

**Board of Selectmen Minutes-Regular Session  
December 11, 2006**

The following persons were present: Chairman Julie Woods, Vice Chair Arthur DuBois, Clerk Dan Stack, Sel. Jim Dwyer, Sel. Kevin Kuros, Town Manager Jill Myers, and BOS Assistant Joseph Smith.

**Call to Order**

Chm. Woods called the meeting to order at 7:00 p.m.

**Announcements**

Thank you to the 1<sup>st</sup> Night Committee for doing a fantastic job on the 1<sup>st</sup> Night event; Blackstone Valley Chorus is holding a free Holiday Concert on 12/15/06 at 7 p.m. at the Northbridge Middle School Auditorium; the Uxbridge Library will be closed due to repairs on Monday and Tuesday December 11<sup>th</sup> and 12<sup>th</sup>.

**Evergreen Center Wreath Presentation**

The Evergreen Center presented the Town of Uxbridge with its annual gift of a Holiday Wreath. The Board of Selectmen presented them a Certificate of Appreciation for their annual gift.

**Citizen's Forum**

Chm. Woods opened Citizen's Forum at 7:02 p.m.

- Joe Bonapace, Website Committee Chairman, addressed the Board to review the most current Website content. Uxbridge is one of only 39 Towns in Massachusetts that are recognized by the Open Access to Government organization for publishing Government activity on the Internet. There are 351 Towns in Massachusetts and 308 have a web presence.
- Peter Baghdasarian addressed the Board regarding the Kopelman & Paige bill review of UCAT contract.
- Howard Fortner addressed the Board as the 1<sup>st</sup> Holiday Night Committee Chairperson. Mr. Fortner wished to thank Sheriff Glodis for participating in the event as Grand Marshall. He also thanked the State Highway Department, the volunteers, and town organizations that participated to make this the "best event in the nine year history." The Committee is looking forward to the 10 year anniversary of the event next year.

Chm. Woods closed Citizen's Forum at 7:09 p.m.

**Public Hearings/Appointments**

**Historic Cemetery Committee Appointment**

Shelly Merriam, Chairperson of the Historic Cemetery Committee presented Ms. Jane Snyder to the Board for appointment to the Committee.

- **MSDV by Sel. DuBois, seconded Sel. Dwyer to appoint Ms. Jane Snyder to the Historic Cemetery Committee to fulfill the unexpired term of Ms. Doris Ostroskey which ends on June 30, 2008. The motion passed unanimously.**

**ACTION ITEM: Send appointment letter to Ms. Snyder.**

**Public Hearings on Alcohol Violations**

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Hearing called to order at 7:17 p.m. for Lynch's Riverview Wine & Spirits. On 11/16/06, ID was checked by clerk but alcohol purchase was allowed. Officer Thomas Stockwell presented the Board with the case and Police Chief Scott Freitas confirmed the aspects of the operation. Chief Freitas presented and reviewed the new State ID's for individuals under 21 years of age. Mr. Lynch addressed the Board and stated that this is the 1<sup>st</sup> violation his store has had in the 65 years they have sold alcohol. Mr. Lynch apologized for the violation and indicated that the staff involved has been sent to ABCC approved training in the time since the violation occurred. Chm. Woods asked if there was anyone that wished to address the Board regarding this violation. Hearing none, Chm. Woods closed the public hearing at 7:35.

Discussion followed the hearing and the Board elected to take action at the end of the hearing process in each matter.

Hearing called to order at 7:38 p.m. for Papa Gino's Restaurant. On 11/22/06, ID was checked by the clerk but alcohol purchase was allowed. Officer David Bergeron presented the Board with the case and Police Chief Scott Freitas confirmed the aspects of the operation. Chief Freitas presented and reviewed the new State ID's for individuals under 21 years of age. Jim Burns, General Manager for Papa Gino's addressed the Board and stated that the clerk was certified to serve alcohol but misread the dates on the license. Mr. Burns confirmed Officer Bergeron's account of what happened. Chm. Woods asked if there was anyone that wished to address the Board regarding this violation. Hearing none, Chm. Woods closed the public hearing at 7:45 p.m.

