

January 5, 2015

**BOARD OF SELECTMEN  
MINUTES  
JANUARY 5, 2015**

Present: Mary Blanchard, Chairman  
Priscilla Gimas  
Mary Dowling  
Craig Moran  
Suzanne Kennedy, Interim Town Administrator

The Chairman called the meeting to order at 6:00 p.m. following the Pledge of Allegiance.

**MOTION: To convene in executive session under MGL Chapter 30A, §18-25, #6:  
To consider the purchase, exchange, lease or value of real property;  
to reconvene in open session, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

**Roll call vote: M. Blanchard in favor; P. Gimas in favor; C. Moran in favor.**

The Board convened in executive session at 6:05 p.m.

The Board reconvened in open session at 6:55 p.m.

**Town Administrator Search Committee Update**

TASC members Jean Bubon, Don Fairbrother, William Haggerty and Laurence Morrison appeared before the Board. Selectman Blanchard also served on the Committee. TASC Chairman W. Haggerty recommended three candidates for Town Administrator for the Board's consideration, as chosen by the TASC: Nick Breault, Leon Gaumont and Daniel Keyes. He said that the names of the candidates were now public information. The next step is a public interview with the Board of Selectmen.

C. Moran praised the TASC for their work, and expressed appreciation for what they have done for the Town. M. Blanchard gave special thanks to B. Haggerty, as he had been the driving force.

M. Dowling asked how many resumes had been received. B. Haggerty said that the total was 74. He noted that the Town Charter requires at least three candidates.

M. Dowling asked the Committee if any of the three candidates had applied during the first round of applicants. The Committee answered in the affirmative.

P. Gimas thanked the members of the TASC for their service, and asked whether any of them had visited the communities of the three finalists. B. Haggerty said they had not, as they were not charged by the Charter nor the Board to do that. L. Morrison added that they could not have done that without making it obvious as to who the finalists

were, which would have violated state statute. M. Blanchard suggested that the Board of Selectmen delve in to do that.

B. Haggerty said that they had received written and oral presentations from staff regarding what traits they considered important in a Town Administrator.

It was the consensus of the Board to conduct interviews of the three finalists on February 2<sup>nd</sup>.

### **Request to Appoint On-Call Firefighters**

Fire Chief David Zinther appeared before the Board and requested favorable consideration from the Board to appoint:

- Ryan Mullen – Certified firefighter and full time Physician’s Assistant at Harrington Hospital (Sturbridge resident)
- Tina Kruzek – Currently an EMT for a private ambulance service and desirous of pursuing a career in the Fire service (Sturbridge resident)

**MOTION: That the Board approve the appointment of Ryan Mullen as an on-call firefighter at \$15.90 per hour; and approve the appointment of Tina Kruzek as an on call firefighter at \$15.90 per hour (when she has her firefighter certification) as recommended by Chief Zinther, by P. Gimas.**

**2<sup>nd</sup>: M. Dowling**

**Vote: All in favor.**

### **Request to Appoint On-Call Firefighter**

Chief Zinther requested favorable consideration to appoint former full-time firefighter Christopher Adams as an on-call firefighter. Mr. Adams resigned his full-time position in Sturbridge to assume a new position as a firefighter in another community. However, based on the requirements set forth by the Worcester County Retirement System with respect to the transfer of pension funds to his new employer’s pension system, Mr. Adams was required to sever all ties with the Sturbridge Fire Department, despite his desire to remain as on-call firefighter/paramedic.

Now that the transfer of funds has been completed, Mr. Adams has indicated a desire to become re-employed with the Town of Sturbridge as an on-call firefighter/paramedic.

**MOTION: That the Board approve the appointment of Mr. Christopher Adams as an on-call firefighter/paramedic at \$23.37 per hour as recommended by Chief Zinther, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

### **Alcohol Compliance Checks**

Police Chief Thomas Ford informed the Board that as part of a grant funded underage enforcement and compliance program, the Sturbridge Police Department conducted thirty three (33) compliance checks of licensee premises July 31, 2014 and August 9, 2014, of which twenty nine (29) passed said checks. It should be noted that all licensees were duly notified of the impending checks in June 2014. The following establishments did not pass the checks:

- Thai Place Restaurant
- Host Hotel
- Sturbridge Gas
- Enrico's Restaurant

Clerks at each of these licensed establishments were criminally charged for selling alcohol to a minor.

M. Dowling asked about the monitoring of the BYOB (Bring Your Own Bottle) establishments, and asserted that she favored such monitoring. Chief Ford thought it would be a great idea to work with the management of the BYOB establishments to make sure that underage customers are not drinking alcohol on their premises, although it would not be part of their sting operations. M. Blanchard noted that it is now the policy when a Common Victualler license is applied for, that the applicant indicates whether they will have BYOB in their establishment.

