



# Town of Bellingham

## BOARD OF SELECTMEN

10 Mechanic Street

Bellingham, Massachusetts 02019

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January 7, 2019

The January 7<sup>th</sup> meeting of the Board of Selectmen was called to order at 6:45 PM by Vice Chairman Daniel Spencer with Mrs. McNulty, Mr. Martinis and Mr. Connor in attendance. Mr. Spencer offered his condolences to Mr. Denis Fraine, who was not at the meeting, for the recent passing of his mother and also announced that the Board would need to be reorganized due to the fact Chairman Soter was no longer on the Board.

### Reorganization

The meeting was turned over to Mrs. Allie who asked the Board for nominations for a new Chairman. Mrs. McNulty made a motion to nominate Mr. Spencer as Chairman, seconded by Mr. Connor with all members voting in the affirmative.

Newly appointed Chairman Mr. Spencer then asked for nominations for Vice Chairman. Mr. Martinis made a motion to nominate Mrs. McNulty as Vice Chairman, seconded by Mr. Connor with all members voting in the affirmative.

On a McNulty/Connor motion, the Board unanimously voted that the estimated useful life for the Fire Pumper be set at 20 years.

On a Martinis/McNulty motion the Board unanimously voted to award Contract 2018-DTR, Dead Tree Removal on Various Streets, to the low bidder Mayer Tree Service, Inc. of Essex, MA.

On a McNulty/Martinis motion, the Board unanimously voted to appointment Mr. Dan McLaughlin for a 3 year term to the Cultural Council. Recommendation from Linda Trudeau, Chairman of the Cultural Council is attached.

On a Martinis/McNulty motion, the Board unanimously voted to accept the land donations from the Croteau Family that are listed on the attached sheet. Under discussion Mr. Spencer pointed out that both the DPW and Conservation have looked at these properties. They are vacant land parcels in a residential neighborhood and could be good use for drainage work.

Regarding a resident request for a street light on Susan Way, a motion was made but no action was taken until further discussions.

Public Hearing – application of Lao Thai Café, Kathy Sayaphat, Mgr. for a Restaurant All Alcohol & Common Victualler License. Premises located at 52 Pulaski Blvd.

Mr. Spencer read the public hearing notice.

On a McNulty/Connor motion, the Board unanimously voted to delay the 7:00PM public Hearing until the parties had arrived.

On a McNulty/Connor motion, the Board voted 3 in favor with Mr. Martinis opposing to accept the application of Bellingham Palace Pizza to change their Sunday pouring hours from starting at 12 noon to starting at 10:00 AM. Under discussion, Mr. Martinis stated he does not like the way Bellingham Palace Pizza phrased their request in the letter they wrote to the Board.

Public Hearing – continued: Kathy Sayaphat presented herself to the Board. She stated she would like to open up an upscale Thai restaurant at 52 Pulaski Blvd where Vohn's Restaurant used to be located. She would like to apply for a full liquor license so the restaurant can serve cocktails such as Mai Thai's and martinis. Kathy stated she has managerial experience from working at Kodu's in Woonsocket. There was some confusion with the Board as to whether this was a transfer of liquor license from Vohn's or if this was a new All Alcohol Restaurant License. Mrs. Allie confirmed this was a brand new license. It was then questioned by the Board as to whether or not the Town had any All Alcohol Restaurant License to issue to which Mrs. Allie confirmed there were licenses available. The Board continued discussion with Kathy Sayaphat and asked that she supply evidence of TIP certifications once completed by her staff and she stated she would. It was the Board's recommendation that she petition for the pouring hours of 10AM to 11PM so that she does not have to come back before the Board should she decide to change her restaurant hours.

On a Martinis/Connor motion, the Board unanimously voted to close the public hearing. On a Martinis/McNulty motion, the Board unanimously voted to approve the application of Lao Thai Café, Kathy Sayaphat, Mgr. for a Restaurant All Alcohol & Common Victualler License. Premises located at 52 Pulaski Blvd.

Public Hearing – application of JJ&B, LLC d/b/a 140 Pub N Club, Jennifer Scannell Roe, Mgr. for the transfer of the Restaurant All Alcohol, Common Victualler, Weekday & Sunday Entertainment Licenses from Tbm Inc. d/b/a 140 Pub N Club, Thomas Mulry, Mgr. Premises located at 168 Mendon Street.

Mr. Spencer read the public hearing.

Ms. Jennifer Scannell Roe presented herself to the Board. She stated everything would remain the same at 140 Pub N Club under her management with the exception of a few changes to the menu. Her goal is to take over as of February 1<sup>st</sup>. Ms. Roe stated she managed the restaurant for 13 years when it used to be Fifties Pub. She will also keep the same staff. Mr. Connor questioned why the current owners were transferring their license as they just took over a few years ago. Ms. Roe stated they have a chimney business that keeps them busy and they would like to travel more. Ms. Roe confirmed they were TIP certified as well as certified in crowd control.

Mr. Spencer asked if there were any questions from the audience regarding this public hearing. Ms. Jan Greene asked if they still planned on doing trivia which Ms. Roe responded in the affirmative. No further questions.

