

MENDON SELECTMEN MINUTES OF MEETING----- December 14, 2015
APPROVED-----February 1, 2016

Chairman Reil, Selectmen Schofield and Burke and Town Administrator Kimberly Newman are present in the Upper Town Hall, Mendon.

Selectman Schofield called the meeting to order in the absence of Chairman Reil at 7:00 p.m. and led the pledge.

Selectman Schofield made and Selectman Burke seconded a motion to approve the regular session minutes of September 26, 2015. The motion carried unanimously.

Selectman Schofield made and Selectman Burke seconded a motion to renew the following 2016 license pending departmental approvals:

Restaurant/All Alcohol, Common Victualler:

- Blackstone Valley Pizza, Inc., d/b/a The Hide-A-Way Pizza, 95 Uxbridge Rd.
- MJM McCarthy Greenhouse, Inc., d/b/a The Greenhouse Wood Fired Pub, 3 Cape Rd.
- Traja Traha LLC, 25 Cape Road

Restaurant/All Alcohol, Common Victualler, Entertainment:

- Miss Mendon Diner, 14 Uxbridge Road, Bldg. #16

Restaurant/All Alcohol/Common Victualler, Entertainment:

- Imperial Ballroom LLC, Grand View, 6 Nipmuc Drive
- Stephen Hackenson, d/b/a Willow Brook Restaurant, 16 Hastings St.
- New England Steakhouse, Inc., d/b/a New England Steak & Seafood, 11 Uxbridge Rd.
- Alicante, LLC, d/b/a/ Alicante Mediterranean Restaurant & Lounge, 84 Uxbridge Rd.
- NLCK, Inc., d/b/a Lowell's Restaurant, 75 Cape Road

General On Premise All Alcohol, Common Vic:

- Miss Mendon Diner II, 20 Uxbridge Road

Package Store/All Alcohol/Common Victualler:

- Labh, Inc. d/b/a Mendon Wine & Spirits, 32 Hastings St.
- P&P Liquors, Inc., d/b/a Pop 'N' Kork, 1A Cape Rd.

Restaurant/Wine & Malt Regular, Common Victualler:

- ATLK, LLC d/b/a/ Deluxe Pizza, 32 Hastings St.

Restaurant/All Alcohol, Common Victualler, Automatic Amusements/Entertainment:

- Roy Ventures Corp., d/b/a The End Zone Sports Pub, The Outer Limits, 39 Milford St.

General On Premise Wine & Malt Regular, Common Victualler, Movie, Entertainment & Juke Box

- Phat Brothers, LLC dba Mendon Twin Drive In, 35 Milford Street

Common Victualler, Entertainment:

- RAD Skate Park, LLC, 49 Uxbridge Rd.
- Northmen, LLC, d/b/a Uber Café, 32 Hastings St.

Restaurant/All Alcohol, Common Victualler, Automatic Amusements, Pool Table, Entertainment:

- Barry's Place LLC, 35 Hastings Street

Common Victualler:

- **A&Z Golden Corporation, d/b/a DB Mart #3, 1 Milford St.**
- **Jashal Enterprises, Inc., d/b/a Sunny Farms, 1B Cape Rd.**
- **Vraj LLC, Inc., dba Subway, 32 Hastings Street**
- **CL Pizza Inc. dba Nonas Pizza, 1B Cape Road**
- **Gold Medalist, LLC, dba Gasco Fuel, 25 Cape Road**
- **D&E Donuts, dba Dunkin Donuts, 4 Uxbridge Road**
- **Imperial Gas LLC, 8 Uxbridge Road**
- **Clough School, 10 North Avenue**
- **Miscoe Hill School, 148 North Avenue**

Adult Entertainment:

- **Showtime Entertainment, George Funari Trustee, 49 Milford St.**

Class I:

- **East Acre Recreational Vehicles, 10 Cape Road**
- **Imperial Chrysler, Dodge, Jeep, 10 Uxbridge Road**
- **Imperial Ford, 8 Uxbridge Road**
- **Imperial Chevrolet, 20 Uxbridge Road**
- **Meehan Sprinter, 20 Uxbridge Road**
- **Truck & Trailer World LLC, 123 Uxbridge Road**
- **Nipmuc Marine & Auto Inc., 44 Uxbridge Road**

Class II:

- **Brian's Tire & Brake, 28 Hastings Street**
- **Certified Sales, 19 Uxbridge Road**
- **Ron Champney's Used Cars, 154 Uxbridge Road**
- **Copart of Connecticut, 82 Cape Road**
- **Native Automotive, 64, Milford Street**
- **Richie's Drive Line, 1 Kinsley Lane**
- **Sutfol Auto Sales, 20 Cape Road**

Hawkers, Peddlers, Transient Vendors:

- **Larry Joe, Larry Joe's New England Fire Pit, 30-1 Cape Road Parking Lot**
- **S&C Flowers, 1 Cape Road Parking Lot**

Lodging House:

- **Mark L. Scott, Executive Manor Lodging House, 10 Main St.**

Selectman Schofield said DB Mart looks like a disaster. Ms. Newman suggested bringing them in to a future meeting or meet offline. Selectman Schofield agreed to meet with the owner offline. Chairman Reil joined the meeting. He explained there is an agreement with the owner of Champney's Used Cars and the Treasurer/Collector to make payments of back-taxes by the end of January. He recommends proceeding this way as opposed to not renewing the license now. The license can potentially be revoked if the payments are not made per the agreement.

