

February 17, 2015

**BOARD OF SELECTMEN  
MINUTES  
FEBRUARY 17, 2015**

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

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

**Public Service Announcements**

M. Blanchard reminded everyone about the Special Town Meeting on Monday, February 23<sup>rd</sup> at 7:00 p.m. at Tantasqua High School Auditorium.

**Minutes**

**MOTION: To approve the minutes of December 15, 2014, by P. Gimas.**

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

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

**Appointment to fill Zoning Board of Appeals Vacancy**

Pursuant of MGL Ch. 41, §11, the Board of Selectmen and Zoning Board of Appeals (ZBA) may jointly select a replacement by roll call vote, which replacement must be a registered voter in the Town of Sturbridge. Accordingly, following publication of the ZBA vacancy in the Southbridge Evening News and Town website, one candidate, Mr. Kevin J. Kelley, has expressed interest in serving on the ZBA. It should be noted that Mr. Kelley previously served on the ZBA for the period covering 2007-2010. Mr. Kelley's resume was submitted to the Board.

Members of the Zoning Board of Appeals appeared before the Board: Don Fairbrother, Chair; Marge Cooney; Liz Banks; and Michael Young.

M. Blanchard said that the motion to appoint Kevin Kelley to the ZBA due to a resignation would be for a term to expire at the next election in April 2015.

**MOTION: That, based on the candidate's credentials, qualifications and previous membership on the ZBA, the Board of Selectmen and Zoning Board of Appeals approve Kevin J. Kelley to fill the vacancy on the Sturbridge Zoning Board of Appeals, by C. Moran.**

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

**Vote: All in favor: M. Blanchard, M. Dowling, P. Gimas, C. Moran, D. Fairbrother, M. Cooney, L. Banks; M. Young.**

**Old Sturbridge Village – Change of Manager on Liquor License**

S. Kennedy informed the Board that Old Sturbridge, Inc. d/b/a Old Sturbridge Village was seeking approval of a change in manager to Mr. William I. Nemeroff of Brimfield MA. William Nemeroff appeared before the Board.

The application appears to be complete. Mr. Nemeroff previously owned the Cedar Street Restaurant from 2004-2010. He also served as executive chef at Niche Hospitality in Worcester from 2010-2012, and was employed as the Beverage Director at the Beechwood Hotel in Worcester from 2012-2015.

**MOTION: That the Board of Selectmen approve a change of manager from Dennis Santelli, to William I. Nemeroff Dennis of Brimfield MA, for the license held by Old Sturbridge, Inc., d/b/a Old Sturbridge Village, 1 Old Sturbridge Village Road, by P. Gimas.**

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

**Vote: All in favor.**

**Contract Approval for Joshua Hyde Library Kitchen Renovation**

Ms. Becky Plimpton, on behalf of the Library Board of Trustees, was seeking contract approval to renovate the Joshua Hyde Library kitchen in the amount of \$11, 245. 73.

**MOTION: That the Board approve the contract by and between the Town of Sturbridge and Naylor’s Kitchen and Bath in the amount of \$11,245.73 and further, authorize the Chairman to sign the contract on behalf of the Board of Selectmen, by M. Dowling.**

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

**Vote: All in favor.**

**Correspondence**

Michael Young requested that the Board place a non-binding question regarding Common Core on the Ballot for the April 13<sup>th</sup> Town Election. He has lived in Sturbridge for 40 years, and is on the Republican Town Committee, as well as the ZBA. He read the proposed question into the record:

*“Federal education standards, such as Common Core education standards, take away local control of education and are lower than Massachusetts standards. Do you support*

*local control over education standards and request that the State Legislature reverse the decision of the Board of Elementary and Secondary Education to adopt the lower federal Common Core Standards?"*

P. Gimas noted that Sturbridge is part of a regional district, and asked if this proposal had been brought to the school boards. M. Young said that the question had come from the Republican Town Committee, which he had volunteered to bring forward.

