

**BOARD OF SELECTMEN
MINUTES
FEBRUARY 22, 2005**

Present: Arnold Wilson, Chair
 Charles Blanchard
 Hal White
 James Malloy, Town Administrator

Absent: Doris Sosik
 David Schmida

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

There were no minutes for the Board to review/approve.

The Police Chief, DPW Director and Water/Sewer Operations Manager gave their reports to the Board, copies of which are on file.

Kahula Administrative Hearing

J. Malloy read the public hearing notice on the administrative hearing on the Kahula liquor license for selling alcohol to minors. A. Wilson explained that the Police Department would present their case and the licensee would have the opportunity to respond.

Jeffrey Lavalley, Sgt., Sturbridge Police Department and Thomas Button, Police Chief presented information to the Board of Selectmen regarding the alcohol compliance checks completed on December 30, 2004. These compliance checks were conducted in conformance with national standards and all licensed establishments were hand delivered prior notice that checks were to be conducted on that weekend. The server at Kahula on Main Street did not ask either underage buyer for proof of age and served them both alcoholic beers. Although Kahula was in compliance with the Town's Alcohol Server training requirements, the server in question had recently been transferred and had not yet been trained.

Michael Caplette, Attorney for Kahula Restaurant stated that Kahula understood that the individual in question violated the law and understood the Town's policies regarding alcohol violations. Attorney Caplette indicated that Kahula strives to comply, but that this employee had recently been transferred after the departure of a long-term employee. Attorney Caplette indicated that although the Town's policy establishes a multi-day suspension for the second violation, he indicated that it had been seven years since the last violation and asked that the

Board consider the time that has passed and that during the interim since the last violation, that Kahula had passed several alcohol compliance checks.

MOTION: To suspend the liquor license for Kahula for two days, by C. Blanchard.

2nd: There was no second, the motion failed.

MOTION: To suspend the liquor license for Kahula for one day to be served on 3-10-05, by H. White.

2nd: A. Wilson.

Vote: All in favor

Attorney Caplette thanked the Board for their consideration.

Applebees Restaurant

J. Malloy read the public hearing notice for the administrative hearing for selling alcohol to minors.

Jeffrey Lavalley, Sturbridge Police Department and Thomas Button, Police Chief presented the Board with information regarding the alcohol compliance check, at Applebees Neighborhood Grill and Bar, Charlton Road. The server did ask for proof and was presented with both underaged buyers driver's licenses, which clearly showed them to be underage and then proceeded to serve both alcoholic drinks. The server in question and Applebees was in compliance with the Town's bylaws for server training. This is the first violation for Applebees.

Barry Gersten, representing Applebees stated that Applebees takes training very seriously and maintains server logs for each table. B. Gersten indicated that the server in question was pregnant at the time and had her mind on other things and missed the birthdate on the driver's licenses. He indicated the Board had discretion to modify the penalty for violation and could issue a warning.

Chief Button indicated that it is more than just missing a date as adult driver's licenses are arranged in a landscape mode and minors driver's licenses are arranged in a portrait mode to clearly identify minors.

MOTION: By C. Blanchard to suspend Applebees Neighborhood Grill and Bar's liquor license for one day to be served on March 10, 2005.

2nd: H. White

Vote: All in favor

Sturbridge Host Hotel Liquor License Amendment

A. Wilson indicated that a Change of Manager did not require a public hearing and asked J. Malloy to present the application.

J. Malloy indicated that a Change of Manager required Form 43, Form 997, the \$200 state application fee, vote of the corporate board and Form A. J. Malloy stated all of the required information has been submitted and reviewed and recommended that the Change of Manager application naming Stephen Micks as the Manager of Record be approved.

MOTION: To approve the application as submitted for a Change of Manager for the Sturbridge Host Hotel naming Stephen Micks as Manager of Record by H. White.

