

October 9, 2012

**BOARD OF SELECTMEN  
MINUTES  
OCTOBER 9, 2012**

Present: Thomas Creamer, Chairman  
Priscilla Gimas  
Mary Blanchard  
Mary Dowling  
Mary Redetzke  
Shaun Suhoski, Town Administrator

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

**Public Service Announcements**

T. Creamer read information from the Tree Warden regarding an insect that can attach to ash trees.

M. Dowling noted that there was an article from the Tree Warden in the October issue of October Times.

M. Blanchard announced Halloween Trick or Treat activities.

**Captain John Marinelli regarding Fire Department Call Staffing**

Captain John Marinelli appeared before the Board to answer any questions related to the proposed appointment of additional members of the call department at an upcoming meeting. Copies of the applications of four proposed appointees to the call department were submitted to the Board.

M. Redetzke asked about the pending request for four part-time call staff. J. Marinelli said that the Chief's goal is to have a total of 35 combined call and full-time staff. He said that the Chief is looking for new recruits for calls.

**LIQUOR LICENSE VIOLATION HEARING:**

**6:45PM: Chung May, Inc. d/b/a Kahula Restaurant:**

Continued from October 1 at 6:35 p.m. until October 9 at 6:45 p.m.

M. Blanchard read the legal ad into the record. Attorney Michael Caplette appeared before the Board to represent Kahula Restaurant. He distributed copies of the Kahula Restaurant Alcoholic License Compliance Plan to the Board. In his opening statement he commented on the September 10, 2012 Board of Selectmen meeting and the "strong comments" made by T. Creamer and P. Gimas, and recited quotes made by T. Creamer

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and P. Gimas into the record. He suggested that T. Creamer and P. Gimas recuse themselves. T. Creamer said that he did not mention the name of the restaurant, and quoted the Southbridge Evening News article. He said that he would not recuse himself, and would adjudicate fairly and objectively. P. Gimas said that she had no intention of recusing herself either, and expressed a willingness to listen to the issue.

S. Suhoski said that this hearing is the result of an allegation and report from the Police Department that an employee of the licensee sold an alcoholic beverage to a person under the age of 21 years. There were no prior violations within the 60-month rolling "look back" period; however, there were prior violations pre-dating the Board's 60-month "look back" policy including in May 2007 and February 2005 and other much older violations. A copy of the chronology as prepared by the administrative assistant was submitted to the Board. This information was provided to the licensee's attorney several weeks ago.

Police Chief Thomas Ford presented the case from written reports.

The proposed Kahula Alcoholic License Compliance Plan was as follows:

- Accept appropriate suspension of Liquor License
- Apply for Approval of Change of Manager under Liquor License
- Implement 100% I.D. check policy
- Post signs on doors and in lounge areas as to No Underage Drinking
- Purchase and use an I.D. checking machine
- Educate all servers as to new policies
- Additional servers in lounge area
- Re-certify all servers' TIPS training within 18 months
- Weekly meetings with all servers on Alcohol Policy
- Police Chief to conduct additional compliance checks without further notice, the first of which to take place within three months

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

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

**MOTION: That the Board find that Kahula Restaurant had served a minor, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

**MOTION: That the Board suspend the liquor license for Kahula Restaurant for 14 consecutive days; that a sign be posted in the restaurant and lounge stating the reason for the suspension, together with the Kahula Alcoholic License Compliance Plan dated October 9, 2012, with the added stipulation of additional compliance checks, the first of which to be completed within three months after the suspension, by M. Blanchard.**

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**2<sup>nd</sup>: P. Gimas**  
**Vote: All in favor.**

**MOTION: That the suspension of the liquor license begin at midnight on October 13, 2012 for 14 consecutive days, by M. Dowling.**

**2<sup>nd</sup>: P. Gimas**  
**Vote: All in favor.**

### **Appointment to Senior Municipal Service Program**

Rita Choquet has been qualified to participate in the SMSP. She would bring the total participants to 26 out of 30 total slots. Ms. Choquet will assist Judy Knowles with file organization and downsizing.