Ms. Willoughby gave an update on an anonymous letter that was received regarding two Class II licensees. *Action: She will provide a status after the Building Inspector's review.*

The motion carried by majority. Selectman Burke abstained as he did not want to vote on the Adult Entertainment License.

7:15 pm. Selectman Schofield made and Selectman Burke seconded a motion to open the public hearing for the Annual General On-Premises All Alcoholic Beverages License for Southwick Wild Animal Farm, Inc. dba Southwick's Zoo.

Selectman Schofield read the hearing notice that was placed in the Milford Daily News. **The motion carried unanimously.**

Cindy Lavoie and Justine Brewer explained they are reapplying for the same license that they rescinded. They concurred with Selectman Schofield's statement that one-day licenses could not be issued while an annual license was pending.

Cheryl Connolly, 57 Asylum Street, asked if this is for special events or if the public can walk around with alcohol and see the animals. Ms. Lavoie explained that the events are for corporate outings, weddings, etc. not for patrons. Events held in the past have had a detail officer on site. Ms. Connolly said traffic does increase occasionally. The owners said they plan to do the same thing they have done in the past when they received special licenses. The zoo's hours of operation are 10:00 a.m. to 5:00 p.m. Hours for the liquor-licensed premises would be same as for other businesses in town.

Selectman Schofield made and Selectman Burke seconded a motion to close the public hearing for the Annual General On-Premises All Alcoholic Beverages License for Southwick Wild Animal Farm, Inc. dba Southwick's Zoo. The motion carried unanimously.

Selectman Schofield made and Selectman Burke seconded a motion to grant an Annual General On-Premises All Alcoholic Beverages License for Southwick Wild Animal Farm, Inc. dba Southwick's Zoo pending department approval. The motion carried by majority. Chairman Reil abstained.

Selectman Schofield made and Selectman Burke seconded a motion to appoint Michael Goddard, 32 Wood Drive, Lynne Roberts, 65 Washington Street and Lawney Tinio, 13 North Avenue, to the Local Historic District Study Committee. It is a three to seven-member committee. The motion carried unanimously.

Selectman Schofield made and Selectman Burke seconded a motion that as of July 10, 2016 there will be an estimated zero increase to the resident population due to temporary residency. The motion carried unanimously.

Selectman Schofield made and Selectman Burke seconded a motion to appoint Linda Hawkes, Treasurer/Collector, to the Taxation Aid Committee with a term to expire June 30, 2018. The motion carried unanimously.

Selectman Schofield made and Selectman Burke seconded a motion to appoint Ken O'Brien to the Taxation Aid Committee with a term to expire June 30, 2016 pending his appointment as the Chairman of the Board of Assessors. The motion carried unanimously.

Gary Smith, resident and Anne Mazar, Land Use Committee and Community Preservation Committee Chair Person discussed the five acres above the wetland near Hopedale Street at 131 North Avenue. The entire property is 29.6 acres. They are seeking the Board of Selectmen's approval for their plan to construct a replica of the Cox property barn. They will then be able to seek the Conservation Commission's approval. Mr. Smith explained the ends of the three-season, 40-foot by 60-foot structure will have glass to let in more light and have three garage doors. One will be for the farmer or whoever leases the field. It will be available for functions. People who pay a fee will be able to use the property. Selectman Reil said they need to discuss a lease first. Selectman Burke recommended this plan go to the voters first whether it's legally obligated or not. Mr. Smith said the Shirley S. Smith Agriculture and Arts Center, which is a 501c3, would be leasing it. He was told by the engineer that it does not need a public well. Ellen Gould, Agricultural Commission Chair Person, said the farmer will get use of the well and the parking lot. Mr. Smith recommended installing the parking lot and well before the Annual Town Meeting. Selectman Schofield said the parking lot may not be necessary if the voters do not approve of the plan. There is already a deed restriction for agricultural use. Ms. Mazar said she worked with Town Counsel on a license for a farmer. Ms. Gould did not feel the parking lot area could be used for farming if the barn was not approved. The area that is designated for the barn could be used for farming.

