

February 21, 2006

**BOARD OF SELECTMEN
MINUTES
FEBRUARY 21, 2006**

Present: Arnold Wilson, Chairman
 Hal White
 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.

It was the consensus of the Board to hold action on approval of the minutes until the next meeting.

FY07 Budget

J. Malloy informed the Board that he had received the budgets that Tantasqua and Burgess are presenting for their public hearings, and made the following recommendations:

- Recommend all wage accounts increase at 3%.
- Recommend increasing the Landfill/Recycling Center account #14302-52000 to \$162,145 and to approve all other accounts in this department as presented.
- Recommend decreasing overall debt service accounts by \$9,570 as follows:
 - #17102-59186 - \$40,000
 - #17102-59187 - \$60,300
 - #17502-59186 - \$ 9,100
 - #17502-59187 - \$14,030

According to Mr. Malloy's calculations, without taking any further action (and with the school budgets as proposed), there would be a shortfall of \$98,986. He submitted an updated "Budget Analysis of Revenue vs. Expenditure" worksheet (copy on file) for the Board's review. He said that it would not be prudent to vote additional sums into the budget until after the schools have held their budget public hearings and voted a number.

It was the consensus of the Board to continue to hold on salary items.

**MOTION: To change the amount of the Landfill/Recycling Center
 Purchase of Services account #14302-52000 to \$162,145, by H.
 White.**
 2nd: D. Schmida

Vote: All in favor.

MOTION: To approve the Landfill/Recycling Center Supplies account #14302-54000 at \$6,675, by H. White.

2nd: D. Schmida

Vote: All in favor.

MOTION: To change the Debt Service Principal account #17102-59186 to \$40,000; and account #17102-59187 to \$60,300, by H. White.

2nd: D. Schmida

Vote: All in favor.

MOTION: To change the Debt Service Interest account #17502-59186 to \$9,100; and account #17502-59187 to \$14,030, by H. White.

2nd: W. Emrich

Vote: All in favor.

Regarding Snow and Ice Control, J. Malloy noted that these accounts have not been increased in a long time, but the cost of sand and salt have doubled in price and the other costs have increased substantially. He noted that the current funds are only sufficient to cover about five snowstorms. He gave the Board an average cost/year of \$143,541 based on four years (which excluded the highest and lowest years). He agreed to provide the Board with a detailed review by line item for the next meeting.

H. White noted that there are two employees at the Library who work 32 ½ and 30 hours/week, respectively, who are denied vacation benefits because the standard is 35 hours. He said that other communities offer their part-time employees vacation benefits on a pro rated basis, which he suggested including in the Library budget. J. Malloy said that he would look into it.

A.Wilson suggested adding another goal for the Town Administrator: To investigate the ramifications of putting all Town employees on a schedule of 40 hours/week.

A.Wilson announced that there will be a meeting regarding the Burgess School budget on March 2nd at 7:00 p.m. at Burgess Elementary School. The meeting regarding the Tantasqua budget will be held on March 7th at 7:00 p.m. at Tantasqua Jr. High School. He noted that Tantasqua's budget has increased by 8%, resulting in an extra cost of \$600,000 for Sturbridge.

Annual Town Meeting Warrant

Article #1: Town Reports

MOTION: To place and support Article #1, by H. White.

2nd: D. Schmida

Vote: All in favor.

Article #2: Utilization of Free Cash

MOTION: To place Article #2 on the warrant, by H. White.

2nd: D. Schmida

Vote: All in favor.

Article #3: Town Budget

MOTION: To place and support Article #3, by H. White.

2nd: D. Schmida

Vote: All in favor.

Article #4: Water Department

MOTION: To place Article #4 on the warrant, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #5: Sewer Department

MOTION: To place Article #5 on the warrant, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #6: Sewer Project Debt

MOTION: To place and support Article #6, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #7: Town Hall and Center School Renovation

MOTION: To place and support Article #7, by H. White.

2nd: D. Schmida

Vote: All in favor.