It was the consensus of the Board to split the scheduling of the administrative hearings for the Host Hotel, Thai Place Restaurant, Sturbridge Gas and Enrico's Restaurant between the February 17<sup>th</sup> meeting and the March 2<sup>nd</sup> meeting.

### **Draft Special Town Meeting Warrant**

S. Kennedy said that the STM Warrant, as submitted to the Board on 12/31/2014, has been reviewed and approved by Town Counsel.

#### **Article 29: Transfer of Funds – Veterans Benefits Account**

**MOTION: To place and support Article 29, by C. Moran.**

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

**Vote: All in favor.**

#### **Article 30: Transfer of Funds – Town Administrator Department Head Salary Account**

**MOTION: To place and support Article 30, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**  
**Vote: All in favor.**

**Article 31: Transfer of Funds – Unpaid Bills**  
**MOTION: To place Article 31, by P. Gimás.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: All in favor.**

**Article 32: Transfer of Funds – Police Injured On Duty**  
**MOTION: To place and support Article 32, by P. Gimás.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: All in favor.**

**Article 33: Transfer of Funds – Sewer Reserve Fund Balance – Unpaid Bills**  
**MOTION: To place and support Article 33, by P. Gimás.**  
**2<sup>nd</sup>: M. Blanchard**  
**Vote: Three in favor; M. Dowling abstained.**

**Article 34: Transfer of Funds – Air Conditioning & Electrical Work at Senior Center**  
**MOTION: To place and support Article 34, by P. Gimás.**  
**2<sup>nd</sup>: M. Dowling**  
**Vote: All in favor.**

**Article 35: Transfer of Funds – Feasibility Study for 8 Brookfield Road**  
**MOTION: To place and support Article 35, by P. Gimás.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: All in favor.**

**Article 36: Transfer of Funds – Police Department Salaries and Wages and Overtime Accounts**  
**MOTION: To place and support Article 36, by P. Gimás.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: All in favor.**

**Article 37: Transfer of Funds – Police Department Salaries and Wages Account**  
**MOTION: To place and support Article 37, by P. Gimás.**  
**2<sup>nd</sup>: M. Blanchard**  
**Vote: All in favor.**

**Article 38: Transfer of Funds – Plant Water Pump & E-One Pump Repairs**  
**MOTION: To place and support Article 38, by P. Gimás.**  
**2<sup>nd</sup>: C. Moran**  
**Vote: All in favor.**

**Article 39: Transfer of Funds – FY15 Liquid Sludge Handling**

**MOTION:** To place and support Article 39, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** Three in favor; M. Dowling abstained.

**Article 40: Transfer of Funds – Recreational Field Design Contract**

**MOTION:** To place and support Article 40, by P. Gimas.  
**2<sup>nd</sup>:** M. Blanchard  
**Vote:** All in favor.

Lynne Girouard, Recreation Director, appeared before the Board. S. Kennedy recommended that the Board meet with the Recreation Committee to see where they are going in the future. She noted that this contract was not handled by the Board of Selectmen, and the project has changed. M. Dowling said that the Recreation Committee has been doing a good job of managing it, and there was no oversight. She said that this design had to be fundamentally changed when one parcel had been removed for consideration.

**Article 41: Transfer of Funds – Insurance Expenses**

**MOTION:** To place and support Article 41, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** All in favor.

**Article 42: Transfer of Funds – Computer Software for the Fire Department  
Emergency Incident Reporting Program**

**MOTION:** To place and support Article 42, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** All in favor.

**Article 43: Sturbridge Tourist Association**

**MOTION:** To place and support Article 43, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** All in favor.

M. Dowling requested that Alix McNitt or someone from the Chamber of Commerce be present at the Town Meeting. P. Gimas said that A. McNitt has been asked to attend.

**Article 44: Amendment to General Bylaws – Deleting Sections 1.90, 1.91 & 1.92  
Under Sturbridge Tourist Association**

**MOTION:** To place and support Article 44, by P. Gimas.  
**2<sup>nd</sup>:** C. Moran  
**Vote:** All in favor.

**Article 45: Petition to General Court for a Package Store Liquor License for  
Ocean State Job Lot**

**MOTION:** To place Article 45, by C. Moran.  
**2<sup>nd</sup>:** M. Blanchard

**Vote: Three in favor; M. Dowling abstained.**

**MOTION: To close the Special Town Meeting Warrant, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

**MOTION: To sign and post the warrant, by P. Gimas.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

**Procedure Discussion Concerning the Proposed Sunset City Motocross Park, Charlton Ma.**

S. Kennedy said that a number of residents have requested to meet with the Board to determine the role and responsibilities of the Board of Selectmen with respect to this matter. A summary update memo for this project from Town Planner Jean Bubon was submitted to the Board.