Selectman Schofield said he feels Selectmen have the right to vote on this use of the property as a previous town meeting vote gave them authorization. He does not want to loosely approve the proposal as other boards have done in the past. Selectman Burke understands they are entering into a 99-year lease. There is also a liability piece. He believes in the non-profit but feels it should be brought to the voters. Ms. Newman mentioned the lease doesn't have to be for 99 years. She said the town has an obligation to put this in front of the public and to possibly go out for a Request for Proposals (RFP). Mr. Smith said this is a \$550,000 project which is being donated to the Town. Selectmen discussed merits of approving the gravel parking lot and well. Mr. Smith wants a 99-year lease. He is discouraged at the pace the project is moving. He does not want to risk the barn not being approved and start working on the well and parking lot. Selectman Schofield wants to know definitively if they have the right to approve the project and whether the town needs to go out to bid. The lease for farmer cannot be completed until we know whether or not there will be a well and barn. There are other outstanding questions such as whether an RFP is required and whether we can have a 99-year lease on property with construction. Selectman Schofield would like to know to whom the barn will be leased. Mr. Smith mentioned 4-H clubs, boys' & girls' clubs as some uses. There will be nominal fees to pay bills for expenses incurred. Ms. Newman suggested a meeting with counsel in early January to brainstorm before coming back to the Selectmen. Mr. Smith will show the plan to the Conservation Commission.

Principal Assessor Berthold commended Mrs. Schofield and Mrs. Lowell for decorating the town hall over the weekend. Ms. Berthold took offense with the previous comment of loose approvals from previous boards.

Eric Kinsherrf, Interim Town Accountant, presented his Financial Report which is a comparison of the first three months last fiscal year with first three months this fiscal year. His Expenditure Report is through November 30 including appropriations at Town Meeting. We have \$219,000 in unappropriated, free cash, approximately \$660,000 in the stabilization fund and a little over \$200,000 in the capital stabilization fund, and over \$50,000 in the OPEB fund. Free cash was high because the Treasurer/Collector aggressively pursued tax liens. He feels everything is on track. He will investigate why Parks & Recreation expenses were higher this year. Ms. Newman expects it is because of a reimbursable grant but will confirm.

Ms. Newman explained her reports are year to year. Cash flow is tight as \$133,000 is going out to the school district. New revenue for that doesn't start coming into town until February. She spoke with Jay Byer, MURSD Finance Director, who agreed to reduce the payments until after February. Ms. Hawkes said this is different than previous agreements where the district allowed a payment held until money is available. This way she didn't have to borrow money from the State or through stabilization. The timing of the STM for the override didn't allow the bills to be timed differently. Selectman Schofield requested researching with the Assessors and Treasurer/Collector to add two and one half percent to the preliminary bills. Ms. Hawkes discussed tax title and property that the town owns and recommends selling them. The Land Use Committee is interested in one of them which is buildable. Selectmen will have to decide if they want the income or to preserve it. If properties are worth less than \$21,000, she would like to go through a realtor to sell them. <Recess to change disk>

Ms. Berthold reported for FY17 there is approximately \$500,000 additional in the levy limit due to the override which is an additional \$339,998. New growth is estimated at approximately \$180,000. She explained she uses conservative estimates to have free cash for unanticipated expenses. Building permits are coming in and new construction is on line.

Ms. Newman asked Lt. Kurczy to attend to give update on the basement project. He explained there are electrical work issues. Once the doors are locked to the Police Department's area downstairs, they can't be left unattended per state and federal mandate. If the electrical work is going to take a day, someone cannot be there overseeing contractors in the secure facility. Selectman Burke said he wants to see a date that this will be completed. The electric bills will be going up because of the winter. By Friday, the electrical boxes will be installed. Then Worldband needs to finish their work. He will keep the board updated.

There were no citizen statements or petitions.

9:08 p.m. Chairman Reil made and Selectman Schofield seconded a motion to enter into executive session under M.G.L. C. 30A §21 to conduct a strategy session with respect to collective bargaining with the Mendon Permanent Fire Fighters Union as an open session may be detrimental to the Selectmen's bargaining position and I so declare, to conduct a strategy session in preparation for contract negotiations with a Town Accountant and to conduct a collective bargaining session with the Mendon Permanent Fire Fighters Union. We will reconvene only to adjourn. A roll call vote is needed. Schofield-aye, Burke-aye, Reil-aye.

10:35 p.m. Selectman Burke made and Selectman Schofield seconded a motion to adjourn. The motion carried unanimously.

Respectfully submitted,



Diane Willoughby
Executive Assistant

Documents Discussed Located in Executive Assistant's Office:

Restaurant/All Alcohol, Common Victualler Licenses: Blackstone Valley Pizza, Inc., d/b/a The Hide-A-Way Pizza, 95 Uxbridge Rd.; MJM McCarthy Greenhouse, Inc., d/b/a The Greenhouse Wood Fired Pub, 3 Cape Rd.; Traja Traha LLC, 25 Cape Road

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Lodging House License: Mark L. Scott, Executive Manor Lodging House, 10 Main St.

Southwick Wild Animal Farm, Inc. d/b/a Southwick's Zoo Annual All Alcohol General On-Premises License and Application

Anonymous Letter Received December 14, 2015`

Preliminary "Topographic Plan of Land" in Mendon, MA, Assessors Map 3, Parcel 131

Legal Hearing Notice-Annual General On-Premises All Alcoholic Beverages License for Southwick Wild Animal Farm, Inc. dba Southwick's Zoo, MDN#13366545

Town of Mendon Financial Report, Eric A. Kinsharf, CPA, December 2015

Town Owned Property

Total Cash and Investments

CPA Balances