Article #8: Capital Expenditures – Dump Truck/Loader Debt Issuance

MOTION: To place and support Article #8, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #9: Housing Authority Dissolution – Creation of Housing Partnership Committee

MOTION: To place and support Article #9, by D. Schmida.

2nd: W. Emrich

Vote: Three in favor; H. White abstained.

Article #10: General Bylaw Amendment – CPA Committee

MOTION: To place and support Article #10, by D. Schmida.

2nd: W. Emrich

Vote: Three in favor; H. White abstained.

Article #11: General Bylaw Amendment – Town Meetings

MOTION: To place and support Article #11, by D. Schmida.

2nd: W. Emrich

Vote: All in favor.

Article #12: General Bylaw Amendment – Animal Control

MOTION: To place and support Article #12, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #13: General Bylaw Amendment – Scenic Road Exemption

MOTION: To place Article #13 on the warrant, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #14: Scenic Road List

MOTION: To place and support Article #14, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #15: Sewer Bylaw Amendment – Sewer Privilege Fee

MOTION: To place and support Article #15, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #16: Sewer Bylaw Amendment – Permit Required

MOTION: To place and support Article #16, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #17: Sewer Bylaw Amendment – New Lots

MOTION: To place and support Article #17, by W. Emrich.

2nd: H. White

Vote: All in favor.

Article #18: Sewer Bylaw Amendment – Reserve for Future Municipal Use

MOTION: To place and support Article #18, by H. White.

2nd: D. Schmida

Vote: All in favor.

Article #19: Community Preservation Committee Report

MOTION: To place and support Article #19, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #20: Community Preservation Debt Service

MOTION: To place and support Article #20, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #21: Community Preservation – Acquisition of Land – OSV (2/3 vote required)

MOTION: To place and support Article #21, by H. White.

2nd: D. Schmida

Vote: All in favor.

Article #22: Community Preservation – Acquisition of Land – OSV

MOTION: To place and support Article #22, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #23: Community Preservation – Historic Records Preservation

MOTION: To place and support Article #23, by H. White.

2nd: D. Schmida

Vote: All in favor.

Gary Galonek – Tuscan River Water and Sewer

Gary Galonek and Thomas Richert of the Tuscan River Corporation appeared before the Board to discuss a proposed project off Route 15 on the Kelly Farm property, and the possibility of connecting to Town water and sewer, with costs to be paid by the developer. T. Richert said that the proposed uses of the land are in the preliminary stages, and include a movie theater, restaurants, retail spaces, mini golf and a carousel. They are in the process of discussing leases with prospective tenants. It may be necessary to go to Town Meeting for a zoning change.

A. Wilson said that the project would take approximately 50,000 gallons/day of sewer capacity and 55,000 gallons/day of water. He noted that there is a moratorium on sewer connections. W. Emrich asked for a breakdown of the types of businesses that will be included. T. Richert said that there will be 100,000 square feet of retail space including Borders, Eastern Mountain Sports, and a movie theater that will be about 40,000 – 45,000 sq. ft.

G. Galonek did not think that the sewer moratorium would apply, since the flow would go to Southbridge. J. Malloy explained that it is very expensive to send flow to Southbridge. Southbridge is raising their rates, and the amount would be divided among sewer users. There would be an 8% - 10% rate increase to make it up. Regarding water connection, J. Malloy noted that there is water capacity, but there might be some pressure issues.

Alcohol Violations

Police Chief Thomas Button, Sgt. Jeffrey Lavalley and Officer Sean Lewis appeared before the Board to review the details of the alcohol violations. All of the violations pertained to the sale of alcohol to minors without the server requesting identification.

George's Pizza – Demetrios and Chrysanthi Pirperis appeared before the Board. D. Pirperis assured the Board that his employees will be enrolled in TIPS training classes, and the violation will not happen again.

MOTION: To suspend the liquor license for George's Pizza for two days, March 2 & 3 2006, with a posted notice indicating that the liquor license has been suspended due to the sale of alcohol to a minor, 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.

