

January 17, 2012

**BOARD OF SELECTMEN
MINUTES
JANUARY 17, 2012**

Present: Thomas Creamer, Chairman
Mary Blanchard
Angeline Ellison
Priscilla Gimas
Shaun Suhoski, Town Administrator

Mary Dowling was absent.

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

DPW Laborer / Driver Appointment

S. Suhoski submitted to the Board the DPW Director's recommendation that Kimberly Welton, of Brookfield, be appointed to the vacant position of Laborer / Driver for the department. S. Suhoski had the opportunity to meet Ms. Welton and discuss her interest in the position and said that she will be a good addition to the department. She has the required Class A driver's license and her hoisting license to operate hydraulic machinery and has many years of experience operating trucks including the last five and a half years for Casella Waste Systems in Auburn. She would be a member of the Service Employees International Union (SEIU) and can begin on January 30.

MOTION: That the Board of Selectmen ratify the Town Administrator's appointment of Kimberly Welton, of Brookfield, to the position of Laborer/Driver in the Dept. of Public Works effective January 30, 2012 at a SEIU contract hiring rate of \$15.71 per hour and subject to a six-month probationary period, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Winebuyer's Outlet LLC – Change of Manager

The Board was previously copied the full request of The Winebuyer's Outlet LLC, 453 Main Street, Sturbridge, to change their manager from Steven Cole to Richard Beams, of Worcester. Mr. Beams has worked as the Wine Manager at Austin Liquors in Worcester, and as the Bar Manager at Tweed's Pub, in Worcester, during the past 10 years. The state ABCC will conduct the CORI check. Atty. Ed Neal appeared before the Board to speak to the change.

MOTION: Subject to the Board's satisfaction, to approve the Change of Manager for The Winebuyer's Outlet LLC, 453 Main Street, Sturbridge

from Steven Cole to Richard Beams, of Worcester, as requested in application signed December 20, 2011, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Appointment of Veterans Services Director:

S. Suhoski submitted to the Board a copy of a summarized work history for Michael T. "Tim" Hickey who is an honorably discharged veteran of the U.S. Air Force. Mr. Hickey was employed throughout his career in business serving in capacities such as director, vice-present and operations manager. After he retired, he began service as the part-time Veterans Services Officer in the town of Leicester, where he has worked since 2009. Tim is well-qualified, has direct knowledge of Chapter 115 requirements and has reviewed the caseload with the recently retired Veterans Agent. Tim plans to advertise and hold regular office hours every other Thursday from 2pm until 4pm in the Center Office Building for walk-ins or scheduled appointments. Further, as time allows he will seek to outreach to additional veterans through the Senior Center and other avenues. He has agreed to a six-month trial arrangement at the budgeted annual stipend of \$3,314 annually. S. Suhoski said that Tim Hickey would provide excellent service to Sturbridge veterans.

MOTION: That the Board of Selectmen approve the Town Administrator's appointment of Michael T. "Tim" Hickey to the position of Veterans Services Director effective immediately at the annual stipend of \$3,314 subject to a six-month probationary period, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Liquor License Violation Hearing

6:45 p.m.: Uno Restaurants LLC d/b/a Uno Chicago Grill

M. Blanchard read the hearing notice into the record.

S. Suhoski submitted to the Board a copy of the original Notice of Hearing dated December 27, 2011 (green card dated 12/28/11), which was continued by vote of the Board on January 3rd to January 17th. Also copied for the Board was a copy of Chief Ford's summary memorandum entitled "Alcohol Compliance Checks" dated November 25, 2011 and the initial extension request of Atty. Thomas S. Vangel for the licensee. S. Suhoski appended to his report the redacted copy of the police report dated October 26, 2011. There were no prior violations noted in the file during the preceding 60-month period.

MOTION: To close the public hearing, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

MOTION: To suspend the liquor license for Uno Chicago Grill for one day, to be served within 60 days to be determined in collaboration with Police Chief Ford, and to post signage regarding the suspension, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Back of the Pack Productions – Charity Race

MOTION: That the Board support the “Tornado Alley Relay” 52-mile race sponsored by Back of the Pack Productions, to be held on June 1 and 2, 2012, and to coordinate the event with the Police Chief, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Basketville Building – Bertin Engineering Request for Sewer Allocation

