

October 1, 2001

**BOARD OF SELECTMEN
MINUTES
OCTOBER 1, 2001**

Present: Arnold Wilson, Chairman
 George Dib
 Charles Blanchard
 Doris Sosik
 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 September 24, 2001 as corrected, by C. Blanchard.

2nd: D. Sosik

Vote: Three in favor; G. Dib abstained.

MOTION: To approve the minutes of September 17, 2001 as submitted, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

MOTION: To approve the minutes of September 4, 2001 as corrected, by C. Blanchard.

2nd: G. Dib

Vote: Three in favor; D. Sosik abstained.

Recreation Committee – Rest Rooms

Connie Thompson, Chairman of the Recreation Committee, asked the Board to reconsider supporting the renovation of the rest rooms at the Cedar Lake recreation area, because in order to get specs from the town engineer they needed permission from the Board of Selectmen. She said that the facilities are inadequate, with corroded showers, cracked foundation and cracked walls.

C. Thompson said that they would like to open the skatepark this weekend, but cannot open the rest room facilities because they do not have permission to open them past September 1, 2001. There are no public rest room facilities available to anyone using the skatepark. They need

permission from the Board of Health and the Building Inspector. The skatepark will be open until the end of October.

MOTION: That the Board of Selectmen allow the Recreation Committee to contact CME to come up with a plan for replacement of the bathhouse facilities at the Cedar Lake Recreation Area with an expenditure of up to \$2,500 from the engineering fund, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

LA-5 Certification

The Board of Assessors submitted to the Board of Selectmen the LA-5 form, which certifies that the Board has been informed by the Assessors of the excess capacity limit and that the Board has voted to determine what factor to set for the tax rate. After the Board has made this determination, the Board of Assessors can set the tax rate and bills can be mailed.

MOTION: To use a factor of 1 in determining the tax rate, so that there will be the same tax rate for residential and commercial/industrial and personal property, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Quinebaug Company Tavern

Attorney Mark Murphy, Attorney Philip Leder, Bonita Porter, Clement Porter and Barbara Avery of the Quinebaug Company Tavern were all present.

A. Wilson read the certified letter from J. Malloy that was sent to Clement Porter by certified mail (copy on file). Sgt. Alan Curboy presented the results of his investigation to the Board (copy on file). James Porter stated that he and his wife are the owners of the property. Sgt. Curboy contacted three alcohol suppliers to review their records. The suppliers indicated that they believed that Jason Porter was the manager of the Tavern. James Porter has been purchasing alcohol for the Fiskdale Village Tavern; Town records indicate the name to be the Fiskdale Village Inn. Sgt. Curboy determined that there has been a violation of Mass. General Law regarding the transfer of a liquor license.

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In August Mark Murphy had submitted an application to J. Malloy for a change of manager, including a copy of the lease agreement dated March 15th whereby James and Bonita Porter bought the land that the tavern is situated on. The land and the tavern are two separate entities. The land was owned individually by Clement Porter and his brother, Michael Porter. The restaurant was meant to operate as a corporation. The Fiskdale Village Inn was not incorporated; the incorporation was for the Quinebaug Company Tavern, Inc. The lease that was executed between the Quinebaug Company Tavern, Inc. and James and Bonita Porter, the new land owners, is subject to the proper transfer of the license. The Porters intended that when the liquor license could be properly applied for and transferred would be when Clement Porter would no longer act as manager. Clement Porter and Michael Porter did sell the property to James and Bonita Porter. Bonita Porter tried to create an entity that would hold the liquor license and make application through that. An LLC cannot hold a liquor license, which caused some delay in the application process. Barbara Avery will be the new manager. Jason Porter will no longer be a part of the establishment.

J. Malloy noted that the sign in front of the establishment says "Quinebaug Company Tavern" while the license is under the name "Fiskdale Village Inn." A. Wilson asked whether they could rectify all of the problems and issues within 30 days. Attorney Leder assured the Board that they could.

C. Blanchard pointed out that the liquor license that they currently hold may not have been issued to the right corporate entity. Sgt. Curboy has indicated that there have been significant violations of state law. C. Blanchard suggested continuing the hearing to find out what the current situation is and what kind of adjustments need to be made to ensure that things proceed in the correct way. Attorney Murphy said that he would work with the Secretary of State to resolve the issues. It was the consensus of the Board to give them another week in which to offer clarification of the corporate identity that should be licensed, and proof that liquor liability insurance is in place for the entity that is in place. Sgt. Curboy should submit as much information as possible regarding his investigation of the matter.

MOTION: To continue the hearing until 6:30 p.m. on October 9, 2001 when Attorney Murphy and Attorney Leder will submit more documentation regarding the current situation and their proposal for either an amendment or transfer of the liquor license, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Bill Swiacki – Continuance of Long Pond Woods Sewer Extension Permit Hearing

Bill Swiacki appeared before the Board. He had requested a sewer extension permit for the Long Pond Woods Subdivision on September 4th, at which time the Board had indicated that it was favorably disposed to grant approval for the permit subject to confirmation that the existing force main on Brookfield Road was adequately sized to accommodate the flows from the project, as well as the anticipated flows from the Tantansqua schools and abutting properties along Brookfield Road and Big Alum, with the same questions regarding the existing water line. B. Swiacki said that his engineers completed an analysis which confirmed that the existing facilities were adequately sized, and they shared this analysis with Greg Morse, DPW Director and Jay O'Reilly of Tighe and Bond, as well as the Board of Selectmen. B. Swiacki said that they have changed their request to only 48 lots, instead of the 53 lots indicated in their original request.