The Ugly Duckling – Attorney George Hammond, George Lagaris (owner of the Whistling Swan) and a female employee appeared before the Board. G. Hammond said that the employee who was responsible for serving alcohol to a minor no longer works for the establishment. He noted that this was a first offense for the Whistling Swan. Employees have been given additional training.

MOTION: To suspend the liquor license for the Whistling Swan for one day, March 3, 2006, with a posted notice indicating that the liquor license has been suspended due to the sale of alcohol to a minor, by W. Emrich.

2nd: H. White

Vote: All in favor.

Annual Town Meeting Warrant

Article #24: Community Preservation – Engineering and/or Appraisals

MOTION: To place and support Article #24, by H. White.

2nd: D. Schmida

Vote: All in favor.

Article #25: Cyclical Inspection

Article #26: Revaluation

Article #27: Personal Property Inspection

It was the consensus of the Board to hold action on these articles, because the Board of Assessors wanted to be present for these votes.

Article #28: Street Lights

MOTION: To place and support Article #28, by D. Schmida.

2nd: W. Emrich

Vote: All in favor.

Article #29: Comprehensive Wastewater Management Plan

MOTION: To place and support Article #29, by H. White.

2nd: D. Schmida

Vote: All in favor.

Article #30: Revolving Funds

MOTION: To place and support Article #30, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #31: Ambulance Stabilization Fund

MOTION: To place and support Article #31, by H. White.

2nd: D. Schmida

Vote: All in favor.

Article #32: Sturbridge Area Tourist Association

MOTION: To place and support Article #32, by H. White

2nd: W. Emrich

Vote: All in favor.

Article #33: Betterment Committee

MOTION: To place and support Article #33, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #34: Capital Improvement Plan

MOTION: To place and support Article #34, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #35: Town Administrator Salary

MOTION: To place and not support Article #35, by H. White.

2nd: D. Schmida

Vote: All in favor.

A.Wilson suggested reserving the Tantasqua auditorium for two nights for the Annual Town Meeting.

Old Business

A.Wilson asked about the status of the Open Space Plan. H. White said that he had attended the Planning Board meeting, and the Planning Board decided to hold off voting until they have reviewed the revisions.

A.Wilson said that he would make the Town Administrator's Goals and Objectives official, with the addition of having J. Malloy look at a uniform work week for employees.

Alcohol Violations

Police Chief Thomas Button, Sgt. Jeffrey Lavalley and Officer Sean Lewis appeared before the Board to review the details of the alcohol violations. All of the violations pertained to the sale of alcohol to minors without the server requesting identification.

Thai Place Restaurant – Pon Chanthavong appeared before the Board, and said that their employees will take TIPS training as soon as possible.

MOTION: To suspend the liquor license of the Thai Place until they provide proof that they are TIPS certified to the Town Administrator, with a posted notice indicating that the liquor license has been suspended due to the sale of alcohol to a minor, by W. Emrich.

2nd: H. White

Vote: All in favor.

David Barnicle said that if the Thai Place knew about the Town's bylaw and did not comply, the punishment should be increased.

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

2nd: D. Schmida

Vote: All in favor.

Rom's Restaurant – Dan and Ginny Roscioli appeared before the Board. H. White recused himself from the Board. G. Roscioli noted that this was their first offense in 53 years of business. She said that they consider this infraction to be a serious matter. Their employees have been informed to request identification from anyone who looks under age 35.

MOTION: To suspend the liquor license of Rom's Restaurant for one day, March 3, 2006, with a posted notice indicating that the liquor license has been suspended due to the sale of alcohol to a minor, by D. Schmida.

2nd: W. Emrich

Vote: All in favor.

MOTION: To close the public hearing, by D. Schmida.

2nd: W. Emrich

Vote: All in favor.

H. White rejoined the Board.

Mike Loin, Bertin Engineering – Revised Plan for Spaho Corp.

Mike Loin of Bertin Engineering and Attorney Robert Longdon appeared before the Board. He noted that the design and functionality have been improved. The number of units has been reduced to 20, resulting in a reduced impact on the water and sewer systems.