Hearing called to order at 7:46 p.m. for the Polish American Social Club. On 11/16/06, ID was not checked and the alcohol purchase was allowed. Officer Thomas Stockwell presented the Board with the case and Police Chief Scott Freitas confirmed the aspects of the operation. Chief Freitas presented and reviewed the new State ID's for individuals under 21 years of age. Steve Mason addressed the Board and reviewed that all servers in his establishment are TIPS certified. He added that the server indicated that they did ask for the individual's ID which goes against the officer's account but he agreed with the officer's report. Chm. Woods asked if there was anyone that wished to address the Board regarding this violation. Hearing none, Chm. Woods closed the public hearing at 7:53 p.m.

Hearing called to order at 7:54 p.m. for Quaker Deli. On 11/16/06, ID was checked by clerk but alcohol purchase was allowed. Officer Thomas Stockwell presented the Board with the case and Police Chief Scott Freitas confirmed the aspects of the operation. Chief Freitas presented and reviewed the new State ID's for individuals under 21 years of age. Mr. Lance Salmonsens addressed the Board and stated that this is the 1<sup>st</sup> violation his store has had in the 17 years they have sold alcohol. Mr. Salmonsens has retained the counsel of a professional investigative service to conduct checks in his store to make certain that this does not occur again. Mr. Salmonsens asked if the Police Department has a published procedure for conducting sting operations and if they public was notified that such an operation was going to occur this time. Chief Freitas answered the question indicating that the department has been trained in the proper operation of a sting and that he makes a general announcement each year conducting sting operations but it is inappropriate for him to note a specific time frame that such an operation will occur. Chief Freitas had Officer Bergeron review that the procedure followed in the recent sting operation is similar to past stings that the department has conducted. Chm. Woods asked if there was anyone that wished to address the Board regarding this violation. Curtis Brown, Pastor of the North Uxbridge Community Church, addressed the Board to commend the Police Department for their actions and noted

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that a deterrent should be implemented by the Selectmen to keep this kind of situation from recurring. Chm. Woods closed the public hearing at 8:29 p.m.

Hearing called to order at 8:29 p.m. for St.'s General Store. On 11/22/06, ID was checked by clerk but alcohol purchase was allowed. Officer David Bergeron presented the Board with the case and Police Chief Scott Freitas confirmed the aspects of the operation. Chief Freitas presented and reviewed the new State ID's for individuals under 21 years of age. Joan St. Andre addressed the Board and indicated that the clerk who was involved in the sale stated that she misread the date on the license and is aware of her mistake. Ms. St. Andre noted the history of her store for over a Century and the staff was called together immediately after the incident to be re-educated on the processes involving the sale of alcohol. Ms. St. Andre has also posted new signs in the store illustrating the new under-21 drivers licenses. She asked the Town to consider a consistent standard for all business involved in the sale of alcohol with respect to the acceptance of the under-21 drivers licenses. Chm. Woods asked if there was anyone that wished to address the Board regarding this violation. Hearing none, Chm. Woods closed the public hearing at 8:42 p.m.

Hearing called to order at 8:42 p.m. for Quit-N-Time Package Store. On 11/16/06, ID was checked by the clerk and alcohol purchase was allowed. Officer Thomas Stockwell presented the Board with the case and Police Chief Scott Freitas confirmed the aspects of the operation. Chief Freitas presented and reviewed the new State ID's for individuals under 21 years of age. Elaine Shandor addressed the Board and stated that the individual involved in the sale has been employed by the store for over three years and that she did not fire them for the violation and instead gave them a second chance. Ms. Shandor reviewed again the procedures for selling alcohol with her staff and fully posted signs to help keep the issue from recurring. Chm. Woods asked if there was anyone that wished to address the Board regarding this violation. Hearing none, Chm. Woods closed the public hearing at 8:47 p.m.

