

May 16, 2005

**BOARD OF SELECTMEN  
MINUTES  
MAY 16, 2005**

Present:     Arnold Wilson, Chairman  
              Hal White  
              Doris Sosik  
              David Schmida  
              William Emrich  
              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 May 2, 2005 as submitted, by D. Sosik.  
              **2<sup>nd</sup>:**     H. White  
              **Vote:** All in favor.

**Department Head Quarterly Reports**

Beverly Poirier, Assistant Assessor, read her report to the Board (copy on file). She said that the tax rate has been set, bills have been mailed and the abatement process is completed. The Town has a split tax rate (\$12.35 for residential and \$17.09 for commercial, industrial and personal property), which is a decrease from Fiscal 2004, when the tax rate was \$18.68. They now have the ability to print a map or section of a map for the public on the computer.

Larry Adams, Town Planner, read his report with the Board (copy on file). He reviewed the current status of the following subdivisions: Allen Homestead, The Preserve, The Highland, Draper Woods, Spring Hill Estates, Laurel Wood Drive and Lauren Lane. He reviewed the current status of the following housing developments: Windgate (under construction), Estates at St. Farms and Stoneleigh (both under review). Under Site Plan Reviews, Sturbridge Veterinary Hospital is almost complete; Hobbs Brook is under construction; RRI Picker Road has been approved; Pilot Travel, three year review has been completed; Nextel Cell Tower on Clark Road has been approved; Penny's Appliance Center has been approved; and the following have been waived and approved: Sterling Engineering, Bin 479 Restaurant, Perennials Restaurant, Griffin Book and Beans and Simple Indulgence.

**Uno Restaurant License Change**

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

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**MOTION: To approve the Transfer of Stock and New Officer/Director for Pizzeria Uno Chicago Bar & Grill, by D. Sosik.**

**2<sup>nd</sup>: D. Schmida**

**Vote: All in favor.**

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

**2<sup>nd</sup>: D. Schmida**

**Vote: All in favor.**

### **Rom's Restaurant – Sewer Extension Request**

H. White recused himself from the Board.

Leonard Jalbert and Dan and Ginny Roscioli appeared before the Board. D. Roscioli submitted to the Board a statement (copy on file) requesting acceptance of the engineering plan for six lots on 6.38 acres on Rt. 131 and Farquhar Road. L. Jalbert noted that the installation of an access road would be cost prohibitive. He said that it has not been reviewed by the Conservation Commission yet, and will not until the lots have been sold and it has been determined what will be built on the site. He said that the lots are in excess of one acre, and they conform to the upland regulation and intensity regulation. L. Adams said that some of the lots may satisfy the new laws, some may not; the wetlands have not been delineated. W. Emrich expressed concern about the curb cuts on Route 131. He noted that when the Spaho road is approved, lot #6 will be a corner lot. He asked whether they would consider bringing a driveway off that road. L. Jalbert said that it would be a private driveway. J. Malloy suggested that when the Spaho road goes in, the driveway could come off the new road instead of off Rt. 131. A. Wilson asked the Board to oppose the curb cuts to Mass. Highway.

**MOTION: To approve a sewer extension for six lots (five additional connections) located at 209 Main Street, as shown on a plan of land designed by Jalbert Engineering entitled, "Proposed sewer extension plan" dated 3/23/05, subject to payment of a sewer privilege fee in the amount of \$29,530.20 and subject to final approval of the design and conditions by the Director of Public Works, by D. Schmida.**

**2<sup>nd</sup>: D. Sosik**

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

It was the consensus of the Board to keep track of the amount of flow being pumped to Southbridge, as well as the flow at Sturbridge's wastewater treatment plant.

H. White re-joined the Board.

### **Kathy Harrington – Conservation Deed Restriction**

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Paul and Kathy Harrington and Marian Reilly, President of the Association, appeared before the Board. P. Harrington said that their Association had voted unanimously to proceed with the conservation restriction to release the draft. He said that several members had obtained a copy of state law defining conservation restrictions. He said that a conservation restriction is attached to the deed, which could affect the ability to sell the property at a future date, or to get mortgages.

J. Malloy noted that they have filed an abatement application in time; there was a four-month window. He said that an agreement could be drafted.

**MOTION: That the Board grant the abatement of the betterment charge at Big Alum and draft an agreement that is acceptable to both sides relative to potential development, with a deadline of June 6, 2005, by A.Wilson.**

**2<sup>nd</sup>: D. Sosik**

J. Malloy said that he could have Town Counsel draft an agreement by the next meeting for the Board's review. A.Wilson withdrew his motion; D. Sosik withdrew her second.

#### **Tom Chamberland, Veterans' Agent – Memorial Day Activities**

Tom Chamberland, Veterans' Agent, reviewed the Memorial Day Activities with the Board (copy on file). He said that any veteran who would like to participate as a member of the Firing Squad or Color Guard in the Memorial Day Parade should meet for practice at 6:30 p.m. at the American Legion Hall. Poppy sales by members of the Unit 109 Auxiliary will take place on May 23<sup>rd</sup> and May 27<sup>th</sup> at Yankee Spirits. The Annual Memorial Day Parade and Services are scheduled for Monday, May 30<sup>th</sup> beginning at 9:25 a.m.