M. Loin explained that a parcel of land on Farquhar Road became available for purchase, so Walter Regep purchased it, which alleviated the need for a major wetland crossing and now the pump line will run parallel to the gravity line. There will be a conservation easement along the perimeter along Farquhar Road, with no tree cutting, under control of the homeowners association. It will be an age 55+ restricted community.

Ed Goodwin of the Conservation Commission suggested they submit the new plan to the Conservation Commission and the Planning Board for their comparison to the old plan. A. Wilson suggested that Greg Morse, DPW Director be consulted also. It was the consensus of the Board to review the matter before taking any action; it will be discussed again at the March 6th meeting.

New Business

H. White said that the signs for the Village Motel on Route 20 are still there; after 30 days of closing a business the signs should be removed.

H. White noted that there had been an article in the Southbridge Evening News regarding an increase in Southbridge sewer rates. J. Malloy said that their rates had risen by approximately 130%.

H. White asked about the status of a lawsuit regarding Kelly Road gravel. J. Malloy said that he would ask Town Counsel about it.

H. White asked about the status of Forge Landscaping on McGilpin Road. J. Malloy said that Town Counsel had given an opinion to the Building Inspector that a nursery is not a landscaping business. It could be considered an accessory use if the plants are grown at the nursery, and the Building Inspector must make that determination.

Richard Lafleche – Logging Permit (continuance)

Richard Lafleche appeared before the Board to request a logging permit for 80 Leadmine Lane. He explained that he had cleared a small area near the road in preparation for logging activity.

David Barnicle said that there should be two marks on every tree to be cut, and noted that there are no basal marks present. He suggested adding a condition to the Order of Conditions that a basal mark be put on every tree with a cut mark on it. He expressed concern about the possibility of siltation and erosion into Leadmine Pond, and about the wetland crossings. He recommended installing a bridge to prevent going into the stream bed at all. He asked the Board to postpone their vote until the Conservation Commission has had a chance to discuss it at their next meeting.

R. Lafleche said that regarding stream crossing #2, there would not be much timber to be removed from there. He said that he was considering installing a culvert. He agreed to installing a bridge in that area. He has brought in dirt to protect the side of the road. He said that he would mark the trees, and he has already purchased a \$5,000 bond.

Gerald Blake, 114 Leadmine Lane, showed photos of the area to the Board. John Zajac, 128 Leadmine Lane, said that cutting was done between a quarter of a mile to half a mile into the woods, a substantial area, and sand was brought in at the edge of the road. He noted that the cutting was done without a permit. R. Lafleche explained that the dirt was brought in to stabilize the road to prevent rutting by the logging truck.

A. Wilson noted that Leadmine Lane is a private road, and it is up to the people who live there to come to some agreement as to how the road will be maintained. W. Emrich expressed concern about the quality of the work to be done in such a sensitive area. J. Malloy said that Kelly Kippenberger, Conservation Agent, and Greg Morse, DPW Director, could conduct visits to the site to monitor the work.

Ed Goodwin noted that perc tests have been done, and asked whether subdivision plans have been submitted to the Town. R. Lafleche said that there are no subdivision plans, and he conducted perc tests to see if he could sell it.

H. White noted that R. Lafleche has started cutting without a permit; Leadmine Lane is a private road, and there is no agreement as to how the road will be restored. J. Malloy pointed out that the Board does not have the authority to deny a logging permit, only that it could place limitations on hours of operation, regulate noise levels, require a performance bond and ensure erosion control measures.

H. White recommended that the Board hold action on the matter, and refer it back to the state forester because the conditions have changed since the state forester issued the permit.

MOTION: To continue the public hearing until Monday, April 3, 2006 and during the interval refer it back to the state forester and ask that he review the change in the conditions, by H. White.

2nd: W. Emrich

Vote: All in favor.

Shah Associates – Sewer Connection Request (continuance)

Vijay Shah appeared before the Board to request sewer connections for a nine-lot subdivision at Green Acres Motel on Main Street for an estimated 4,000 gallons per day.

