

March 6, 2006

**BOARD OF SELECTMEN
MINUTES
MARCH 6, 2006**

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.

A.Wilson announced that a public hearing will be held on March 7, 2006 at 7:00 p.m. at Tantasqua Jr. High School regarding the Tantasqua budget.

Department Head Bi-Monthly Reports

Paul Donahue, Veolia Water North America, read his report to the Board (copy on file). He informed the Board that one employee was unsuccessful in getting certification, and was transferred to another project. He has advertised for a certified operator to fill the position. Training was conducted on hazardous communication, asbestos awareness and respiratory protection. The flows have been stable from month to month, and sludge monitoring is in full compliance. A chemical feed pump was replaced at the Wastewater Treatment Plant.

Police Chief Thomas Button read his report to the Board (copy on file). He said that they will conduct the second season of RAD classes for female high school students soon. He announced that the Sturbridge Police Dept. has been awarded accreditation, and has the distinction of being one of only 21 police departments in the state that are accredited. J. Malloy said that accreditation sets a standard for the police to follow and is important for the community. He noted that the Sturbridge Police Dept. operates at a very high level.

Chief Button said that the Police Dept. has received a \$12,000 grant to purchase police and Fire Dept. materials. He announced that the next LEPC meeting will be held on March 29th.

Harold Nichols, Building Inspector, read his report to the Board (copy on file). He met with the Design Review Committee, Planning Board and Zoning Board of Appeals. He has been instructing people to shut off their Christmas lights.

A.Wilson noted that the Board had received correspondence from the Board of Assessors stating that a home had been built on a lake without a building permit.

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J. Malloy read the letter into the record (copy on file). H. Nichols said that he would look into it.

Fire Chief Leonard Senecal read his report to the Board (copy on file). He said that the new law regarding residential carbon monoxide alarms will come into effect on March 31, 2006.

J. Malloy noted that there was a letter from the State Fire Marshall regarding necessary inspections (copy on file), and there is a state mandated fee that must be paid for these inspections.

Chief Senecal said that they are working on the NIMS training compliance, which must be done by December 31, 2006.

Greg Morse, DPW Director read his reports for January and February and the 2005 yearly report to the Board (copies on file). J. Malloy informed the Board that he and G. Morse are NIMS certified. G. Morse said that there had been a sewer break on Plimpton Street, which was repaired. A field survey of the cemetery will be conducted.

Robert Williams – Sale of Land Under Chapter 61

Robert Williams and Scott Hengen, 138 Walker Pond Road, appeared before the Board. Attorney Ed Neal had submitted a letter to the Board on January 5, 2006 with a Notice of Intention to Sell Forest Land (copy on file). Neither the Conservation Commission nor the Community Preservation Committee had any interest in the property. It is a back parcel and part is being sold to the abutting property owner.

MOTION: To not exercise the Town's right of first refusal on 61 Falls Road for \$22,000, by A. Wilson.
2nd: D. Schmida
Vote: All in favor.

Appointment

MOTION: To appoint Timothy Bardsley, Doreen Avallone and Christine Williams to the Board of Registrars, by D. Sosik.
2nd: W. Emrich
Vote: All in favor.

Miscellaneous

A. Wilson said that the meeting regarding the South Pond weir would be held on March 16th at 7:00 p.m. at Brookfield Town Hall. He suggested that G. Morse attend the meeting on behalf of the Town.

St. Anne's One-Day Liquor License Request

St. Anne's Parish requested a one-day liquor license for March 11, 2006. The parish has obtained this license for the past several years without any issues or problems.

MOTION: To approve the one-day liquor license for St. Anne's Parish for March 11, 2006, with the stipulation that the parish contact the Chief of Police and comply with any requirements of the Chief in relation to special details, by D. Sosik.

2nd: W. Emrich

Vote: All in favor.

Public Hearing – CDBG Application

Joseph Federico, Design Engineer, BETA, Mary Berry, Sturbridge Retirement Cooperative and William Scanlan appeared before the Board. W. Scanlan explained that he had met with the Board last spring regarding sewer for the Sturbridge Retirement Cooperative, and it was decided that they will build their own treatment plant. They will apply for a grant from the Mass. Dept. of Housing for a maximum amount of \$800,000; \$2 million is needed for the project. The residents of the Sturbridge Retirement Cooperative will have to pay the difference. He requested that the Town apply for the grant. He submitted to the Board a draft community development strategy (copy on file).

J. Federico said that the location of the wastewater treatment plant would be half an acre on River Road to handle an estimated 34,000 gpd(?). It was the consensus of the Board to vote on it at the March 20th meeting.

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

2nd: D. Schmida

Vote: All in favor.