M. Blanchard announced that the Board would explain the procedure as far as the Board of Selectmen goes. She read Jean Bubon's memorandum regarding Sunset City, Charlton into the record. A public hearing will be held on January 7, 2015 at 7:15 p.m. in Dexter Hall at the Charlton Public Library to discuss the matter.

S. Kennedy said that once the studies have been submitted to Charlton, that is when the opportunity will exist to thoroughly review the studies to ascertain whether there will be impacts on Sturbridge. M. Blanchard said that the Board needs to follow the process and go slowly, legally and carefully.

M. Dowling suggested that the Town seek a different legal opinion to see what options are available to protect the interests of the Town of Sturbridge, as the Town of Charlton may also have Kopelman and Paige as their Town Counsel. She noted that there could be a conflict of interest between the two towns. M. Blanchard said that the Board should still find out Kopelman and Paige's stance on the matter. P. Gimas agreed that the Board needs to hear what Town Counsel has to say.

M. Dowling noted that it is still early in the process, and studies have not been done yet. She had heard that a letter had been submitted to Mass. DOT regarding a curb cut on Route 49. M. Blanchard said that the letter was premature because what is before the Charlton Planning Board is Phase 1.

**MOTION: To direct the Town Administrator to request a copy of any letter sent by the Planning Board or other public body from Charlton to Mass. DOT with regard to the curb cut on Rt. 49, by M. Dowling.**

**2<sup>nd</sup>: M. Blanchard**

**Vote: All in favor.**

Ronald Charette of Charlton appeared before the Board, and said that he belonged to one of the groups in opposition to the project. He informed the Board that there was a meeting regarding the proposed motorcross, and the project has been on the drawing board for two years. He said that it would affect the quality of life for the residents of Charlton and Sturbridge. He expressed concern that the Charlton Planning Board may give the project their stamp of approval at their next meeting. M. Blanchard assured him that site plan review does not happen in one night. She said that Sturbridge will do what it can to protect its residents.

Tom Geyer said that the Charlton Planning Board operates differently. He noted that timber trucks have been seen at the site, as though they know it is going to happen. He expressed concern that the project will be passed at the next meeting in two days, and it would be difficult to reverse that action.

Jim Krukonis, Podunk Road, asked about the status of the logging permit on Ladd Road. M. Blanchard suggested that he contact the Department of Conservation and Recreation.

David Barnicle said that they have been trying to get a copy of the forest cutting plan. He noted that two years ago the Planning Board had sent a letter, as documented in the minutes of the Planning Board of the Town of Charlton.

**MOTION: To direct the Town Administrator to write a letter to the Planning Board of the Town of Charlton, informing them that we are reviewing this project and we have concerns as to how Phase 1 of Sunset City may adversely impact the quality of life for the residents of our community, by M. Dowling.**

**2<sup>nd</sup>: M. Blanchard**

**Vote: All in favor.**

David Barnicle said that there is a notice at the end of Ladd Road which states, "Emergency Exit Ladd Road." M. Dowling said that a lot of this is premature; if the Town of Charlton has accelerated the process, it will be necessary to address the letter to Mass. DOT. M. Blanchard said that the Board of Selectmen will do what it can, and will stay on top of the matter. She expressed appreciation for the letters of interest.

### **Senior Municipal Service Program Assignments**

S. Kennedy informed the Board that applications have been received and approved by the Assessor's office for the following individuals to participate in this program, both of whom meet the income eligibility criteria.

- Elena Sapotnikov - Assigned to the Assessor's Office
- Lorraine Forcier - Assigned to the Assessor's Office

**MOTION:** That the Board approve Ms. Sapotnikov and Ms. Forcier to participate in the Senior Municipal Service Program as recommended by the Assessor's Office, by P. Gimas.

2<sup>nd</sup>: C. Moran

Vote: All in favor.

**Request by Robert Cassim to expand the number of vehicles to be stored on the premises located at 33 Main Street for sale or repair from ten (10) to twenty (20) vehicles.**

Robert Cassim appeared before the Board. He said that he needs a Business Certificate for Sturbridge Auto Sales, LLC.

