an issue with remodeling without a permit at the site. He met with the owner and talked to the State Inspector. There will be no changes to the building other than repairs.

Greg Morse, DPW Director, read his report to the Board (copy on file). J. Malloy said that Tighe and Bond will meet with the Board on May 2nd to review their progress report on well development and which option to pursue.

G. Morse said that the PWED specs for Old Sturbridge Village have been completed. J. Malloy said that he has had discussions with Beverly Shepard, President of Old Sturbridge Village, and recommended that they do the education center first, then the front section as the second phase, followed by the remainder of the road. J. Malloy said that he has not heard back about the extension of the PWED grant.

J. Malloy said that Veolia has started on weekends having the pump station on Hall Road pump to Southbridge. A. Wilson asked for an update on the numbers after two or three months.

Annual Appointments

J. Malloy informed the Board that Bob Briere has made arrangements to meet with the owner of property along the river, but he does not have the authority to negotiate acquisition of property on behalf of the Town. Mr. Malloy said that he would hold off on reappointing Bob Briere to the Community Preservation Committee until after he has met with him to discuss the matter. A. Wilson said that he would like to invite Virginia Belforte to the May 2nd meeting, since a few years ago she had been against tightening up the regulations on Town Meeting floor, and the Board needs to discuss the matter with her. It was the consensus of the Board to put the following appointments on hold: Bob Briere, Virginia Belforte (Design Review) and Charles Blanchard (Open Space Committee; Personnel Classification and Policy Committee).

Appointments

Boards/Committees

Zoning Board of Appeals

- Theophile Beaudry for term to expire in 2008

Planning Board

- Russell Chamberland for a term to expire in 2009
- Jennifer Morrison for a term to expire in 2009

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Local Emergency Planning Committee

- Thomas Button for a term to expire in 2006
- James Malloy for a term to expire in 2006
- Deborah Boyd for a term to expire in 2006
- Leonard Senecal for a term to expire in 2006
- Arnold Wilson for a term to expire in 2006
- Gregory Morse for a term to expire in 2006

Design Review Committee

- Virginia Belforte for a term to expire in 2008
- Elaine Cook for a term to expire in 2008
- Thomas Chamberland for a term to expire in 2008

Street Light Committee

- Donald Mapplebeck for a term to expire in 2006
- Thomas Button for a term to expire in 2006
- Gregory Morse for a term to expire in 2006

Council on Aging

- Robert MacWilliams for a term to expire in 2008
- Noman Meiklejohn for a term to expire in 2008
- Lynn Summers for a term to expire in 2008

Historical Commission

- Brian Burns for a term to expire in 2006
- Blake Duzak for a term to expire in 2006
- Marie Belisle for a term to expire in 2006
- Joseph Ouellette for a term to expire in 2006
- Mary White for a term to expire in 2006

Safety Committee

- Gregory Morse for a term to expire in 2006
- Leonard Senecal for a term to expire in 2006
- Thomas Button for a term to expire in 2006
- Jean Joel for a term to expire in 2006
- James Malloy for a term to expire in 2006

Conservation Commission

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- Vacant

Personnel Policy & Classification Committee

- Roy Baum for a term to expire in 2006
- Charles Blanchard for a term to expire in 2006
- Anthony Celuzza for a term to expire in 2006
- Michael Serio for a term to expire in 2006
- Vacant

Cable Advisory Committee

- Deborah McKinstry for a term to expire in 2006
- Lawrence Adams for a term to expire in 2006
- Alan Jones for a term to expire in 2006
- James Malloy for a term to expire in 2006
- Vacant

Cultural Council

- Deborah Tracy for a term to expire in 2006
- Nancy Gardner for a term to expire in 2006
- Carol Mitchell for a term to expire in 2006
- Virginia Stallone for a term to expire in 2006
- Mary Lou Volpe for a term to expire in 2006

Betterment Committee

- Thomas Button for a term to expire in 2006
- James Cunniff for a term to expire in 2006
- James Malloy for a term to expire in 2006
- Arnold Wilson for a term to expire in 2006
- Vacant

Capital Planning Committee

- James Malloy for a term to expire in 2006
- Lawrence Adams for a term to expire in 2006
- Gregory Morse for a term to expire in 2006
- Leonard Senecal for a term to expire in 2006
- Kevin Smith for a term to expire in 2006

Traffic Safety Committee

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- Gregory Morse for a term to expire in 2006
- Leonard Senecal for a term to expire in 2006
- Thomas Button for a term to expire in 2006
- Anthony Celuzza for a term to expire in 2006
- Carol Hanson for a term to expire in 2006

Open Space Committee

- Mary Blanchard for a term to expire in 2006
- Lynne DiGregorio Sarty for a term to expire in 2006
- Carol Goodwin for a term to expire in 2006
- P. Edward Norris for a term to expire in 2006
- Anthony Silvestri for a term to expire in 2006
- Charles Blanchard for a term to expire in 2006

Community Preservation Committee

- Bob Briere

Trail Committee

- Vacant

MOTION: To confirm the Town Administrator's appointments of the aforementioned individuals to various town boards, committees and paid positions as listed, except those placed on hold, by H. White.