2nd: C. Blanchard

VOTE: All in favor

Water Supply Update

Omer Dumais, Tighe & Bond, the Town's consulting engineers on the development of a new water supply updated the Board on the status of the Well #5 permitting process and the potential options for the re-use of Well #1. Mr. Dumais indicated that J. Malloy had cited concerns over the original proposal and the impact the debt service costs would have on the water rates and asked Tighe & Bond to develop a more cost effective approach. Tighe & Bond was looking at removing a lot of the automated equipment and the potential for a seasonal re-use of Well #1 using a portable GAC filter sited at Well #1 as opposed to developing a filter system for the entire plant. Additionally, Tighe & Bond was preparing to move forward with the Well #5 application with the MA DEP despite the seasonal use restriction that MA DEP has proposed. Last week, Tighe & Bond met with J. Malloy and Greg Morse, DPW Director and discussed an option where the new well, Well #5 would provide seasonal water production during the low demand seasons of the Fall, Winter and Spring and that during the high demand Summer season, Well #1 could be online with a portable GAC filter. This would provide year round water production and redundancy that the Town is seeking in a cost effective manner.

The Board agreed that Tighe & Bond should begin moving forward with the MA DEP and working with J. Malloy and G. Morse on getting these projects underway as soon as possible.

Sturbridge Retirement Cooperative

Mary Berry, Sturbridge Retirement Cooperative was on the agenda, but had asked to be taken off the agenda and scheduled for another date.

Town Administrator's Update

J. Malloy presented the Board with the Special Town Meeting Warrant for the April 25, 2005 Special Town Meeting. Each article has an explanation in the text box that follows the article. The Board needs to close the warrant on 3/7/05. J. Malloy included one additional article that came in late from the Community Preservation Committee to add three interpretive historic signs for the Board to consider adding to the warrant. J. Malloy also provided an email from the Board of Assessors stating they support Articles 60 & 61 proposed by the Finance Director.

J. Malloy presented a Common Victualler's license application from Pilot Travel Centers, who has taken over Sturbridge Isle and recommended approval.

Motion: To approve the Common Victualler's License application for Pilot at 400 Haynes Street as attached by C. Blanchard
2nd: H. White
VOTE: All in favor

J. Malloy presented the Board with an updated organization chart that takes into consideration the comments from the Selectmen at the last meeting. J. Malloy recommended that if there were no further concerns, that the Board adopt it as the official organization chart.

Motion: To approve the organization chart as attached, dated 2-22-05 by H. White.
2nd: C. Blanchard
VOTE: All in favor.

J. Malloy presented the Selectmen with two water/sewer abatement applications consistent with the Board's policy that abatements that exceed \$500 require the Board's review and approval. Both abatements are for the same reason – an outside meter was replaced and wasn't set to exactly match the inside meter resulting in a misread on the first meter reading. J. Malloy recommended abating both applications.

MOTION: To abate \$695.83 in water and sewer charges on Account #456 by C. Blanchard.
2nd: H. White
VOTE: All in favor.

MOTION: To abate \$616.05 in water and sewer charges on Account #596 by C. Blanchard.
2nd: H. White

VOTE: All in favor.

J. Malloy indicated that due to changes in hours for the Assistant Town Clerk, this position should be added to the list of Special Municipal Employees as it is less than 800 hours to ensure the employee does not have other conflicts with other positions worked for the town. A. Wilson asked whether the Administrative Asst. for the Planning Department should be added for the same reason. J. Malloy said it isn't a problem right now since the same employee is in that position, but for future consideration, it could be taken care of now.

MOTION: To amend the list of Special Municipal Employees dated April 20, 2004 to add the Assistant Town Clerk's position and Administrative Assistant to the Planning Department listed under part-time employees that do not work over 800 hours per year by A. Wilson.

2nd: C. Blanchard

VOTE: All in favor.

J. Malloy indicated that there were two items other than the school budgets that the Selectmen have not yet voted on the FY06 budget. The Board has not voted on the Town's Health Insurance, Worker's Compensation or Casualty Property line items pending more concrete figures.

Health Insurance – Originally budgeted at \$800,000 (12% increase over FY05). MIIA has reported that Sturbridge will see a 9.6% increase – the Finance Director has recommended \$785,000.