Hearing called to order at 8:47 p.m. for Uxbridge V.F.W. Post 1385. On 11/16/06, ID was checked by the server but alcohol purchase was allowed. Officer Thomas Stockwell presented the Board with the case and Police Chief Scott Freitas confirmed the aspects of the operation. The individuals involved in the sting operation were asked to sign-in on a log book prior to entering the establishment. Chief Freitas presented and reviewed the new State ID's for individuals under 21 years of age. Anne Schavone addressed the Board and stated that all of her servers are TIPS certified. After the incident the staff was called in for a meeting to discuss what happened and to re-educate them on the procedures for serving alcohol. Ms. Schavone also provided the Board with information on a scanner that can be purchased that will verify the age and validity of any license in the 50 states. Chm. Woods asked if there was anyone that wished to address the Board regarding this violation. Hearing none, Chm. Woods closed the public hearing at 8:53 p.m.

Hearing called to order at 8:53 p.m. for Uxbridge Shell. On 11/16/06, ID was checked by clerk but alcohol purchase was allowed. Officer Thomas Stockwell presented the Board with the case and Police Chief Scott Freitas confirmed the aspects of the operation. Chief Freitas presented and reviewed the new State ID's for individuals under 21 years of age. Tony El-Nemr addressed the Board along with the clerk involved Patricia Pardee and stated that a new register system is being installed that will force the clerk to scan the license of the alcohol purchaser before a sale is allowed. Mr. El-Nemr is also investing in a shopping service to test employees for compliance with the procedures for selling alcohol and

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tobacco. Chm. Woods asked if there was anyone that wished to address the Board regarding this violation. Hearing none, Chm. Woods closed the public hearing at 9:00.

Review of Public Hearings

Hearing each of the cases individually and statements from the owners of each establishment the Board discussed each of the cases. Sel. Dwyer raised the issue that the Town currently has no established penalty for violations and it is his feeling that a warning should be issued in each of the instances. Sel. Kuros indicated his preference for the Board to participate in a joint workshop between the Police Department and the licensed liquor establishments in Town. Sel. DuBois indicated an agreement with many of the points raised by Sel. Dwyer and that the Town should look into stricter controls going forward to bring the Police Department's sting program more in line with the ABCC recommended guidelines. Sel. Stack agreed with the point raised by Sel. DuBois. After discussion of each case the Board took the following actions:

- MSDV by Sel. Stack, seconded by Sel. Dwyer to issue a letter of warning to Lynch's Riverview Wine & Spirits. The motion passed unanimously.
- MSDV by Sel. Stack, seconded by Sel. Dwyer to issue a letter of warning to Papa Gino's. The motion passed unanimously.
- MSDV by Sel. Stack, seconded by Sel. Dwyer to issue a letter of warning to the Polish American Social & Civic Corp. Sel. Stack recommended that the club established a procedure for the check-in of members due to their club license. The motion passed unanimously.
- MSDV by Sel. Stack, seconded by Sel. Dwyer to issue a letter of warning to Quaker Deli. Sel. Stack commented on the Deli's policy regarding military identification. The motion passed unanimously.
- MSDV by Sel. Stack, seconded by Sel. Dwyer to issue a letter of warning to Quit-N-Time Package Store. The motion passed unanimously.
- MSDV by Sel. Stack, seconded by Sel. Dwyer to issue a letter of warning to St.'s General Store. The motion passed unanimously.
- MSDV by Sel. Stack, seconded by Sel. Dwyer to issue a letter of warning to Uxbridge Post #1385 VFW. The motion passed unanimously.
- MSDV by Sel. Stack, seconded by Sel. Dwyer to issue a letter of warning to Uxbridge Shell. The motion passed unanimously.

