

Town of Dudley

Board of Selectmen
Highway Commissioners
Cemetery Commissioners

October 17, 2016 @ 6:30pm
Dudley Municipal Complex
71 West Main Street, Dudley, MA 01571
Room 321A
Approved 10/24/2016

Some matters have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

1. Call to Order, Pledge of Allegiance

Jonathan Ruda opened the meeting at 6:35pm. In attendance were Peter Fox and Paul Joseph. Also in attendance were Greg Balukonis, Town Administrator and Michelle Jervis, Administrative Secretary. John Marsi and Steven Sullivan were absent.

2. Acceptance of Minutes:

Peter Fox motioned to approve the minutes of 10/3/2016 as written. Paul Joseph seconded. Unanimous 3-0.

Paul Joseph motioned to approve the executive minutes of 10/5/2016 as printed but not to release. Peter Fox seconded. Unanimous 3-0.

3. Appointments/Resignations:

a. Appointment: Constable – Pellegrino J. D’Auria – Paul Joseph motioned to appoint Pellegrino J. D’Auria as a Constable for the Town of Dudley. His term to expire June 30, 2017. Peter Fox seconded. Unanimous 3-0.

b. Appointment: Fire Department – SAFER Grant Recipient – Chief Kochanowski would like to award Lyle McKay as the recipient of the SAFER Grant. Mr. McKay is a paramedic who is on the EMS shifts on a regular basis. He posted the position for 14 days and he would like him to start on 11/4/2016. Peter Fox motioned to appoint Lyle McKay for the SAFER Grant as recommended by the Fire Chief. Paul Joseph seconded. Unanimous 3-0.

c. Resignation: Council on Aging – Sharon Nelson – Peter Fox motioned to accept the resignation of Sharon Nelson as a member of the Council on Aging. Paul Joseph seconded. Unanimous 3-0. Ms. Nelson recently accepted employment in Shrewsbury and she is not able to attend the afternoon meetings.

5. Around the Town – Focusing on Local Businesses:

Twin City Cleaners – 147 West Main Street– Mark Sutor, Owner – Mr. Sutor came before the Board. He has been the owner of the business for 7 years, purchasing it from his sister who owned the business from 2000-2009. They are a full service dry cleaners as well as a laundromat. They do wash/dry and fold for busy families, repairs of all sorts and outsources leather and shoe repairs to a reputable cobbler. The Board thanked him for coming.

6. Public Comments/Citizens Comments:

7. **Public Hearings:**

8. **Licensing and Permits:**

a. **One Day All Alcohol Liquor License – St. Andrew Bobola Church – Saturday 10/29/2016 from 6:00pm to 1:00am for the Harvest Dance.** David Bugajski, representing the church, came before the Board requesting this license for their Harvest Dance. After discussion **Paul Joseph motioned to approve a One Day All Alcohol License for Saturday, October 29, 2016 from 6:00pm to 12:00am and on Sunday, October 30, 2016 from 12:01am to 1:00am for the Harvest Dance. Peter Fox seconded. Unanimous 3-0.**

b. **One Day All Alcohol Liquor License – Nieski, Inc. d/b/a Marty's of Dudley, 119 West Main Street, Dudley, MA.** Karen Landry, representing Marty's, came before the Board. They would like to have Grand Tasting in the parking lot on Saturday, November 5, 2016. **Paul Joseph motioned to approve the request for a One Day All Alcohol Liquor License for Nieski, Inc. located in the parking lot at 119 West Main Street, Dudley, MA on Saturday, November 5, 2016 from 12:00pm to 8:00pm for their annual Grand Tasting. Peter Fox seconded. Unanimous 3-0.**

9. **Public Business:**

a. **November 8, 2016 Election Ballot – Sign –** Mr. Balukonis stated that this is the Presidential Election along with state officials, four state questions and one local question. **Peter Fox motioned to that Board of Selectmen sign the State Election Ballot as presented. Paul Joseph seconded. Unanimous 3-0.**

b. **Paula Lane/Circle Drive –** Kristan Mallet of 5 Paula Lane and Dave Theriault of 16 Circle Drive came before the Board for their annual discussion about plowing and sanding Paula Lane and Circle Drive, two private roads. The Town adopted located option pursuant to MGL Chapter 40 Section 6 permitting the Board of Selectmen to provide limited road service to private road. Paula Lane and Circle Drive had a Road Service Policy dated 1/7/2013. **Paul Joseph motioned to reaffirm the Road Service Policy – Paula Lane and Circle Drive - dated 1/7/2013 regarding road servicing of private roads under MGL Chapter 40 Section 6. Peter Fox seconded for discussion.** Dan Gion, Highway Superintendent, stated that the residents had a hardship and they came to the town for help. The town started plowing and sanding the subdivision but he would like to see if the residents have made any headway on getting the street up to code for acceptance. Greg Balukonis stated that the town has a betterment bylaw for improvements to the road. The costs are apportioned to the resident over a period of 20 years. Jonathan Ruda requested that we should have a resolution this time next year and that Mr. Balukonis meet with both Ms. Mallet and Mr. Theriault to discuss the bylaw. After that meeting he would like to have this issue on an agenda in January 2017. **Unanimous 3-0.**