**MOTION: That the Board of Selectmen approve the above-named applicant for the Senior Municipal Service Program and to be assigned to the Board of Selectmen's office, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**  
**Vote: All in favor.**

### **Town Hall and Center Office Building Work Hours**

S. Suhoski informed the Board that he had discussed with all staff and advised department heads earlier this week of the following implementation plan further to the Board's vote to initiate evening hours on Mondays until 7:00 p.m. effective in January 2013:

All full-time (35 hours plus) staff that work at Town Hall or Center Office Building shall observe the following regular hours of operation:

Monday:	8AM to 7PM
Tuesday-Thursday:	8AM to 4PM
Friday:	8AM to Noon

The policy applies to all full-time staff whether exempt or non-exempt. Department heads will continue to have the authority to schedule their part-time staff as needed within the above framework.

P. Gimas discussed situations concerning particular departments. M. Blanchard noted that there are many Monday holidays, so Monday would not be a good day for extended hours. M. Dowling suggested that all staff be treated the same, and stressed the need for predictability for residents. She suggested that staff keep a tally of the number of residents served during the extended hours. M. Redetzke agreed with the approach that all staff participate in the extended hours, and also agreed that Monday holidays would be an issue. T. Creamer shared his thoughts indicating his recognition of the

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desire for consistency for all, but also recognized value in the argument of flexibility for Center Office Building staff.

It was the consensus of the Board to hold action pending more information.

### **Economic Development Discussion**

S. Suhoski received another application for the EDAC following the meeting last week. He advised the Board and the community that there are more applicants than open positions for this committee.

S Suhoski met with the Town Planner to discuss options if they are to continue the EDAC as an active group. They both believe that the committee should be placed on hold pending a more concise action plan. In light of the discussion before the Board last Monday, they are developing some limited action items that will assist in furthering economic development; namely, utilizing the committee to vet and advance the potential for an Economic Development Director or Coordinator position.

The Town Planner and S. Suhoski have met to review some draft position descriptions and to include some duties and tasks that were suggested by the EDAC.

Unless otherwise directed by the Board, S. Suhoski does not intend to put forward additional appointments to the EDAC until a more focused action plan is ratified by the Board. He will include the input of the two remaining EDAC members on any action plan that is brought forward to the Board.

It was the consensus of the Board to allow 60 days for S. Suhoski to present an action plan, and follow up with EDAC applicants.

### **Walker Road Maintenance**

S. Suhoski said that he and the DPW Director have further discussed the Board's directive for a more robust maintenance program on Walker Road. Greg Morse has outlined the following maintenance items that will either be continued or enhanced:

- Grading of surface 4-6 times per year
- Routine inspection of surface after major storm events and additional grading as needed
- Addition of stone during appropriate freeze-thaw periods to stabilize surface

It should be noted that the DPW has historically provided maintenance to this road as needed; however, the operations manager or crew leader will conduct additional inspection to ensure a more robust program of maintenance.

**MOTION: To approve the Walker Road maintenance program as presented on October 9, 2012, by M. Blanchard.**

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**2<sup>nd</sup>: P. Gimas**  
**Vote: All in favor.**

### **Other Matters**

Following are brief updates on other pending matters.

- **Insurance Advisory Committee:** The IAC met on October 3. A related request for Executive Session under the collective bargaining privilege has been requested for the October 9 Board meeting.
- **Riverlands Environmental:** S. Suhoski authorized Tighe & Bond to collect the river sediment samples due to a spike in a lead reading that needs to be further delineated. The cost is less than \$500. If this single item can be shown to be within the MCP limits the site can be cleared; however, S. Suhoski has not yet identified a source of funds and may seek a reserve fund transfer for this single item.
- **Municipal Buildings:** The Town Hall numbering should be completed in the coming week (simple black “308” installed just above front entryway) to comply with our E-911 responsibility [[update: vendor is awaiting delivery of the numerals]]. The Library Director reported no leaks after the heavy rains of last weekend. This will be monitored over the coming months before completing interior aesthetic repairs. S. Suhoski retrieved and compiled the files needed to advance the final warranty claims for the Town Hall / Center Office Building project. The screening of the HVAC units outside Town Hall is a lower priority and remains pending.
- **Walker Pond Drainage:** Tighe & Bond is contracted to complete baseline survey in the Wells Park / Falls Road area. The baseline design will ensure correct elevations as phases of the system are developed. As the project develops, S. Suhoski will seek potential grant funds for portions of the work including a long-shot effort at a FEMA “Hazard Mitigation Grant.”
- **Other Meetings / Miscellaneous:** In addition to the Board’s meeting, S. Suhoski also: attended and participated in CDBG One Year Action Plan hearing in Worcester; conducted a department head meeting; met with the Town Planner regarding economic development issues cited above and to finalize Commercial Tourist District RFP; attended Burgess School Building Committee meeting; attended Mass. Municipal Assoc. STAM meeting focused upon grant opportunities; attended Burgess School Committee meeting regarding use of school facilities for elections.

