

September 3, 2002

**BOARD OF SELECTMEN
MINUTES
SEPTEMBER 3, 2002**

Present: Arnold Wilson, Chairman
 Charles Blanchard
 George Dib
 Hal White
 Doris Sosik
 James Malloy, Town Administrator

The Chairman called the meeting to order at 6:30 p.m. following the Pledge of Allegiance.

Presentation of Accreditation Certificate to Chief Button

Donna Taylor Mooers, Executive Director, Mass. Police Accreditation Program, presented a Certificate of Accreditation to Police Chief Thomas Button, effective June 14, 2002 for a period of three years. She noted that Sturbridge is one out of five Police Departments in the state which has achieved this distinction, and the first in Worcester County. She thanked Chief Button, and said that it speaks highly of his leadership and confidence in his department to have voluntarily asked the state to scrutinize and assess the Sturbridge Police Department.

Chief Button thanked all of the personnel at the Police Department, stating that it had been a team effort. He gave special thanks to Sgt. Alan Curboy, who had served as the Accreditation Manager.

Hull Forest Products – Logging Permit – Church Street

Eric Johnson of Hull Forest Products appeared before the Board. He requested a logging permit to do selective harvesting on 12 acres of land on Church Street, owned by St. Anne's Church.

J. Malloy noted that the Conservation Commission has not had a chance to review the site, but Nancy Ryder had suggested that the Board proceed with the hearing. Mr. Malloy read a letter from Paula Romanoff Wisell, in which she expressed her opposition to the logging, indicating that she felt the result would be unsightly, and it would be a shame to cut the trees down due to the church's fiscal problems. She went on to suggest that a sizeable frontage be maintained along the road, if the permit were to be granted.

C. Blanchard expressed concern about the northernmost point of the property, and said that it would be necessary to obtain authorization from the landowners and the people who have the right to the private road.

MOTION: To approve the logging permit for Hull Forest Products for the property on Church Street, but only for the land shown as landing site #2 on the plan, subject to precautions about the iron pipeline stated in Greg Morse's letter dated July 2, 2002; with a bond of \$2,500 total to cover potential road repairs, \$1,250 per incident, and water line repairs, \$1,250 per incident; operations must be coordinated with the school bus schedule to avoid conflicts; there shall be no cutting within 50 feet of Clark Road; steps should be taken to protect the vernal pool, by C. Blanchard.

2nd: H. White

Vote: All in favor.

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

2nd: C. Blanchard

Vote: All in favor.

Red Rooster Café – Common Victualer License and Wine & Malt Package Store Liquor License

Kim Lofgren and Leslie Lofgren appeared before the Board. They plan to open a gourmet takeout and café at 1 Old Sturbridge Village Road.

MOTION: To grant a Common Victualer License to Kim and Leslie Lofgren for the Red Rooster Café, by C. Blanchard.

2nd: H. White

Vote: All in favor.

J. Malloy informed the Board of the new ABCC policy that requires that a Criminal Offender Record Information (CORI) check be included with an application when the applicant has a criminal record, regardless of the offense. It will be necessary for Mr. Malloy and each member of the Board of Selectmen to become CORI certified by the state in order to conduct CORI checks. It may take a few weeks for the state to process the CORI certification applications.

MOTION: To continue the public hearing until September 16, 2002 at 6:35 p.m., by H. White.

2nd: G. Dib

Vote: All in favor.

Uno Restaurant, Inc. d/b/a/ Pizzeria Uno – Change of Manager on Liquor License

Scott Francis, the proposed new manager of Pizzeria Uno, appeared before the Board. He said that Barry Hillerstrom has been promoted and transferred to Philadelphia. A CORI check also needs to be done on this applicant. C. Blanchard suggested reminding liquor license holders that changes to their licenses should be done in advance to avoid a liability issue.

MOTION: To continue the issue until September 16, 2002 at 7:00 p.m., by C. Blanchard.

2nd: H. White

Vote: All in favor.

Approval of Minutes

MOTION: To approve the minutes of August 19, 2002 as amended, by C. Blanchard.

2nd: H. White

Vote: All in favor.