c. **Mass DOT Special Speed Regulation No. 7946 – Dresser Hill Road –** Mr. Balukonis stated that Mass DOT is requesting the town to vote to add necessary speed limit signs as well as warning signs, tree work and pavement markings on Route 31, Dresser Hill Road beginning at the CT. state line to the Dudley/Charlton town line. A total distance of 4.06 miles. After discussion **Peter Fox motioned that the Board of Selectmen approve for signatures the Special Speed Regulation No. 7946 presented by MassDOT. Paul Joseph seconded. Unanimous 3-0.**

d. **Parcel “C” – Vitkus Properties – Acceptance of land –** After a request from the Selectmen to review the property at the intersection of Roberts Road and Cortis Road for consideration of acceptance at town meeting, Dan Gion, Highway Superintendent, reported that the property would be of no benefit to the town. It has been and remains a very wet area and not suitable for building or any other situation that would be beneficial. He enclosed a copy of a topographical map showing this area to be wet as well as a few photos. After discussion **Peter Fox motioned not to accept the Parcel “C” from Vitkus Property. Paul Joseph seconded. Unanimous 3-0.**

e. **Approve Funding Plan for October 24th meeting and Vote release from Overlay –** Mr. Balukonis stated that the Board of Assessors amount did not materialize so the money from new growth will have to

come from another source. He would like to use the Assessor's Overlay Surplus in the amount of \$148,000 as well as \$27,000 from 2015 Assessors Valuation. At this time the Department of Revenue (DOR) has not certified our free cash so we are hopeful it will be completed by Town Meeting. The good news is that the money from the budget is independent from free cash. The worst case scenario is that the DOR postpones free cash figure. **Paul Joseph motioned the Board of Selectmen request the Board of Assessors to release the sum of \$148,000 to the overlay surplus. Peter Fox seconded. Unanimous 3-0.** In addition, **Paul Joseph motioned the Board of Selectmen approve the amended spending plan for the Fall Town Meeting as presented by the Town Administrator. Peter Fox seconded. Unanimous 3-0.**

10. **Town Administrator's Report:**

Mr. Balukonis stated that we received a Pole Petition from Mobilitie requesting for what look to be a 120' communications tower within the Brandon Road right of way. His office will be following up with the proponent and town counsel to see how a stand-alone pole with any wire attachments can be considered a pole petition under MGL. Also Bay Path Vocational Technical High School is seeking a member of the Board of Selectmen or a Town Administrator from one of its 10 towns to serve on the committee negotiating contract with the school staff. Please notify our office if you would like to be considered.

11. **Board of Selectmen Comments/Department Head Comments:**

Jonathan Ruda brought to light that there was another serious accident on the corner of West Main Street and Center Road near Yummy's Restaurant. He would like to have MassDOT brought back in to see what can be done and come up with a plan to make it successful for no more accidents.

Fire Chief Kochanowski informed the Board that Henke Sass Wolfe, Inc. recently donated \$6,000 to purchase one pump and the software for the fire department. These pumps are an unfunded state mandate. He will be asking for the additional monies in the Spring.

George Patrinos, Interim Water/Sewer Commissioner, reported on the Water – Sewer Department. At this time they are reading meters, flushing hydrants and have recently had a dive team clean the water towers by vacuuming them. The Board thanked him for his report.

12. **Adjournment/Executive Session:**

Paul Joseph motioned to adjourn at 7:450pm and enter into Executive Session under MGL Chapter 30A § 21(a)(3) – to discuss strategy with respect to litigation regarding the Islamic Society of Greater Worcester v. Zoning Board of Appeals et al and not to reconvene into public session. Peter Fox seconded.

Roll Call Vote

Paul Joseph, Aye

Peter Fox, Aye

Jonathan Ruda, Aye

Respectfully submitted,
Michelle Jervis, Administrative Secretary

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Roll Call Vote

Paul Joseph, Aye

Peter Fox, Aye

Jonathan Ruda, Aye

Respectfully submitted,
Michelle Jervis, Administrative Secretary