Mr. Salmonsens from the Quaker Deli questioned the length of time these warnings would be part of the establishments records. Ms. Myers responded that the records are public documents and would be part of the files indefinitely and cannot be purged. Chief Freitas responded to the requests of Sel. Kuros and many of the establishments to hold a joint meeting between the Police Department, the liquor establishments, and the Board of Selectmen. He would be happy to host such a meeting and looks forward to crafting a policy with the Board going forward to establish firm guidelines for dealing with liquor license violations.

**ACTION ITEM: Warning letters need to be sent out to each of the establishments.**

Alcohol Sales License-Uxbridge Market LLC

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Attorney Henry Lane representing the applicant, Uxbridge Market, LLC-the applicants are requesting to add in alcohol sales for off premise consumption to their business. Shaileshkumar Patel is the manager of the Uxbridge Market and has experience working with alcoholic beverages. Ms. Myers was asked to review the issues involved with this license and Chief Freitas reviewed his memo to the Board. Chief Freitas indicated that the Uxbridge Market is within 500 feet of a church and per M.G.L. c. 138, § 16c, the Board has the option of denying the license. The Tax Assessor provided a map for the Board outlining the area where the Church and Variety store are located. Chm. Woods reviewed the e-mail from Building Inspector Gazerro regarding the zoning issues and Attorney Lane expressed his opinion that the view expressed by Mr. Gazerro is “narrow.” Chm. Woods asked if there were members of the audience that wished to address the Board regarding the license application:

Ed Gouin, 20 Yale Street, expressed concerns relating to parking in the area.

Curtis Brown, Pastor of the N. Uxbridge Baptist Church asked the Board to look into the zoning issues related to this request. Mr. Brown stated that there is a significant youth presence in his parish and he is concerned about the proximity of the business to the church. Mr. Brown formally requested the Board to deny the application.

David Drummond/Deb Drummond, 32 East Hartford Avenue lives across the street from the store. Ms. Drummond petitioned the neighborhood and obtained 31 signatures asking for the Board to deny the license request.

John Dalfonso, 12 Yale Street, expressed concerns relating to parking in the area and increased traffic in and out of the store.

Attorney Lane stated that he disagrees that the business is within 500 feet of the North Uxbridge Baptist Church. In closing he stated that the store would serve the neighborhood and not pull in customers excessively from other parts of Town. Small businesses are the life blood of every community and the store is trying to remain successful.

Ms. Myers added the reference from M.G.L. c. 138, §16c. does allow for the Board to grant the license if they can determine there is no detriment to the community.

The public hearing was closed at 10:10 p.m.

The Board deliberated about the zoning related issues, confirmation of the distance, and clarification of the regulation “to the church.” Specifically they questioned if the regulation references the church structure or the property line.

- **MS by Sel. Dwyer, seconded by Sel. Kuros to take up the issue at a subsequent meeting once investigation to the Board’s questions have been completed. Discussion by one of the residents as to whether or not they would be notified again that the Board is considering the license. Because the Public Hearing has been closed there would be no further notification. The motion passed unanimously.**

At 10:15 p.m. the BOS Assistant left the meeting.

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2007 License Renewals

Assistant to the Town Manager, Jennifer Cederberg addressed the Board regarding her report on the annual license renewals. Ms. Cederberg indicated the business that still owe taxes to the Town and that the Board vote would not be taking action on those business licenses until the owners clear up the outstanding taxes.

- **MSDV by Sel. Dwyer, seconded by Sel. Stack to have the Building Inspector provide a report on the validity and timeliness when conducting annual licensing reports. The motion passed unanimously.**

Chief Ostroskey addressed the Board regarding Chapter 304 of the Acts of 2004 that discusses annual fire inspections in concert with annual licensing. Chief Ostroskey conducted investigations with the Building Inspector and used Arrowhead acres as an example of the inspection determinations. Ms. Cederberg added that, per the Police Chief Scott Freitas, there are six (6) businesses in Town that should hold Common Victualler's licenses but do not have them. Sel. DuBois stated that the exemptions should be addressed separately and the businesses should be approached.