MOTION: To approve the executive session minutes of August 19, 2002 as submitted, to remain confidential, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Board of Assessors – Classification Hearing and Sales Analysis

Thomas Chamberland, Lloyd Pote and Donald Mapplebeck appeared before the Board to present the classification hearing and sales analysis. They asked the Board to decide upon a single tax rate or a split or shifted tax rate. They submitted a spreadsheet (copy on file) which indicated a prediction of what the tax rate will be; the final calculations have not been made yet.

MOTION: To set the tax rate at a uniform tax rate of one value for residential, one commercial, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

T. Chamberland gave the calculation of excess levy capacity for the Town of \$1,533,585.80. He said that there is an increase in residential values in the Town. L. Pote said that at the Special Town Meeting the Board of Assessors was hoping to do a revaluation because values have increased by 20%. That would have increased the value of the property by \$100,000,000. He said that they have been studying increases in the sales of residential property, and the results of the first six months have indicated that prices have increased by 5% – 10%. Homes are under assessed by 25% on average. By February 2003 they will have the results for 2002, and they will have a better analysis.

Dennis Bialek – Pump Station Noise Issue

Dennis Bialek of Stoneybrook Drive appeared before the Board to discuss a noise problem due to the pump station near his home. The pump runs 24 hours/day and emits a humming noise, but his main objection was to the loud noise created when the pump engages. J. Malloy said that a dog house has been installed over the unit to muffle the noise. Shrubs will be planted around the pump station by the end of September to further muffle noise. C. Blanchard suggested moving the dog house so that the opening is facing away from Mr. Bialek's house, and to ask Tighe & Bond to come up with another idea for the enclosure. The pump is cycling, not running constantly. G. Dib suggested sending a letter to Greg Morse, DPW Director.

Temporary Full-Time Police Officer

MOTION: To confirm the Town Administrator's appointment of Ronald Miller as a temporary full-time police officer in the Sturbridge Police Department at a starting rate of \$17.17 per hour effective September 4, 2002, and further that this position will cease when Officer Leo returns from active duty on October 1, 2003, by D. Sosik.

2nd: H. White

Vote: All in favor.

Quinn Bill Issue

J. Malloy contacted Rep. Reed Hillman and Senator Stephen Brewer regarding the Quinn Bill issue that Sturbridge is facing. Rep. Hillman attempted to include a modification to the moratorium through an amendment to an existing bill. Speaker Finneran ordered the existing bill and others to be renumbered, which meant that Rep. Hillman would have to start over. Senator Brewer is working with the Senate Ways & Means Committee to correct the moratorium issue. Mr. Malloy has not yet received an opinion from Town Counsel.

Betterment Assessment Abatement Requests

J. Malloy provided additional information to the Board regarding the requests from Pettinella and Moreno (copy on file).

Pettinella -- Mark Lev, Building Inspector, determined that 81 Fairview Park Road is an unbuildable lot under MGL Ch. 40A, §6A.

MOTION: To abate the sewer assessment for Antonio Pettinella, 81 Fairview Park Road, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

Moreno – G. Morse and J. Malloy reviewed the resident engineer's cards for each property which indicate where stubs and laterals are located, and there was no card for 64 Main Street; there was no stake for a stub at the property. Lot 64 has no frontage on any way in the Town, and therefore is not a buildable lot.

MOTION: To abate the sewer assessment for Lorraine Moreno, 64 Main Street off Eagle Ave., by C. Blanchard.

2nd: H. White

Vote: All in favor.

Regep – Fiske Hill Plaza, 55 Main Street. J. Malloy submitted to the Board Walter Regep's original letter, a copy of the pertinent section of the Sewer Bylaws and Regulations, 1998 Annual Town Meeting vote, water bills for 55 Main St. and the sewer betterment assessment calculation for 55 Main St. Since the bylaws say to round all decimals up, this could have been rounded up to four ERUs instead of the three ERUs that he was assessed.

MOTION: To deny the request by Walter Regep for a reduction of the ERU calculation for Fiske Hill Plaza, by C. Blanchard.

2nd: H. White

Vote: All in favor.

Chapter 90 Reimbursement Request

MOTION: To authorize the Board to sign the Reimbursement Request No. 38586 as presented, by D. Sosik.

2nd: H. White

Vote: All in favor.

Appointment/Resignation

MOTION: To accept the resignation of Harold Plunkett from the Council on Aging, by D. Sosik.

2nd: C. Blanchard.

Vote: All in favor.