2nd: D. Shmida

Vote: All in favor.

MOTION: To confirm the Town Administrator's appointment of Charles Blanchard to the Personnel Classification and Policy Committee, by A. Wilson.

2nd: D. Schmida

Vote: All in favor.

Natural Gas Storage License

MOTION: To approve the 2,000 gallon above ground propane storage tank at Pilot Travel Center at 400 Haynes Street as approved by the Fire Chief, by D. Schmida.

2nd: A. Wilson

Vote: All in favor.

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MOTION: To approve the 7,000 gallon underground propane storage tank at 450A Main Street at approved by the Fire Chief, by D. Schmida.

2nd: A. Wilson

Vote: All in favor.

Old Sturbridge Village Land Acquisition

J. Malloy submitted to the Board the purchase and sale agreement (copy on file) for the 4.4 acre property that the Town is purchasing from Old Sturbridge Village for \$284,000 to provide the Zone I protective area around the new town Well #4, paid through the Public Works – Economic Development Grant (PWED).

MOTION: To approve the purchase and sale agreement and authorize the Board of Selectmen to execute the same, by D. Schmida.

2nd: H. White

Vote: All in favor.

Sturbridge Retirement Community

J. Malloy informed the Board that since their engineer could not attend the meeting, this matter will be taken up at the next Board meeting on May 2nd.

Auction Permit

MOTION: To approve the auction permit for Michael's Auction House for an auction at the Publick House on May 7th from 9:00 a.m. to 6:00 p.m., subject to review by the Chief of Police for traffic control, by D. Schmida.

2nd: H. White

Vote: All in favor.

Request to Apportion a Betterment Assessment

MOTION: That the Board of Selectmen, acting as Sewer Commissioners, approve the division of assessed land as provided for by Massachusetts General Laws, Chapter 80, Section 15 for land located at 3 Birch Street which is owned by Sean & Carolyn Crowell, recorded at the Worcester District Registry of Deeds, Book 35010, Page 146, which is to retain 100% of the original Cedar Lake Sewer Betterment Assessment and to assess 0% of the aforementioned Sewer Betterment Assessment lien to the 71,787 square feet of land, more or less, located on the westerly side of Birch Street, now known as 7 & 11 Birch Street, Sturbridge and shown as lots 1 & 2 Birch Street, Sturbridge on a plan of land entitled, "Plan of Land Located on

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Birch Street and Old Hamilton Road by Land Planning Inc., dated 2/26/04, prepared for Jaredot, Inc. and recorded in the Worcester District Registry of Deeds in Plan Book 808, Plan 16, by A. Wilson.

2nd: H. White

Vote: All in favor.

MOTION: To authorize the Town Administrator to execute any documents that may be required relative to apportionment of betterment assessments on 3, 7 and 11 Birch Street, by A. Wilson.

2nd: H. White

Vote: All in favor.

Perennials Restaurant Liquor License – Change of Location

Rhonda Aspinall appeared before the Board. The application was in order.

MOTION: To approve the change of location application from Perennials Restaurant for the new location at 420 Main Street, 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.

Sewer Extension Request

H. White recused himself from the Board.

Jalbert Engineering submitted a request on behalf of Rom's Restaurant for property at the corner of Farquhar Road and Route 131 to allow connections to town sewer for six new lots that are being proposed. Greg Morse, DPW Director, reviewed the design and approved it. He noted that in the event that town water is requested, the water pipes must lie in the same easement as the sewer pipes. Larry Adams, Town Planner, submitted his comments (copy on file).

Leonard Jalbert and Dan and Ginny Roscioli appeared before the Board. A. Wilson expressed concern about curb cuts and traffic safety on Rt. 131. L. Jalbert said that three driveways would be coming off Rt. 131 for those three sites. A. Wilson suggested that the Board hold action in order to study the situation and get more input regarding the curb cuts and the water issue. It was the consensus of the Board to hold action, and take it up again on May 2nd.