P. Gimas said that she wasn't sure how many people have an understanding of Common Core and what it implies. M. Dowling shared the concern that it has not been brought before the Regional School Committee, as that is the committee that oversees the schools. She suggested that the process start with the schools. C. Moran agreed, and commented that the question has good merit, and suggested that a synopsis regarding Common Core be included. M. Blanchard said that it should be reviewed by Town Counsel regarding its form.

P. Gimas suggested that both school committees provide input on it, including a breakdown of the vote and their opinions on this. M. Blanchard said that the next Burgess School Committee meeting will take place on March 5<sup>th</sup>; the Tantasqua School Committee will meet on February 25<sup>th</sup>. M. Young agreed to bring it to the school committees.

M. Blanchard announced that the meeting was being recorded by a reporter from the Worcester Telegram & Gazette.

### **Alcohol Violation Hearings: Thai Place and Host Hotel and Conference Center**

M. Dowling read the legal ad into the record. Police Chief Thomas Ford and Pon Chanthavong, owner of the Thai Place Restaurant, appeared before the Board. Chief Ford said 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 on 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 & Conference Center (Milestone Hospitality International, LLC)

Clerks at each of these licensed establishments were criminally charged for selling alcohol to a minor. Copies of the relevant police reports together with Town's alcohol policy were submitted to the Board.

These allegations, if proven, constitute violations of MGL ch.138, XX34 (sale of alcohol to a minor) and 204CMR 2.05(2) (permitting illegalities or disorders on the licensed premises) and improper management. Therefore, in keeping with the statutes, the Board must conduct a public hearing to determine if these violations in fact occurred.

Pon Chanthavong said that the server had notified him on the day it happened, and was put on suspension for two weeks. Campbell Trent had conducted a TIPS class which his employees had attended.

M. Blanchard noted that Thai Place Restaurant had been previously cited for an alcohol violation in 2006. Policy stipulates that a second violation will cause a seven to fourteen day (7-14) suspension if said offense occurred within a sixty (60) month period of the previous offense. Based on this policy, the Board should treat this matter as a first offense.

**MOTION: That the liquor license for Thai Place Restaurant be suspended for one day, consistent with the Town's Alcohol Violation Policy, the date of the suspension to be mutually agreed upon between Police Chief Thomas Ford and the Thai Place Restaurant. On the day of suspension, a notice shall be posted on the doors and entrance ways stating, "No alcohol sales allowed per order of the Board of Selectmen. License suspended due to sale to minor." By M. Dowling.**

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

### **Old Business**

M. Dowling requested agenda time to discuss the letters sent by Charlton officials to MassDOT. The Board received the letters but had not discussed what the course of action would be.

### **New Business**

C. Moran apologized to the Board and residents for having missed the last meeting due to an emergency.

**Alcohol Violation Hearing: Sturbridge Host Hotel**

M. Dowling read the legal ad into the record. Russell Prentiss, Manager of the Sturbridge Host Hotel, appeared before the Board. Chief Ford read the alcohol compliance check information into the record. The violation occurred at the VIP Lounge inside of the hotel. R. Prentiss informed the Board that the bartender was terminated, which was consistent with their policies.

M. Blanchard noted that the Sturbridge Host Hotel had been cited for an alcohol violation in 2011, which is within a sixty month period.

**MOTION: That the liquor license for the Sturbridge Host Hotel be suspended for three days, consistent with the Town's Alcohol Violation Policy, the dates of the suspension to be mutually agreed upon between Police Chief Thomas Ford and the Sturbridge Host Hotel. On the days of suspension, a notice shall be posted on the doors and entrance ways stating, "No alcohol sales allowed per order of the Board of Selectmen. License suspended due to sale to minor." By P. Gimas.**

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

**Vote: All in favor.**

**Suitability Hearing: Robert Cassim**

**MOTION: To open the public hearing, by P. Gimas.**

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

**Vote: All in favor.**

M. Dowling read the legal ad into the record.

Robert Cassim, Attorney Brian Riley of Kopelman and Paige and Nelson Burlingame, Building Inspector, appeared before the Board regarding a suitability hearing to review the suitability of the license and or/premises with respect to the violation of license conditions and outdoor storage of junked cars in connection with the license issued to Mr. Robert Cassim for his business located at 33 Main Street, Sturbridge, MA.