### **Old Business**

T. Creamer discussed a draft letter that he circulated to the Board by email further to the QQLA discussion regarding wastewater treatment in Spencer. He said he attempted to

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open discussion on the topic in a generic and non-confrontational manner but was only generating the draft for the Board's consideration.

M. Blanchard inquired about the municipal building report. S. Suhoski said that a draft of the report had been emailed just last week, and Lamoureux-Pagano would come before the Board on either October 22<sup>nd</sup> or November 5<sup>th</sup>.

M. Blanchard inquired about the status of the Building Inspector. S. Suhoski said he has held meetings and is working on finding the best solution. He said that the department is running very effectively during the interim, and there is no urgency at this time.

M. Blanchard asked about the letter from the Fantaronis and whether a response was forthcoming. S. Suhoski said that he had not yet put together a draft response but that it should come under the Board's signature. T. Creamer requested the Town Administrator to at least respond to the Fantaronis this week. M. Dowling also reiterated the need to respond. S. Suhoski will have a draft letter for the Board's consideration on October 15<sup>th</sup>.

M. Dowling discussed the certificate of recognition program for the schools. The Board indicated its general support and M. Dowling to re-send the latest draft.

M. Redetzke had a question relative to Sturbridge Tourist Association funding \$20,000 for the Town's 275<sup>th</sup> Anniversary. S. Suhoski said that the Town approved \$20,000 at Annual Town Meeting under the STA budget for the 275<sup>th</sup> festivities. T. Creamer said there may have been some confusion from the last STA meeting but that he would report back to the Board.

T. Creamer queried the Board on whether to move forward now with the updated draft water regulations or defer until further action on the water exception meters. M. Blanchard said it made sense to move forward with updated regulations now and that the outdoor irrigation issue can always be addressed later. The Board reached consensus that the regulations should be updated now and that the exception meter discussion can proceed separately. T. Creamer scheduled a public hearing on the water regulations for November 13<sup>th</sup>.

### **New Business**

M. Dowling requested Board assent for her to work with the Police Chief and Fire Captain to organize the "Trunk or Treat" program on the Common for October 31.

### **Ask the Selectmen/Citizens' Forum**

P. Gimás received a call from a resident who expressed appreciation for the camaraderie of the Board at tonight's meeting.

**Approval of Minutes**

**MOTION: To approve the minutes of September 4, 2012 as amended, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

**MOTION: To approve the minutes of September 10, 2012 as amended, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

**MOTION: To approve the minutes of September 17, 2012 as amended, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

**MOTION: To approve the minutes of September 24, 2012 as amended, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

**MOTION: To approve the minutes of October 1, 2012 as amended, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

**MOTION: To approve the executive session minutes of September 24, 2012, to be released, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: All in favor.**

**MOTION: To approve the executive session minutes of March 19, 2012 as amended, to be released, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Vote: Four in favor; M. Redetzke abstained.**

**Executive Session**

**MOTION: To convene in executive session under MGL Chapter 30A, §18-25, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation; not to reconvene in open session, by M. Blanchard.**

**2<sup>nd</sup>: P. Gimas**

**Roll call vote: P. Gimas in favor; T. Creamer in favor; M. Redetzke in favor; M. Dowling in favor; M. Blanchard in favor.**

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The Board convened in executive session at 11:17 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date