G. Morse ran additional pressure tests and the results were in line with those submitted by B. Swiacki's engineers, indicating that the water and sewer lines are adequately sized.

D. Sosik said that because of the wetlands at the site, the subdivision should be sewered rather than have septic systems.

MOTION: To grant the sewer extension permit for Long Pond Woods for the revised plan, by G. Dib.

2nd: C. Blanchard

Vote: All in favor.

MOTION: To authorize the DPW Director to sign the DEP sewer extension permit on behalf of the Town utilizing the required DEP standards for design flow, by G. Dib.

2nd: C. Blanchard

Vote: All in favor.

Correspondence

Undated Marc Goldstein, President, Sturbridge Rotary – Invitation to Rotary meeting on Oct. 15th at 6:15 p.m. in celebration of Sturbridge-Stourbridge Friendship Day.

MOTION: To authorize the Chairman to sign the proclamation, by G. Dib.

2nd: D. Sosik

Vote: All in favor.

Sept. 15 Barbara LaRochelle, Big Alum Lake Association – Regarding the annual drawdown of Big Alum Lake.

MOTION: To approve the drawdown of Big Alum Lake, by C. Blanchard.

2nd: G. Dib

Vote: All in favor.

Sept. 26 Richard Kwiatkowski, Committee Chairman & Robert Chartier, President, Tri-Community Chamber of Commerce – Requesting a donation toward the fireworks display to take place on July 5, 2002.

Sept. 26 Linda Haley, Assistant to the Brimfield Board of Selectmen – Requesting a meeting between the Brimfield Board of Selectmen & Sturbridge Board of Selectmen regarding the casino issue.

Sept. 26 Lynne Girouard, Parks & Recreation Commission – Requesting the Board to sign off on a sign for the skate park.

Personnel Committee Recommendations

The Personnel Committee is working on conducting the annual salary survey of the same 10 towns that have been surveyed over the past several years. The Personnel Committee voted to recommend amendments to the Personnel Policies, including Section 3.3(E), Section 6.6 and Section 6.7 (copy on file).

MOTION: To amend the Personnel Policies by the adoption of Sections 3.3(E), 6.6 and 6.7, by G. Dib.

2nd: D. Sosik

Vote: All in favor.

Appointments

MOTION: To confirm the Town Administrator's appointment of Mary Garin at \$10.52 per hour to work under the direction of the

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Council on Aging Director, and Judith Cornoni to work under the direction of the Asst. Assessor at \$10.52 per hour, by G. Dib.

2nd: D. Sosik

Vote: All in favor.

Federal Excess Personal Property Program

J. Malloy submitted to the Board the cooperative agreement between the Town of Sturbridge and the DEM, which provides the opportunity for the Fire Department to obtain equipment from the DEM.

MOTION: To authorize the Chairman of the Board of Selectmen to execute the federal excess personal property agreement between the Town of Sturbridge and the Dept. of Environmental Management, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Old Business

G. Dib asked about the status of the TIF for G & F Industries. J. Malloy will meet with G & F Industries and Karl Kildahl of MOBD on October 12th to discuss it.

G. Dib suggested a revision to the Ask the Selectmen caller policy, that the caller's name be given on the air, instead of giving the caller the option of not having his/her name given. C. Blanchard commented that the new policy might result in fewer calls. The consensus of the Board was to try the new policy for awhile, and if calls decline appreciably, then the Board will review the situation.

G. Dib asked about the status of the discussion regarding a movie theater. J. Malloy said that he met with a large group of people, and they discussed what would be required to have W.S. Development build a movie theater on land owned by Mass. Turnpike Authority. The land would have to be rezoned, they would have to be able to get the land at a good price and they would need the ability to build other commercial buildings on the property. Mr. Malloy informed them that the Town would not consent to the rezoning. The consensus of the Board was to write a letter to Bob Frazier expressing the Board's disappointment with what they require.

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C. Blanchard asked who would assume operation of the public water supply at the Rt. 84 information center. J. Malloy said that G. Morse talked to U.S. Filter about it, and they seemed to be agreeable.

New Business

C. Blanchard requested that the Board receive updates from the Community Preservation Committee, and a list of members.

C. Blanchard went to the Tree of Remembrance Ceremony in Brimfield, and said that it was an outstanding event, and well attended.

D. Sosik asked about the status of the alternate for the CMRPC.

MOTION: To appoint Doris Sosik to serve as alternate to the CMRPC, by A. Wilson.

2nd: C. Blanchard

Vote: Three in favor; D. Sosik abstained.

A. Wilson and D. Sosik attended the Community Preservation Committee and Open Space Committee meeting, where Bill Toomey of the Nature Conservancy spoke about protecting ecosystems. The Housing Authority and Historic Commission also made presentations. D. Sosik commented that Janet Garron of the Housing Authority is looking for more members.

Ask the Selectmen

D. Sosik took a call from Ann Mungeon, who said that the front door at the home on the corner of Wallace Road and Shepard Road is sometimes open, and there is a window missing. Someone may be living there illegally. The home is abandoned and is a fire hazard. J. Malloy said that he would ask that Mark Lev and Bernie Lorkiewicz contact the property owner to have the house boarded up and secured.

MOTION: To adjourn, by G. Dib.

2nd: C. Blanchard

Vote: All in favor

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date