J. Malloy said that the house was connected at the same location as the motel at 2 Shepard Road. He said that when the sewer was built, it was discussed to be set up through Blueberry Road. A. Wilson said that the Board would like to see communications between V. Shah and the Town that took place around 1997 – 1998 before making a decision. He noted that the connections would mean an increase in flow, and that capacity was not reserved. V. Shah said that he would provide copies of the communications. It was the consensus of the Board to continue the matter to March 6, 2006 at 8:00 p.m.

Resignation

MOTION: To accept the resignation of Thom Kenney from the Planning Board, by W. Emrich.

2nd: D. Schmida

Vote: All in favor.

Fire Chief Leonard Senecal – Clerical Staff

Fire Chief Leonard Senecal said that the clerical staff does not have much to do with the firefighters, EMTs and Inspector; it is a clerical job that has to be done. The secretary that was hired three years ago came into place at 20 hours/week. He tried to change it to 40 hours/week last year, but settled for 10 hours/week extra, for a total of 30 hours/week. The secretary is still working at 20 hours/week. He stressed the importance of pursuing this issue. He pointed out that his is the only large department without a full-time secretary. He noted that according to the HIPPA Privacy Act, someone needs to be in control of confidential information constantly. If no one is protecting sensitive information in a vigilant manner, the Town could be held liable if it is not handled properly. He noted that the secretary is his only support staff.

J. Malloy said that the reason why the Personnel Committee did not support increasing the secretary's hours is that there has always been a presumption that firefighters, when not out on a call, have time to do this work. He said that he was not convinced that the secretary's hours need to be increased, and has not seen that all other options or avenues have been attempted in delegating the work differently. He noted that the Town is in a tight financial situation. A. Wilson said it should be reviewed in the whole context of the Fire Department.

L. Senecal noted that at Town Meeting, the townspeople voted to approve 10 more hours for the secretary. He said that the only way he could staff the Fire Department was to set up the schedule the way it is, and he did not see any way to do it without adding personnel. He said that the firefighters and EMTs are hired to do the job that they do; there is some lax time, but they fill it in taking care of reports for billing and working on reports to be submitted to the state. He said that he needs secretarial support during regular working hours during the day, when phone calls need to be made. He felt that his request for 10 more hours/week of support was reasonable. J. Malloy explained why it was not expended, that while the Town Meeting may set the appropriation, the decision on staffing falls to the Town Administrator and the Board of Selectmen. Based upon the study that Mr. Malloy had done, it was his recommendation not to increase the hours for the secretary.

A. Wilson said that the Board would direct the Town Administrator on what to spend; he noted that there have been other times over the years when Town Meeting authorized expenditures that have not been spent. He suggested scheduling time during a work session to discuss the whole Fire Department issue. It was the consensus of the Board that the Town Administrator and Fire Chief should come to an agreement.

Mike Loin, Bertin Engineering – Water and Sewer Connection for 472 Main Street

Mike Loin submitted a letter to the Board (copy on file) as a request from KPF Corporation for sewer and water connection approval for 472 Main Street for a proposed 200-seat restaurant for 3,000 gpd and proposed 20 two-bedroom condominiums for 4,400 gpd. The total proposed sewer and water usage is 7,400 gpd. M. Loin said that the condominiums would be a senior community, located in the Suburban Residential District, with minimal impact to the infrastructure of the town. The family-style restaurant in the front of the property is in the Commercial Tourist District.

J. Malloy noted that a use that is different than the use that abuts a public way must be accessed on a public way. M. Loin said that it would be on a cul de sac. A. Wilson said that the proposed restaurant would mean an increase in flow, subject to the sewer moratorium. The proposed condominiums would also mean

February 21, 2006

an extension of the sewer system, subject to the moratorium. H. White said that the Town is at 105% of capacity now, and there are physical constraints.

Ask the Selectmen

D. Schmida received a call from Mary Blanchard, who asked about the ERU number that was allocated on the Shah property. J. Malloy said that he would check the list of ERUs to see how much was set aside for the property.

MOTION: To adjourn, by H. White.

2nd: D. Schmida

Vote: All in favor.

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date