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

Mike Loin, Bertin Engineering and Attorney Robert Longdon appeared before the Board. R. Longdon said that the revised plan for Spaho Corp. does not contain any substantive changes regarding the sewer extension approval granted by the Board of Selectmen. He said that it represents an improvement and a decrease in impact on the sewer extension. M. Loin said that the sewer would tie into the gravity system to eliminate the necessity of using the Farquhar Road pump station; it would only go through one pump station. He noted that Building #1 was shifted away from the wetlands.

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A. Wilson noted that it is an environmentally sensitive piece of land with wetlands. He asked if there were any comments from the Conservation Commission relative to the revised plan. M. Loin said that they will go through the process again with the Conservation Commission; they will get a revised Order of Conditions and then go to the ZBA for a special permit.

W. Emrich said that the Board is concerned with capacity, which is an issue in Sturbridge. D. Sosik suggested getting input from Town Counsel about the options. H. White considered it to be a new plan instead of a revised plan. He noted that land has been added to the property, and it is not the plan that the Board had previously taken action on; it is the fourth or fifth plan on the property. He suggested that the Board take time to reflect on it, and get a legal opinion on whether it should be considered a revised plan or a new plan. M. Loin said that the property was an approved use prior to the moratorium and is included in the capacity figures.

David Barnicle said that the Conservation Commission has not seen the plan. He considered the changes to be substantive. Ed Goodwin suggested contacting the people who live on that road to find out if they are in favor of it. He said if the Board did not think it would get a 2/3 vote at Town Meeting, the Board should not vote on it. Lynne Sarty, 47 Farquhar Road, indicated that she and her neighbors do not like this project, to the extent that one neighbor has sold his property and moved because of it. She expressed concern about drainage into the Quinebaug.

**MOTION: To refer to Town Counsel for further study and for an opinion,
by H. White.**
2nd: D. Sosik.
Vote: All in favor.

Vijay Shah – Sewer Connection Request

Vijay Shah appeared before the Board, and expressed his need to connect to Town sewer. J. Malloy read his email to the Board into the record (copy on file). J. Malloy had done some research after the last meeting, and discovered that during the Phase II sewer construction Mr. Shah had indicated to the Town Engineer (SEA Consultants) that the motel would be better off served as part of the Phase III sewer project through an easement cutting across private property, since it could be served by gravity. Based upon that, only the house was included in the Phase II Sewer Project for a total betterment assessment of one ERU (single family house). In 1999 J. Malloy had sent Mr. Shah a letter indicating that the Phase III Sewer System was being designed to accommodate his motel, but that he would be required to obtain the easement and pay for the sewer line construction in the easement, and he needed to get this accomplished, as the project was going out to bid for construction in the spring of 2000. During the Phase III Sewer Project, Mr. Shah contacted J. Malloy and

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indicated that he was unable to obtain the easements and therefore could not be part of the Phase III Sewer Project, and therefore should not be charged betterment assessments as part of that project. He was not charged any betterment assessment for Phase III. J. Malloy made it clear to Mr. Shah that he would not be able to connect to the Town sewer without paying his fair share. There were originally 5 ERUs on the motel, which was reduced to one ERU for the house.

MOTION: That the Board not approve the sewer connection request from Vijay Shah; he has one ERU and one connection for a single family home; the Board shall reject approval for anything further, by D. Sosik.
2nd: W. Emrich
Vote: All in favor.

Richard Lafleche – Logging Permit

Richard Lafleche appeared before the Board. J. Malloy read the legal ad into the record (copy on file). He had submitted to the Board a comprehensive review of the Town's Forestry Bylaw (copy on file) and explanation of the Board's authority.

Rick Johnson, State Forester, appeared before the Board. He said that the forest cutting plan had been approved, and there was a memorandum of understanding with DEP. He noted that under the Wetlands Protection Act, the Conservation Commission could issue additional mitigation conditions. He said that Mike Bartlett of Hull Forest Products was contracted to prepare the appropriate plan, which was approved.

David Barnicle, Conservation Commission, felt that the cutting should not be considered an agricultural activity; it was his belief that the cutting would be done in order to clear the property for sale. He expressed concern about the pile of sandy material at the site, and he did not think that it would protect a dirt road. He recommended the use of gravel.

Louise Zajac expressed concern about the possible detrimental effect of the logging project on the nearby pond. Robert Cerny, 124 Leadmine Lane, expressed concern about the landing sites. Mark Palmer, 96 Gladding Lane, asked whether Leadmine Lane was certified for heavy trucks. J. Malloy said that Greg Morse, DPW Director, has reviewed the bridges for weight restrictions and has indicated which routes the trucks should use.