H. White re-joined the Board.

Town Meeting

Article 7 – Tantasqua Study Committee Report

J. Malloy read the recommendation from the Tantasqua Study Committee (copy on file). H. White suggested deleting the words “negotiate the actual terms” and substitute “further study of possible options.” W. Emrich noted that the school system, pre-school through grade 12 is excellent, and that people move to Sturbridge because of the school system. He suggested a substitute motion that the Board of Selectmen continue dialogue with the Union 61 School District and the other towns in the district to work toward a solution to the assessment practices without withdrawing from the school district. H. White said that every penny goes to subsidize the other towns, and to continue the dialogue is a moot point. He noted that there is a lawsuit pending. W. Emrich said that he was concerned with an article that can’t pass. A. Wilson said that the Board doesn’t want to go with that motion and see it fail, then have no chance for dialogue with the other communities. J. Malloy said that H. White’s change addresses that and removes the negative connotation. W. Emrich noted that the Town needs a new elementary school. He said that he could not support an article for Sturbridge leaving Tantasqua. J. Malloy said that it was a fiscal issue, and the Town will be voting to study what the cost would be, based on the terms of the withdrawal. H. White said that the Board has the responsibility to obtain all of the facts about this situation and the consequences of doing nothing. He said that the Town should be acting on the facts. It was the consensus of the Board to take no action on the article tonight, and to set a Board of Selectmen meeting at 6:00 p.m. on April 25, 2005 at the Tantasqua High School cafeteria.

Article 18 – CPC Affordable Housing Project

J. Malloy submitted to the Board Town Counsel’s opinion (copy on file), which has been forwarded to the CPC and the Finance Committee. J. Malloy recommended that the Board vote that the Town take no action on the article, since it needs to be refined before it is brought back to Town Meeting. He said that the CPC should be congratulated for putting it together. H. White suggested notifying the Chairman of the CPC.

MOTION: To take no action on Article #18, by H. White.

2nd: D. Schmida

Vote: All in favor.

STM Article #58

MOTION: To take no action on Article #58, by H. White.

2nd: D. Schmida

Vote: All in favor.

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J. Malloy said that for all other articles and budget items that the Selectmen have voted differently, he will have figures prepared and substitute motions for the Town Meeting.

Executive Session Minutes

MOTION: To release the minutes of 9/7/04 and 3/21/05, by H. White.

2nd: D. Schmida

Vote: Three in favor; W. Emrich abstained.

Old Business

A.Wilson asked whether J. Malloy had heard from Tighe & Bond relative to 55 Holland Road. J. Malloy said that he had not heard back from them yet, but will get an update for the Board on what is going on.

New Business

A.Wilson said that J. Malloy has invited the Planning Board to meet with the Board of Selectmen for the next work session.

A.Wilson said that J. Malloy will update the Board on the status of all of the lawsuits against the Town by May 21st. J. Malloy noted that 70% of them have recently been resolved.

A.Wilson said that he had received an invitation from Bob Briere to meet with Gerry Pacquin on April 20th at 5:00 p.m. He said that he would meet with them to listen, but not to negotiate. H. White said that he did not think that A.Wilson should meet with them on this kind of basis.

A.Wilson said that the Planning Board had given a presentation on Route 20. J. Malloy said that Larry Adams, Town Planner, did a Power Point presentation with the following highlights: a turnaround at Route 49; a median strip from Route 49 to the interchange with the Turnpike; a turnaround at Hall Road; two turnaround lanes at the Center at Hobbs Brook and pedestrian sidewalks to the shops. The Planning Board supported the recommendations of the Study Committee.

A.Wilson asked J. Malloy for an update on the Tantasqua Study Committee public hearing on April 12th. J. Malloy said that it was a positive discussion about what the vote would mean, and that it must be a win-win situation for all of the towns. H. White said that the Board of Selectmen should commend the members of that committee for the thorough job that they have done. He suggested that the minutes be posted on the Town's website.

A.Wilson asked J. Malloy for an update on the Informational Meeting in preparation for the Annual Town Meeting. J. Malloy said that it went very well,

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with a very nice group of people. He felt that it would be worth doing again. The Town Moderator had put together a presentation with some practical and legal tips to help people understand Town Meeting procedures, and it is posted on the Town Administrator's web page under "Town Meeting Tips."

A.Wilson asked the Board to think about the composition of the Burgess Building Committee.

A.Wilson said that the Board has been invited to the Quinebaug Valley Art Center in Southbridge on May 6th.

A.Wilson said that Beverly Shepard, President of Old Sturbridge Village, would like to meet with the Board to discuss their vision for the future.

A.Wilson said that the latest MMA Action Bulletin requests that towns give their support to amendments to bills regarding the lottery and Chapter 70 funds. J. Malloy said that he would attend the MMA Fiscal Policy meeting next week.

Ask the Selectmen

There were no calls.

MOTION: To adjourn, by H. White.

2nd: D. Schmida

Vote: All in favor.

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date