S. Kennedy informed the Board that it has not yet been determined if a public hearing is required to act upon this request. However, the Board may consider a "suitability hearing" with respect to his Class 11 license based on Mr. Cassim's failure to pay 21d fines recently issued by the Dudley District Court for storing more vehicles than allowed by his current license (\$875.00 still outstanding); and, for not having performed the cleanup of junked vehicles on this premises. As indicated by Town Counsel Brian Riley: "... To the extent that Mr. Robert Cassim still has not performed the cleanup of junked vehicles, etc., even after the court upholding the Town's complaint, this may be considered in whether to issue him a new license for 2015. In considering any Class 1 – 3 license application, the Board is supposed to be "satisfied" that the applicant is a proper person to engage in the business, that the business is or will be his principal business, and that he has "a place of business suitable for the purpose." The facts regarding this owner and premises appear to call the suitability of both Mr. Cassim and the property into question, and in my opinion, the facts are relevant to the Board's decision on this license...."

S. Kennedy said that the number of cars at the site has changed from 10 to 20, and she spoke to Town Counsel about this; the opinion was that it is not required, but a hearing should be conducted for that. The other issue was that they are doing more repair work than sales, so a repair license must be obtained from the state. She noted that the existing Class 2 license states, "10 cars for storage and repair." If repairs are being done, Mr. Cassim will need to seek a license from the Commonwealth. She suggested



(in consultation with the Building Inspector) that there may be a need for a hearing regarding the suitability of the business and as to whether or not the Town of Sturbridge would be disinclined to grant Mr. Cassim a license based on the findings of the Building Inspector. The Town has requested that the number of cars at the site be reduced. The tickets issued to Mr. Cassim are unpaid, and he owes the Town \$2,200 at this time, and are mounting. The Board could refuse to issue the license until these fines have been paid. She noted that there is a statute regarding the holding of a hearing.

Nelson Burlingame, Building Inspector, said that Robert Cassim currently owes \$575.00.

Robert Cassim said that cars come in, go into the garage, then are sent to Charlton to be sold.

**MOTION: That the Board give favorable consideration to conduct a suitability hearing to determine if a new license for 2015 should be issued to Mr. Robert Cassim, dba Surbridge Auto Sales, LLC, located at 33 Main Street, Sturbridge, MA, by P. Gimás.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

### **Micknuck's Fresh Marketplace (Big Bunny Market, Inc.) - Change of Hours on Liquor License**

Micknuck's Fresh Marketplace requested a change of hours on Sundays **FROM Noon-11:00 p.m. TO 10:00 a.m. - 11:00 p.m.** Formal ABCC approval of this request is not necessary, but the Board was required, as the Local Licensing Authority, to sign form 43.

**MOTION: That the Board approve the requested change of hours on Sundays for Micknuck's FROM Noon – 11:00 p.m. TO 10:00 a.m. – 11:00 p.m., by M. Dowling.**

**2<sup>nd</sup>: M. Blanchard**

**Vote: Two in favor; P. Gimás abstained for religious reasons; C. Moran was absent.**

### **Town Administrator Update**

- **Riverlands**

S. Kennedy said that on June 9, 2014 the Board had signed off on the notice of activity and use limitation that has since been submitted and documented at the Registry of Deeds. She noted that the passive recreation activities and uses are inconsistent.

M. Blanchard said that the Board had received the final report from Tighe & Bond. S. Kennedy said that the Board signed off on the AUL for the Riverlands.

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M. Dowling asked what kind of warnings will be put on the path as to the areas of contamination. M. Blanchard suggested asking Glenn Colburn, Conservation Agent, to check on that. She noted that when the Board had signed off on that, Tighe & Bond had concluded that the contamination was limited as far as digging and construction. M. Dowling suggested that it be an agenda item at a future meeting.

### **Correspondence**

M. Dowling said that the Board had received a December 14, 2014 letter from Polly Currier regarding the Adopt-a-Pot Program.

M. Dowling had received a letter from Francis Buffone, 204 Podunk Road, regarding Sunset City.

### **Old Business**

There was no old business.

### **New Business**

M. Dowling wished everyone a happy, healthy New Year.

M. Blanchard stated that it was the Board's policy that Town employees who need Town Counsel's opinion need to first have the Town Administrator's approval. P. Gimás suggested sending a directive to the employees, and that it would make them more accountable.

M. Blanchard noted that one of the street lights is out at Rt. 20 and Rt. 131.

M. Blanchard asked whether the letters to Class 2 licensees regarding the \$25,000 bond requirement had been sent out. S. Kennedy said that they had.

**MOTION: To adjourn, by P. Gimás.**

**2<sup>nd</sup>: C. Moran**

**Vote: All in favor.**

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date