Worker's Compensation/Casualty & Property Insurance – Originally budgeted at \$220,000 (12.3% increase over FY05). I've spoken with MIIA and while they won't have a final figure until April, the maximum increase will be 10%. Based upon this information, I am recommending \$215,482.

This will leave only the school department budgets to consider. The Burgess School Budget Public Hearing is on March 3rd and the Tantasqua Public Hearing is on March 9th.

The Board determined they would vote on these items at the next meeting.

Don Mapplebeck – Board of Assessors – Full Listing and Measure

D. Mapplebeck presented the Board of Selectmen with the Board of Assessor's request that \$120,000 be included in the Special Town Meeting warrant for the April Town Meeting. D. Mapplebeck indicated that J. Malloy had advised the Board of Assessors that he would be recommending against including this on the

warrant and D. Mapplebeck was present to give the Selectmen the Assessor's point of view.

D. Mapplebeck explained that it had been approximately 14 years since the last full measure and list was completed, it's the only way that the Assessors can get into individual homes. D. Mapplebeck said that it was required by the state every 10 years and the Assessors had let it slip, but felt it was necessary to get completed to comply.

A. Wilson asked whether it was required since the Town goes through revaluations on a regular three year cycle and now updates on an annual basis.

D. Mapplebeck stated that the state recommended that the full measure and list be done every 10 years and that the revaluations were required.

H. White asked for a clarification, that D. Mapplebeck first said the full measure and list was required and was now saying it was recommended every 10 years.

D. Mapplebeck stated it was recommended.

A. Wilson asked J. Malloy for his opinion. J. Malloy stated that after last year's revaluation, of the \$331 million dollar increase in valuation, that residential property values increased \$310 million or approximately 94% of the increased value, which shifted the tax burden by 6% to the residential property owners. As a result, the Board of Selectmen for the first time decided to approve a split tax rate in FY06 to ease some of this burden. J. Malloy stated that this full measure and listing would only affect residential owners as per the Board of Assessor's memo and would result in shifting more of the tax burden to residential property owners. J. Malloy stated that given the shift in FY05, to follow this with a \$120,000 proposal to shift more of the tax burden to residential property owners was not the proper time and that the Board of Assessors should have a set policy on the time intervals for conducting a full measure and listing.

D. Mapplebeck stated that the Board of Assessors would conduct a full measure of listing for all properties, not just residential properties and therefore, it wouldn't be just targeting residents.

J. Malloy asked D. Mapplebeck how it would affect commercial and industrial properties since the Board of Assessors uses the income approach to value and not market approach for these properties and that due to this it would truly only effect residential properties.

D. Mapplebeck agreed that it would not affect the values of commercial and industrial properties.

A. Wilson stated the Selectmen will take this up at the next meeting when they discuss the Annual and Special Town Meeting warrants.

Barbara Search – COA Director's Salary

B. Search appeared before the Board to request that additional consideration be given on the salary for the COA Director for FY06. B. Search submitted documentation to the Board that she obtained that shows that she is approximately \$2,000 off the median of the towns that Sturbridge uses for comparisons.

C. Blanchard indicated that he had reviewed the salary information since B. Search was hired and found that her average increase since her employment was 4.5%. C. Blanchard stated he thought the Town had been more than fair and pointed to this being one more instance of the Town trying to be competitive and some staff members not understanding or appreciating this effort.

J. Malloy explained how the Personnel Committee reviewed positions within each grade and compared those in similar grades with the 10 towns that Sturbridge uses for comparisons. J. Malloy indicated that he would review the figures that Barbara obtained and would meet with Barbara during the week and be prepared to present additional information to the Board at the next meeting.

Board members expressed concern with the method in which B. Search had used to compare and asked for additional clarification.

The Board discussed setting a special date next week to meet to discuss and vote on the Annual and Special Town Meeting warrant articles.

MOTION: To meet at 6:30 PM on 2-28-05 with the only agenda items being the Annual and Special Town Meeting warrants by A. Wilson.

2nd: H. White

VOTE: All in favor

There were no calls to Ask the Selectmen.

The meeting adjourned at 10:15 PM.