#### **Stanley Choinski – Sewer Extensions for Westwood Drive**

Stanley Choinski and Jim Murray, engineer, appeared before the Board. S. Choinski would like to divide 84 Westwood Drive into three lots under ANR regulations under the Planning Board. He requested the Board's approval for sewer connections for the lots. He said that they are in the process of filing an application with DEP and the Conservation Commission for this property. It was the consensus of the Board to take the matter up again on June 6<sup>th</sup>.

#### **Water/Sewer Abatement**

J. Malloy submitted to the Board a water/sewer abatement form that exceeded \$500, which required the Board's approval. The abatement was due because of a misread meter.

**MOTION: To approve the water and sewer abatement on Account #0591-A in the amount of \$5,540.00, by H. White.**

**2<sup>nd</sup>: D. Sosik**

**Vote: All in favor.**

#### **Well #4 Recommendation**

J. Malloy submitted to the Board recommendations from Paul Donahue, Veolia Water North America and Greg Morse, DPW Director (copies on file) on whether to have centralized treatment or two water treatment facilities. P. Donahue had estimated that the Operation and Maintenance (O & M) of a new satellite water treatment facility would require an increase of approximately 10-15% in O & M costs. This estimate includes the additional man hours for operation and maintenance of the new facility as well as all related utilities and maintenance costs. He recommended the option #1 Centralized Treatment, conveyance to the existing wastewater treatment plant for treatment and distribution. G. Morse suggested that the following factors be reviewed by the Board before making a final determination: initial cost, water quality, timing/environmental concerns, water treatment plant maintenance ease, loss of water treatment plant due to mechanical/nature failure and increased O & M costs. J. Malloy agreed with G. Morse, and said that having two water treatment facilities would be better for the Town in the long run.

**MOTION: To direct the town's engineering consultant to proceed with a satellite water system using on site treatment system, by A. Wilson.**

**2<sup>nd</sup>: H. White**

**Vote: All in favor.**

#### **Litigation Status Report**

J. Malloy submitted to the Board an updated litigation status report including both cases handled by MIIA and Town Counsel (copy on file).

#### **Antique Sales License**

**MOTION: To approve the antique sales license for the Fairgrounds Antique Center, by D. Schmida.**

**2<sup>nd</sup>: D. Sosik**

**Vote: All in favor.**

#### **School Building Committee**

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A. Wilson read Town Counsel's opinion into the record (copy on file). J. Malloy said that since it was not designated who would control the funds, the Burgess School Committee would have authority over expenditure of funds.

**MOTION:** That the Board establish a nine member School Building Committee for the expansion of Burgess Elementary School, consisting of the following: two Burgess School Committee members; one Finance Committee member; one Planning Board member; one member of the Board of Selectmen; two members of the building trades; one interested citizen at large; one Building Needs Committee member who is not a member of the Burgess School Committee; and the Principal or Acting Principal as an ex officio member, by A. Wilson.

2<sup>nd</sup>: H. White

Vote: All in favor.

**MOTION:** Amendment to add the Superintendent of Schools as an ex officio member, by D. Sosik.

2<sup>nd</sup>: W. Emrich

Vote: Four in favor; A. Wilson opposed.

### **Annual Appointments**

#### **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

#### **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

Lawrence Adams for a term to expire in 2006

Barbara Search for a term to expire in 2006

George Berry for a term to expire in 2006

Bernard Lorkiewicz for a term to expire in 2006

Paul Donahue for a term to expire in 2006

Brian Towns for a term to expire in 2006

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Carol Hooker for a term to expire in 2006  
John Hart for a term to expire in 2006  
Victoria Denault 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

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  
Norman 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

Donna Grehl for a term to expire in 2008

Personnel Policy & Classification Committee

Roy Baum 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

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Joan Chamberland for a term to expire in 2006

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

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

Holly O'Neil Turley 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

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

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

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Anthony Silvestri for a term to expire in 2006  
Carol Childress for a term to expire in 2006  
Jane Switchenko for a term to expire in 2006