MOTON: To confirm the Town Administrator's appointment of Josephine Kaitbenski to the Council on Aging, by D. Sosik.

2nd: H. White

Vote: All in favor.

Various Other Issues

Fiskdale Village Tavern – The Board had asked about the status of the Fiskdale Village Tavern's liquor license, since they have been closed for several months. Judy Knowles contacted Bonnie Porter, who indicated that the business is for sale, and they have several offers and expect that it will be sold in the near future. J. Knowles also contacted Jim Staples of the ABCC, who stated that most towns give from 60 days to 6 months for a closed business to sell before surrendering their license. Sturbridge does not have a policy in this regard. The other option would be to hold a public hearing under MGL Ch. 138, §77 Ceasing to Conduct a Licensed Business, to take their license away. Considering that the business is in the process of being sold, Mr. Malloy did not think that the Board needed to take action on this business, but suggested that the Board consider adopting a policy on closed businesses.

C. Blanchard suggested contacting a closed business within 60 days to find out what is going on, then decide whether or not to hold a public hearing. It should be made clear that their license will not be renewed in November. A.Wilson said that if the new owner wants to open the business immediately, he should be informed that the Board is aware of

the sale, and he should apply for a new Common Victualler license and liquor license from the Town once the real estate has been transferred.

The Board had asked about the Sturbridge Isle liquor license and whether Barbara Jodoin could serve as the new manager. Judy Knowles contacted Jim Staples at the ABCC, who indicated that B. Jodoin could work as an employee overseeing the premises if she were hired by the current manager of the premises. J. Malloy said that the previous manager could stay on the premises until the license comes through from the ABCC. He said that he would draft a letter to be sent out to all licensed establishments.

J. Malloy announced that he will attend the ICMA Conference on Sept. 29th – October 2nd.

Regarding the GZA contract, Town Counsel is working with GZA to add a termination clause, and will propose a 3-tier wage structure and preparation time for the witness testimony.

C. Blanchard said that he would contact Bob Briere regarding the loom that the Fiskdale Park Study Committee is interested in installing at the park.

Correspondence

Regarding the August 22 letter from Arthur Buckley, Mass. State Lottery Commission notifying the Board that an application for a Keno license has been submitted to them by the Comfort Inn & Suites, A. Wilson noted that if the Board objects to a Keno facility, there could be a cut in the Town's lottery funds.

A. Wilson offered congratulations to all of the businesses who successfully passed the tobacco sales compliance check.

H. White said that the project eligibility application filed by Tyrone Jones of J & W Company, Inc. indicates that there is both town water and town sewer at Stallion Hill Village. J. Malloy said that the Town will have the ability to file with the state to address that issue.

Old Business

H. White said that there had been an article in the Southbridge Evening News about mosquito control, and asked whether spraying had been done. J. Malloy said that spraying had been done, and there was an article in the

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newspaper regarding that early in June. C. Blanchard noted that the article did not indicate the website or phone number of the Central Mass. Mosquito Control Project. J. Malloy said that he would find out when they will be spraying again, and who residents should contact if they don't want to be sprayed.

C. Blanchard announced that the William Blood Memorial Dedication, organized by Tom Chamberland, Bob Briere and Brian Burns, will take place on Sept. 22nd. The 15th Massachusetts Civil War re-enactment group will take part in the ceremony. The Sturbridge Historical Society will hold a dinner on Sept. 21st at the Publick House, at \$30/person. More information will become available when plans have been finalized.

New Business

A.Wilson said that the topic for next week's work session will be the goals and objectives of the Board of Selectmen.

On Thursday, Sept. 12th the CMRPC will hold a meeting at 7:00 p.m. regarding Chapter 40B: the aftermath.

Regarding a matter for executive session, A.Wilson said that the Board could take action in open session relative to the recommendation from Town Counsel.

MOTION: To adopt the action recommended by Town Counsel in Mark Reich's letter dated August 14, 2002, by C. Blanchard.

2nd: D. Sosik

Vote: All in favor.

J. Malloy will get an estimate on the cost.

Ask the Selectmen

There were no calls.

MOTION: To adjourn, by H. White.

2nd: C. Blanchard

Vote: All in favor.

The meeting was adjourned at 8:40 p.m.

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Respectfully submitted,

Judy Knowles

BOS Clerk

Date