During the regularly scheduled Board of Selectmen's meeting January 5, 2015, the Board unanimously voted to conduct a suitability hearing to determine if a new license for 2015 should be issued to Mr. Robert Cassim, dba Sturbridge Auto Sales, LLC, located at 33 Main Street, Sturbridge, MA. It should be further noted that Mr. Cassim also requested that his license be amended to increase 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.

S. Kennedy noted that the suitability hearing was predicated 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....*"

With respect to the number of vehicles to be stored at 33 Main Street, Mr. Cassim was asked to submit an updated, signed and dated site plan illustrating customer, employee and vehicle sales spaces by the close of business February 13, 2015, but the requested site plan had not been submitted.

N. Burlingame said that he and Lt. John Marinelli had inspected the site. He reviewed his list of concerns regarding 33 Main Street with the Board, which included the following: Violation of his Class 2 license, as there are too many cars at the site; the site plan shows cars on an area of the property where there is no paving nor gravel; no car parts should be stored in front of the building; the inside of the building needs to be kept clean and safe; access for the parking lot entrance from and exit to Route 131; parking for employees; parking for customers; location of sales cars; concerns regarding pedestrian traffic and general traffic flow.

M. Blanchard noted that the Board had requested a current site plan, not the 2007 site plan.

S. Kennedy said that the license includes "storage and repair," but it is the state that grants a repair license. Attorney Riley agreed. S. Kennedy said that her recommendation is that the Board not approve the repair license; R. Cassim would have to obtain that license separately, from the state. This would affect the terms of the license issued by the Board, and where the cars for sale will be displayed.

M. Dowling said that only ten cars are allowed at the site collectively, and to place a limit of only five cars outside would be extremely stringent.

R. Cassim said that there are two types of repairs; some cars are taken to another shop. C. Moran noted that R. Cassim has a repair facility and a used car license. S. Kennedy said that in terms of the way the license is interpreted now, that could be considered a violation. What is being repaired has not been delineated vs. what is on display. She stressed the need for a clear definition as to what cars are stored where.

Attorney Riley said that the used car license is the one to be issued by the Board of Selectmen. He questioned whether the place of business is suitable for the purpose. S. Kennedy said that Robert Cassim has a business on a non-conforming site. She suggested that the Zoning Board of Appeals take a look at that.

M. Dowling said that with this list of concerns, at some point the Board needs to take responsibility for the license that was not clearly defined. S. Kennedy said that she had requested an up to date site plan indicating where cars would be stored; the plan that R. Cassim submitted is the same plan that has been in the Town records since 2007. R. Cassim apologized to the Board. He noted that there is no car count indicated on repair licenses.

M. Blanchard said that Nelson Burlingame had mentioned that some of the junk has been reappearing on the property that had supposedly been cleaned up. R. Cassim said that he had junked some motors the other day, and has not had a tow truck for a while. He informed the Board that he has paid \$1500 in fines, and will pay more the next day at the Town Clerk's office.

S. Kennedy noted that three letters had been sent to Robert Cassim by certified mail, and the green cards were received in by February 13<sup>th</sup>. She had asked him to provide an up to date revised site plan.

Attorney Riley said that unless it is very clear on the license on the distinguishing between inside and outside, with most Class 2 licenses it is implied that used cars are available for sale. If there are some cars off the street, being inside for repairs, he did not think that would violate the terms of the Class 2 license.

S. Kennedy asked whether the Board could dictate or determine the number of cars that can be in that facility. Attorney Riley said that it is important to make it very clear what is going on at the property. M. Dowling added that the Board does not have the authority to dictate about repairs, only used cars.

R. Cassim said that he does not work on customers' cars, and does not have a sign out for repairs for the public. He does repairs on used cars only.