MOTION: To approve the forest cutting plan of Richard and Michael Lafleche for property located on Leadmine Lane subject to the applicant posting a bond of \$10,000 for protection of public ways; that the applicant files a plan of routes to be used to the DPW Director; that the applicant work with the Bus

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Coordinator to ensure that there are no conflicts with school bus traffic on Leadmine Road and Leadmine Lane; and that the applicant comply with the conditions of the Conservation Commission, by A. Wilson.

2nd: H. White

Vote: All in favor.

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

2nd: W. Emrich

Vote: All in favor.

Budget Issues

Snow and Ice Removal:

MOTION: To approve Snow and Ice Overtime at \$20,000; Purchase of Services at \$40,000; Supplies at \$60,000, by A. Wilson.

2nd: W. Emrich

Vote: All in favor.

Salary Increases:

MOTION: To direct the Town Administrator to recalculate everything based on 3% increase (for other than what is in negotiations), by A. Wilson.

2nd: D. Sosik

Vote: All in favor.

Memorial Day/Veterans' Day

MOTION: To leave the amount of \$2,250 as is, by A. Wilson

2nd: D. Sosik

J. Malloy noted that the Board will be meeting with the Finance Committee next week to discuss the budget, and he thought that they might have raised this figure. A. Wilson withdrew his motion; D. Sosik withdrew the second.

H. White said that two part-time employees at the Library who each work 30+ hours per week do not receive vacation benefits, and he felt that it was an injustice. He suggested that the Personnel Committee meet immediately to address the matter. He did not like the idea of putting it off for another year. J. Malloy indicated that he would contact the other towns that the town compares to for personnel issues to find out what their policies are.

Annual Town Meeting Warrant

Article #2:

It was the consensus of the Board to hold action on Article #2.

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Articles #4 and #5:

MOTION: To place and support Article #4 in the amount of \$762,476, by H. White.

2nd: D. Sosik

Vote: All in favor.

MOTION: To support Article #5 in the amount of \$1,080,994, by H. White.

2nd: D. Schmida

Vote: All in favor.

Article #13: Scenic Road Exemption

It was the consensus of the Board to hold action on Article #13.

Article #22: CPA

MOTION: To change the amount of Article #22 to \$800,000, by D. Sosik.

2nd: W. Emrich

Vote: All in favor.

Articles #25, #26 & #27:

MOTION: To place and support Article #26, by D. Schmida.

2nd: W. Emrich

Vote: All in favor.

J. Malloy said that the Dept. of Revenue is seeking a plan to comply on the cyclical revaluation requirement. He said that there is not sufficient funds available within the Proposition 2 ½ limit to raise and appropriate and the use of free cash does not appear to be an option to fund the additional \$161,000 for the cyclical inspection and personal property. He noted that Article #60 needs to be funded, and this is the year that it is required.

Donald Mapplebeck, Board of Assessors, appeared before the Board. He explained that they are looking at getting an extension from the Dept. of Revenue that will affect the certification of the tax rate in September. There must be a three-year program in place in order to get the extension. Their data must be maintained. A. Wilson suggested including a portion of it per year each year in the Board of Assessors' budget.

A. Wilson said that the Board of Selectmen and the Board of Assessors must work this out.

MOTION: That the Board recommend no action on Article #25, by A. Wilson.

2nd: D. Schmida

Vote: All in favor.

MOTION: To place and support Article #27 at \$16,000, by D. Sosik.

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2nd: W. Emrich

Vote: Two in favor; A. Wilson, H. White & D. Schmida opposed

The motion was defeated.

MOTION: To place Article #27 on the warrant, by H. White.

2nd: D. Schmida

Vote: All in favor.

D. Mapplebeck said that the Board of Assessors would explain the matter at the Town Meeting.

MOTION: That the Board of Selectmen's recommendation will be forthcoming at the Town Meeting, contingent upon getting more information from the Board of Assessors, by H. White.

2nd: D. Schmida

Vote: All in favor.

MOTION: To place Article #25 on the warrant, by H. White.

2nd: W. Emrich

Vote: All in favor.

MOTION: That the Board make a recommendation at the Town Meeting contingent upon receiving more information from the Board of Assessors, by H. White.

MOTION: To reconsider Article #25, by A. Wilson.

2nd: H. White

Vote: Two in favor; W. Emrich, A. Wilson and D. Schmida opposed.

The recommendation of no action stands. J. Malloy said that there were different ways of doing it by spreading it over a number of years.

Special Town Meeting Warrant

Article #56: Charter Amendment – Remove Definitions Subtitle

MOTION: To place and support Article #56, by H. White.

2nd: D. Sosik

Vote: All in favor.

Article #57: Charter Amendment – Correction

MOTION: To place and support Article #57, by H. White.

2nd: W. Emrich

Vote: All in favor.