S. Suhoski submitted to the Board a copy of the January 10, 2012 request from Michael Loin of Bertin Engineering (agent for Yervant Realty, LLC) seeking a total sewer allocation of 2,765 gallons per day for the proposed redevelopment of the site. The redevelopment plan, which will go before the Planning Board for Site Plan Review on January 24, included a proposed 50-seat restaurant on the first floor, three dental offices and an additional professional office on the second level, together with a proposed retail use on the outbuilding. In discussion with the DPW Director, it appears that the Board of Selectmen unanimously approved an additional allocation of over 2,867 gpd (on top of the 1,263 base allocation) to facilitate the then-planned relocation of Pioneer Brewing to the site (see excerpt of BOS minutes 8/17/09). This left the Basketville Building with 1,263 gpd sewer allotment. The 2,867 gpd for Pioneer was further reallocated, and then ultimately rescinded, after the brewery sought to relocate to the Millyard complex (see excerpt of BOS minutes 7/6/10). Thus, to facilitate this exciting renovation and boost to the long-vacant site, the Board was asked to approve 1,502 gallons per day (on top of the existing 1,263 gpd) for a total sewer allocation of 2,765 gallons per day. S. Suhoski noted that the Board’s decision on this request was critical prior to the Planning Board’s review on January 24. He said that the ultimate impact at Basketville would be 1,365 gallons less per day than the previously approved brewery plan. Mike Loin appeared before the Board.

MOTION: That the Board of Selectmen approve 1,502 gallons per day of sewer flow to 413/419 Main Street (Basketville site) in accordance with the uses outlined in the January 10, 2012 correspondence from Bertin Engineering and subject to Planning Board approval. This vote is intended to achieve a total allowed sewer allocation of 2,765 gpd., by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Correspondence of American Legion Post 109

S. Suhoski submitted to the Board a copy of a letter signed by Michael Splaine, the Manager of American Legion Post 109, requesting that their annual liquor license renewal fee be reduced. S. Suhoski said that reduction of fees for individual licensees is highly dissuaded as it can lead to inequity in payments; however, the Board of Selectmen retains discretion to set rates for classes of licensees (in this case a Club license). In looking at the Town's records he noted two such licenses in Town (American Legion and Hamilton Rod & Gun Club). He said that this was a policy decision for the Board; however, the current fee of \$1,000 is reasonable given that the clubs frequently rent their facilities to outside groups and events and earn proceeds from bar sales. S. Suhoski did not recommend any change for an individual licensee and requested more time to provide information on "club" license fees generally.

It was the consensus of the Board to request additional information for a policy discussion relative to club liquor license fees, and asked S. Suhoski to notify T.J. Brennan of the American Legion and the Hamilton Rod & Gun Club of the date of the hearing.

Board of Health Chair Linda Cocalis

Linda Cocalis appeared before the Board to discuss the landfill and leachate operations. A lengthy discussion followed, and it was the consensus of the Board that S. Suhoski, Alyssa Rusiecki, Health Agent, and Greg Morse, DPW Director further review the processes.

Vote to Refund USDA Sewer Bonds

At the request of the Finance Director, S. Suhoski submitted to the Board a required preliminary vote that will authorize her to seek refunding of U.S. Dept. of Agriculture general obligation sewer bonds used to finance various expansions to the system over the past decade. This stated purpose of the vote is to "reduce interest costs" and the Board retains final approval of interest rates and other terms prior to any formal refunding.

MOTION: That in order to reduce interest costs, the Treasurer is authorized to provide for the sale and issuance of refunding bonds under MGL Ch. 44, Sec. 21A to refund all or any portion of the remaining principal of and redemption premium and interest on any of the Town's general obligation sewer bonds originally issued through the USDA Rural Development in the amounts of \$1,087,000 on October 29, 2003, \$202,978 on October 29, 2003, \$1,034,440 on November 3, 2004 and \$867,000 on March 3, 2008; and that no refunding bonds shall be issued under this vote unless and until the final interest rate(s) and

other terms of such refunding bonds are approved by this Board, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

BYOB Notification / Request

S. Suhoski submitted to the Board a form to advise and seek the assent of the Board for Kim Lofgren, of Sugar and Spice, 479 Main Street, to allow “bring your own bottle” at her location. It was S. Suhoski’s experience that this type of request does not require a formal approval, but that in most cases the Board of Selectmen’s assent (or denial) is sought for the entity to remain in good standing. S. Suhoski queried Town Counsel to confirm his experience.

It was the consensus of the Board to allow BYOB at Sugar and Spice, 479 Main Street.

Hamilton Rod & Gun Club Ice Race Notification

S. Suhoski submitted to the Board correspondence dated January 8, 2012 from the President of the club providing information on the annual ice races. The Club requested the Board’s approval for the event.