- **MSDV by Sel. DuBois, seconded by Sel. Dwyer to renew all licenses except Bliss Motors and Karacraft of Uxbridge, LLC. The businesses noted need to correct their issues prior to the next BOS meeting. The motion passed unanimously.**

**ACTION ITEM: Send correspondence to Bliss Motors and Karacraft of Uxbridge, LLC to clear up issues.**

- **MSDV by Sel. Dwyer, seconded by Sel. Stack to send correspondence to the business that do not hold Common Victualler or Entertainment licenses as identified by the Annual Licensing report to request that they apply for said licenses. The motion passed unanimously.**

**ACTION ITEMS: Send correspondence to Arrowhead Acres, Bangma's Dairy, Meadowview Tavern, North Uxbridge Italian-American Club, The Greenroom, and Getty Station in North Uxbridge to apply for a Common Victualler's license. Send correspondence to Rendezvous Leather and North Uxbridge Italian-American Club to apply for an Entertainment license.**

Propane Storage Permit-Jim Farrar

The Board continued the review of the application from Jim Farrar for a propane exchange license. The Town Manager reviewed that the license was for business commercial propane sales. There will be no filling of propane tanks on the premises and the program just exchanges and empty tank for a full one. The program is similar in nature to one that is done at the Shell Station on Lackey Dam road.

- **MSDV by Sel. Dwyer, seconded by Sel. DuBois to approve the license request. The motion passed (4-0-1.) Chm. Woods abstained.**

Rendezvous Leather Entertainment License

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Mr. Robert Hadley of Rendezvous Leather addressed the Board regarding his request for an Entertainment license. There will be no alcohol served and the entertainment will be outdoors. The Police department indicated that they have no objection to the license being granted.

- **MSDV by Sel. DuBois, seconded by Sel. Dwyer to grant the entertainment license to Rendezvous leather. The motion passed unanimously.**

**Town Manager Report**

Ms. Myers delivered her report to the Board. A copy of the report and the monthly department head reports are attached to these minutes.

**Special Town Meeting Warrant**

There is a typographical error in Article 2 that was noted for correction.

- **MSDV by Sel. DuBois, seconded by Sel. Stack to close the warrant and approve the articles as submitted. The motion passed unanimously.**

**VFW Amusement License**

- **MSDV by Sel. Dwyer, seconded by Sel. DuBois to approve the Auto-Amusement license as requested by the VFW Post #1385.**

**Other Business/Correspondence**

- Gravel Permit Renewal #44 will be discussed in a public hearing on January 8, 2007. Notices were mailed to each of the abutters to the gravel pit site for Immanuel Corporation.
- Chm. Woods announced that there was a Four-Town meeting regarding the Heritage Grant for Juniper Hills on December 12<sup>th</sup>.
- The street name request for Megan's Way is on hold while Heritage Design comes up with an alternate name request. Megan's Way was preliminarily turned down by the Public Safety Committee.

**Meeting Minutes**

Given the late hour, the Board tabled approval of the meeting minutes submitted.

**Adjournment**

At 11:40 p.m. the Board voted to adjourn the meeting.

- **MSDV by Sel. Dwyer, seconded by Sel. Stack to adjourn. The motion passed unanimously.**

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*Minutes respectfully submitted by,  
Joseph Smith, Assistant to the Board of Selectmen*

Minutes approved by Board of Selectmen:

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Chairman Julie A. Woods

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Sel. James F. Dwyer

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V. Chairman Arthur O. DuBois

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Sel. Kevin J. Kuros

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Clerk Daniel P. Stack

*MSDV: Moved, Seconded, Discussed & Voted  
RCV: Roll Call Vote*