Community Preservation Committee

Carol Childress for a term to expire in 2008

Regional Trail Committee

Dale Ploski for an indefinite term

*Town Staff*

Barbara Barry – Finance Director for a term to expire in 2008  
Beverly Poirier – Assistant Assessor for a term to expire in 2008  
Clyde Gagnon – Electric Inspector  
Gary Tremblay – Assistant Electric Inspector  
Gregory Morse – Director of Public Works for a term to expire in 2008  
Kevin Mercier – Sergeant, Police Dept. for a term to expire in 2007  
Robert Campbell – Police Officer, for a term to expire in 2007  
Joseph Lombardi – Police Officer, for a term to expire in 2007  
Ronald Obuchowski – Police Officer for a term to expire in 2007  
Mark Saloio – Police Officer for a term to expire in 2007  
John Hart – Reserve Officer for a term to expire in 2006  
Becky Hulyk – PT Dispatcher for a term to expire in 2006  
Lisa Keay – PT Dispatcher for a term to expire in 2006  
Melissa Palmer – PT Dispatcher for a term to expire in 2006  
Mary Lou Volpe – PT Dispatcher for a term to expire in 2006  
Denise Fontaine – PT Dispatcher for a term to expire in 2006  
Thomas Chamberland – Moth Inspector for a term to expire in 2006  
Ron Komar - Animal Control Officer for a term to expire in 2006  
Thomas Chamberland – Veteran's Director for a term to expire in 2008  
Kopelman & Paige – Town Counsel for a term to expire in 2006  
Greg Morse – Fence Viewer for a term to expire in 2006  
Leonard Senecal – Hazardous Waste Coordinator for a term to expire in 2006  
Leonard Senecal – Handicapped and ADA Coordinator for a term to expire in 2006  
Barbara Barry – Parking Clerk for a term to expire in 2006  
Barbara Search – Council on Aging Director for a term to expire in 2008

It was the consensus of the Board to hold the appointment of Charles Blanchard to the Personnel Policy & Classification Committee.

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

**2<sup>nd</sup>:** D. Schmida

**Vote:** All in favor.

A. Wilson said that one member of the Board of Selectmen should be on the Personnel Policy and Classification Committee.

**MOTION:** To not approve the appointment of Charles Blanchard to the Personnel Policy and Classification Committee, by A. Wilson.

**2<sup>nd</sup>:** H. White

**Vote:** Four in favor; D. Sosik abstained.

### **Chapter 90**

Greg Morse, DPW Director submitted a Chapter 90 Project request form for the Selectmen's approval and submission to Mass. Highway for projects to be approved for funding through Chapter 90 funds, for the following roads to be paved for 2005: Lake Shore Road, Collette Road, South Road, Vinton Road and Douty Road.

**MOTION:** To approve the submission of the Chapter 90 Project Request form and to authorize the Selectmen to sign the form, by H. White.

**2<sup>nd</sup>:** D. Schmida

**Vote:** All in favor.

### **Miscellaneous**

J. Malloy submitted to the Board a letter from the Governor's Highway Safety Board identifying the Sturbridge Police Dept. as ranking second in its division (size of community) and third overall in the state.

**MOTION:** To send a letter to the Chief of Police and Police Department offering congratulations to Sgt. Alan Curboy regarding his work on the project submittal, by H. White.

**2<sup>nd</sup>:** D. Sosik

**Vote:** All in favor.

Kevin Giblin and Charles MacGregor, engineer from Thompson Liston appeared before the Board. They are under agreement to purchase the Gardner property at Holland/Douty Road, and requested information about a possible sewer extension. There could be 170 house lots, of which there will be 50-60 frontage lots. They are open to restrictive development, and downsizing of the development. A. Wilson expressed concern about the use of 40,000 gallons/day,

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which would have a major impact on the infrastructure and piping. Penny Dumas suggested that they refer to the minutes of the Board of Selectmen meeting regarding the denial of a similar request for the Rt. 131/Fiske Hill Road parcel. J. Malloy said that the Board has scheduled a work session on June 13<sup>th</sup> regarding available flow at the wastewater treatment plant. He suggested that the Board make a decision after that session. He noted that under the Sewer Service Area Bylaw, 50,000 gallons/day exceeds the available flow that the Board could approve. An initial study is being done as to whether DEP would allow the Town to increase the capacity of the wastewater treatment plant.

### **Old Business**

H. White requested information regarding the investigation about the premature release of the executive session minutes of April 4<sup>th</sup>.

A.Wilson said that a member of the Board of Selectmen should serve on the Zoning Study Committee.

**MOTION: To appoint William Emrich and A. Wilson to the Zoning Study Committee, by H. White.**

**2<sup>nd</sup>: D. Schmida**

**Vote: All in favor.**

A.Wilson asked the Board to consider liaison assignments.

### **New Business**

A.Wilson announced that there would be an LEPC meeting on May 17<sup>th</sup> concerning an extensive exercise.

Dan Wildgrube, Safety Officer of the Little League, addressed the Board regarding a no parking zone on Burgess School Road. He said that the Police Department will not enforce it until it has been approved by the Board of Selectmen. J. Malloy said that a public hearing is required to amend the traffic regulations to include the creation of a temporary no parking zone, and it must be advertised. Penny Dumas suggested that the Town Barn field be included in the posting, and that the Board consider all of the fields.

### **Ask the Selectmen**

There were no calls.

**MOTION: To enter into executive session under MGL Chapter 39, Section 23B Paragraph 6: To consider the purchase, exchange, taking, lease or value of real property; not to reconvene in open session; and to invite members of the**

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**Community Preservation Committee and one member of the  
public to attend, by D. Sosik.**

**2<sup>nd</sup>: H. White**

**Roll call vote: All were in favor.**

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date