S. Kennedy asked whether a site plan or license could limit the number of employee cars, customer cars for sale, or to be housed in the garage for safety purposes. Attorney Riley said that a repair license could be obtained from the state. He said that R. Cassim is making cars more saleable.

C. Moran said that the Board has no jurisdiction over what goes on inside of the building, only the ten car limit. He said that he has never seen a sign on the property about anything for sale.

S. Kennedy suggested that R. Cassim discuss his site plan with the Town Planner, as she has concerns about traffic flow.

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

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

**MOTION: That Robert Cassim be given 30 days to provide the Town of Sturbridge with an updated site plan as set forth in Suzanne Kennedy's letter dated January 20, 2015 and that it expressly sets forth all of the requirements that she requested, by M. Dowling.**

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

**MOTION: To issue Robert Cassim's 2015 license subject to the restrictions set forth by the Town Administrator before being issued a business certificate and bond, by C. Moran.**

**2<sup>nd</sup>: P. Gimás**

**Vote: All in favor.**

**Public Hearing: Logging Permit 29 Putnam Road**

Ross Hubacz appeared before the Board. He and Michael J. Bartlett, of Hull Forest Products, Inc. submitted an application for a logging permit on behalf of Chad Frigon for approximately twenty-seven (27) acres of land located at 29 Putnam Road (DCR approved cutting plan File no.287 7260-15). All filings were submitted:

- Forest Cutting Plan
- Sketch Plan of Site with location of trees
- Abutters List



The Conservation Commission reviewed the plan and, in observing that the wetland crossing is located in an appropriate location, and that trees are clearly marked for harvesting, recommended approval of the cutting plan.

DPW Director Greg Morse also reviewed the proposed cutting plan and recommended a \$5,000 road maintenance bond be submitted by the logger before the commencement of work and further, that authorization be obtained to use 33 Putnam Road for access to 29 Putnam Road.

S. Kennedy submitted to the Board an excerpt from the DCR website entitled "Forest Cutting Practices Act" and noted the highlighted section, "The purpose of the notice of intent to abutters is to provide an opportunity for landowners to determine if boundary lines have been accurately marked; it is not an opportunity for comment on the operation itself."

**MOTION: To close the public hearing, by P. Gimas.**

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

**Vote: All in favor.**

**MOTION: That the Board approve the logging permit for Hull Forest Products Inc. on behalf of Chad Frigon for twenty-seven acres (27) of land on 29 Putnam Road in accordance with the submitted Forest Cutting Plan, and further, logging operations are to be limited to Monday through Friday, 7:00 a.m. to dusk, and Saturdays from 8:00 a.m. until Noon and no Sunday or holiday hours, subject to prior trucking route coordination with the Town's school bus coordinator, and posting of a \$5,000 road maintenance bond prior to the commencement of work, as approved by the Director of Public Works, together with submission of a temporary right of way agreement authorizing access to 29 Putnam Road from 33 Putnam Road, by M. Dowling.**

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

**Vote: All in favor.**

### **Selection of the Town Administrator**

C. Moran informed the Board that he had reviewed the DVD of the February 11<sup>th</sup> meeting of the candidate interviews.

**MOTION: To appoint Leon Gaumond, Jr. as Town Administrator, by P. Gimas.**

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

**Vote: All in favor.**

C. Moran noted that the Town Administrator Search Committee had done an outstanding job and had provided the Board with three professional candidates.

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M. Blanchard said that the next step would be to negotiate a contract, which could be done by the whole Board, or by the Chair with input from the rest of the Board. It was the consensus of the Board that M. Blanchard should conduct the negotiations with Leon Gaumond. M. Dowling said that she would suggest some changes to the contract. M. Blanchard said that the Board could review the last contract issued to the previous Town Administrator and provide input to her. She would then contact Leon Gaumond to set up a meeting with him to review the proposed contract.

**MOTION: To adjourn, by P. Gimas.**  
**2<sup>nd</sup>: M. Dowling**  
**Vote: All in favor.**

The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date