Article #58: Charter Amendment – Asst. Assessor Confirmation

MOTION: To place and support Article #58, by W. Emrich.
2nd: D. Sosik
Vote: All in favor.

Article #59: Charter Amendment – Terms

MOTION: To place and support Article #59, by D. Sosik.
2nd: W. Emrich
Vote: All in favor.

Article #60: Charter Amendment – Publication

MOTION: To place and support Article #60, by D. Sosik.
2nd: H. White
Vote: All in favor.

Article #61: Charter Amendment – Revisions

MOTION: To place and support Article #61, by H. White.
2nd: W. Emrich
Vote: All in favor.

Article #62: Police Dept. Transfers

MOTION: To place and support Article #62, by H. White.
2nd: W. Emrich
Vote: All in favor.

Article #63: Community Preservation Committee – Sr. Center Doors

MOTION: To place Article #63 on the warrant, by H. White.
2nd: D. Sosik
Vote: All in favor.

Article #64: Community Preservation Committee – Debt Service Old Sturbridge Village Land Acquisition

MOTION: To place and support Article #64, by D. Sosik.
2nd: H. White
Vote: All in favor.

Article #65: Route 131 Sidewalk Design – Debt Service Transfer

MOTION: To place and support Article #65, by H. White.
2nd: W. Emrich
Vote: All in favor.

Article #66: Town Counsel Transfer

MOTION: To place and support Article #66, by H. White.
2nd: W. Emrich
Vote: All in favor.

Article #67: Recycling Center – Stormwater Permit

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MOTION: To place and support Article #67, by H. White.
2nd: W. Emrich
Vote: All in favor.

MOTION: To close the Special Town Meeting Warrant, by H. White.
2nd: W. Emrich
Vote: All in favor.

Approval of Minutes

MOTION: To approve the minutes of January 17, 2006 as amended, by H. White.
2nd: W. Emrich
Vote: All in favor.

A. Wilson said that he had talked to Barbara Barry, Finance Director, who informed him that the Town Administrator is being paid all of the money that the Town Meeting had appropriated for this year. He noted that the Board is in agreement that the Town Administrator will be paid this money. H. White said that the Town Meeting voted to appropriate the money, and it is up to the Board of Selectmen to set the Town Administrator's salary. It was the consensus of the Board to clarify this matter.

MOTION: That the Board reconsider this motion, by A. Wilson.
2nd: D. Sosik
Vote: Three in favor; H. White and D. Schmida abstained.

MOTION: That the Board set the salary of the Town Administrator for FY06 at \$98,165, by A. Wilson.
2nd: W. Emrich
Vote: Four in favor; H. White opposed.

MOTION: To accept the minutes of February 6, 2006 as amended, by D. Sosik.
2nd: W. Emrich
Vote: Four in favor; D. Schmida abstained.

MOTION: To accept the executive session minutes of February 6, 2006, to remain confidential, by D. Sosik.
2nd: W. Emrich
Vote: Four in favor; D. Schmida abstained.

MOTION: To accept the minutes of February 13, 2006, by D. Sosik.
2nd: W. Emrich
Vote: All in favor.

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MOTION: To accept the executive session minutes of February 13, 2006 as amended, to remain confidential, by W. Emrich.

2nd: D. Sosik

Vote: All in favor.

MOTION: To accept the minutes of February 21, 2006 as amended, by W. Emrich.

2nd: D. Schmida

Vote: Four in favor; D. Sosik abstained.

Old Business

D. Sosik asked why the Town Election is held two weeks before the Annual Town Meeting. A. Wilson said that it was decided to do it that way during the Charter writing process.

A. Wilson proposed adding another goal to the list of goals for the Town Administrator: to work on setting a uniform 40-hour work week for employees. The Board agreed to that.

New Business

A. Wilson asked about the status of finding another member to serve on the Planning Board. J. Malloy said that it has been advertised.

A. Wilson said that the next meeting of the CMRPC relative to the TIP schedule will be held on March 15th in Worcester; he suggested that someone represent Sturbridge at that meeting.

A. Wilson noted that he and J. Malloy received correspondence from a resident on Podunk Road describing a horse boarding business.

Ask the Selectmen

W. Emrich received a call regarding the horse boarding issue; the caller informed him that the matter has been referred to Town Counsel. J. Malloy said that there was concern on the Building Inspector's part about horses and agricultural exemptions.

MOTION: To convene in executive session under M.G.L. Chapter 39, §23B, Paragraph #6: To consider the purchase, exchange, taking, lease or value of real property; not to reconvene in open session, by D. Sosik.

2nd: H. White

Roll call vote: All were in favor.

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Respectfully submitted,

Judy Knowles

BOS Clerk

Date