MOTION: That the Board of Selectmen approve the annual ice racing at the Hamilton Rod & Gun Club to commence no sooner than January 15 and run from six to eight Sundays between the hours of 8:00 a.m. and 4:00 p.m., by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; M. Dowling absent.

Miscellaneous Items

Following are some concise updates on other matters that are pending and have been updated since last week:

• **Riverlands Environmental Monitoring:** (No change.) Substantial progress is being made in the environmental monitoring. Tighe & Bond reports that “*drilling of the bedrock/deep overburden wells went relatively well. Three wells were installed to a depth of 50 feet, but we did not encounter bedrock. All three wells are exhibiting artesian characteristics, which leads me to believe there is some sort of confining layer somewhere between 20 feet and 50 feet. When the driller mobilizes the geoprobe to conduct the soil sampling later this month, I will have them conduct a boring near the newly installed wells so we can identify soil types and depths in the area and hopefully identify the depth of the confining layer.*” S. Suhoski would expect to have some results of the next tasks by mid-February.

- **AAB Variance Update:** Awaiting contractor to install the railings within the next 30 days. Contractor is Three D Enterprises of Southbridge for \$2,985.
- **Solar Power RFQ:** The Energy Advisory Committee met on January 12 to finalize its presentation to the Board and requests to be placed on the February 13 meeting agenda. Also, the EAC did commit to initiate review of municipally operated electric utilities and will need additional time to complete research and recommendation.
- **FY13 Budget, Capital and Betterment Planning:** It was announced that the Governor and key legislative leaders have agreed upon the state's FY13 revenue projection at a 4.5 percent growth. The Governor is expected to provide his budget numbers by January 25. The Finance Director and S. Suhoski are prepared to present the budget overview to the Finance Committee and Board of Selectmen on Saturday, February 25.
- **Walker Road Improvements:** (No change.) CME has completed survey and wetlands delineation in the field and are now working on design development options. It is expected that a further meeting with the residents will occur in before the end of February.
- **Walker Pond Drainage:** (No change.) Tighe & Bond is in the process of refining the project scope further to the discussion with the residents and Board. The DPW Director states that he will be coordinating with the engineer this week as the DPW also needs to replace a drainage pipe on Wells Park Road during the interim and the proper sizing of the replacement needs to be confirmed.
- **Other Meetings / Miscellaneous:** S. Suhoski met with the DPW Director and logger re: debris clearance at DPW and Town Barn Fields; met with Town Planner and local business and property owner regarding zoning concerns on Route 20; met with Police Chief regarding operational matters; attended portion of Burgess School Building Committee meeting and then to Zoning Board for special permit hearings; prepared comment letter to MassDEP regarding Southbridge landfill provisional permit; met with TRSD Supt., Business Manager and Finance Director for budget planning discussion; attended Energy Advisory Committee meeting; attended Traffic Safety Committee Meeting; met with HVAC maintenance provider; met with various walk-in citizens and staff.

Old Business

M. Blanchard asked whether the Oxhead Tavern's one-day suspension date had been set. S. Suhoski said that he understood that Chief Ford had scheduled it directly with the establishment, but he would confirm.

M. Blanchard asked about the status of the elevator certification. S. Suhoski said that Worcester Elevator Company was the vendor, and that a temporary permit was issued by the state.

T. Creamer requested an update on Hampshire Council on Government electric rates. S. Suhoski said that nothing had been received yet, but he would follow up and advise.

T. Creamer asked about the status of the Traffic Committee. S. Suhoski said that a meeting will be scheduled regarding the Burgess School Road concern and a street light and intersection concern along Fiske Hill Road.

T. Creamer noted the availability of accepting remote meeting participation. S. Suhoski noted that if the Board approves, all town boards and committees would be able to do so.

New Business

The Saturday budget meeting with the Finance Committee was set for February 25, 2012.

Ask the Selectmen/Citizens' Forum

A resident complained about traffic backup on Burgess School Road. S. Suhoski said that the Traffic Committee had met to discuss it, and the Police Department will follow up.

MOTION: To convene in executive session under MGL Ch. 30A, Sec. 21, Paragraph #1: To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against a public officer, employee, staff member or individual, not to reconvene in open session, by M. Blanchard.

2nd: P. Gimas

Roll call vote: T. Creamer in favor; M. Blanchard in favor; A. Ellison in favor; P. Gimas in favor.

The Board convened in executive session at 9:35 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date