On a Connor/Martinis motion, the Board unanimously voted to close the public hearing. On a Martinis/McNulty motion, the Board unanimously voted to approve the application of JJ&B, LLC d/b/a 140 Pub N Club, Jennifer Scannell Roe, Mgr. for the transfer of the Restaurant All Alcohol, Common Victualler, Weekday & Sunday Entertainment Licenses from Tbm Inc. d/b/a 140 Pub N Club, Thomas Mulry, Mgr. Premises located at 168 Mendon Street.

On a Connor/Martinis motion, the Board unanimously voted to set the ABCC 2019 Seasonal Population Increased resident estimate at 500.

On a Martinis/Connor motion, the Board unanimously voted to open the Annual Town Meeting warrant this evening and set the closing date for February 8<sup>th</sup> at 12 noon.

On a Martinis/McNulty motion, the Board unanimously voted to accept the November 29<sup>th</sup> minutes as submitted.

On a McNulty/Connor motion, the Board voted 3 in favor; Mr. Martinis recused himself from the vote to accept the December 3<sup>rd</sup> minutes as submitted.

On a McNulty/Connor motion, the Board unanimously voted to accept the December 8<sup>th</sup> minutes as submitted.

The approval of the November 19<sup>th</sup> minutes were tabled. Advisement from Town Counsel will have to be taken as Mr. Soter is no longer on the Board of Selectmen and there were only 2 other Board members in attendance that evening.

Public Hearing – National Grid & Verizon petition to install a new pole, Pole #14-50 for the purpose of providing electrical service to a new sewer lift station for the Town of Bellingham on Cross Street.

Mr. Spencer read the public hearing notice.

Mr. Michael Roberts represented National Grid. He stated the new pole would provide power for the sewer lift station just installed on Cross Street. Mr. Connor asked how long before the installation would start and Mr. Roberts thought about 4 weeks. Mr. Spencer asked if there was anyone present to speak on this hearing. No one responded.

On a Martinis/McNulty motion, the Board unanimously voted in favor of closing the public hearing.

On a McNulty/Martinis motion, the Board unanimously voted to approve the petition to install a new pole, Pole # 14-50 on Cross Street.

Harley Decastro – One Day Beer and Wine Permit

Mr. Decastro presented before the Board and stated he would like to have a non-sales private party with beer and wine to celebrate his birthday on Saturday January 12<sup>th</sup> at a building he owns at 42 William Way. He hosted a party there back in August and a police officer doing a routine patrol of the area advised him that next time he needs to obtain a permit from the Board of Selectmen since this area was zoned for commercial use only. Tim Aicardi the building inspector for the Town advised Mr. Decastro just passed a safety inspection and had done everything asked of him. Mr. Martinis asked where the building was located on William Way and he was told it is all the way at the end. Mr. Connor suggested we email the police department to give them heads up as to what would be going on that night.

On a McNulty/Martinis motion the Board unanimously voted to approve the One Day Beer and Wine Permit for Harley Decastro for Saturday January 12<sup>th</sup> from 8PM to 2AM.

Jim Kupfer – Bulk Storage Recommendations

Mr. Kupfer presented to the Board the Planning Board's final recommendations of the issuance of Bulk Storage Licenses. He explained he had worked with Mrs. Allie on compiling a list of possible industrial and commercial properties that potentially have bulk storage. 79 letters with applications were sent out and 27 were received. The Bulk Storage Bylaw states the Town will cap licenses at a total of 5. At this time, the Town will grandfather in all the applicants that have applied and are being recommended. All applications were reviewed by Planning, Building and the Treasurer departments. It was being recommended that businesses without a valid business certificate with the Town obtain one before the Board issues a license to these businesses. Mr. Kupfer specifically referred to an application received from the property owners of 169/174 Maple Street. Mr. Kupfer recommended a bulk storage license not be granted to them at this time. Reason being, a cease and desist was filed by the Building Inspector in 2017 and upheld by the Zoning Board of Appeals for the following: Extension of bulk storage use without proper permits and a Noncompliance for storm water, noise and odor. Additionally, a cease and desist was filed by the Conservation Commission in 2017 and 2018 for the following: Working within jurisdictional areas without seeking proper permits.

On a separate note, Mr. Kupfer pointed out that his recommendation for a bulk storage license for 1048 South Main Street was contingent on the property owner moving additional rental equipment from the APR which he had already done at the time of the Board meeting. Finally, with regards to 156 Mechanic Street, the Board was not recommending that the Board grant a Bulk Storage license at this time due to local tax concerns. The Town incorporated a Bylaw that states the Town does not have to grant a license when there is a tax concern.

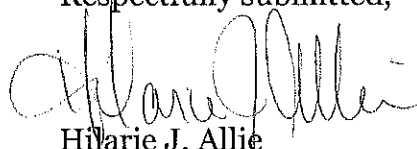
On a McNulty/Connor motion, the Board unanimously voted to approve the bulk storage licenses, as follows, in accordance with Chapter 235 §5 of the Bellingham General Bylaw with condition that each receive and maintain a local Business Certificate and remain in conformance with all local applicable permits: 599 South Main Street, 5 William Way, 37 South Maple Street, 375 Center Street, 187 Farm Street, 139 Farm Street, 200 Center Street, 429 Maple Street, 2 William Way, 176 Farm Street, 1048 South Main Street, 299 Farm Street, 92 Depot Street, 47 South Maple Street, 125 Depot Street, 190 Farm Street, 80,82,84 Hartford Ave, 441 Pulaski Boulevard, 151 Maple Street, 466,468,470 Hartford Ave, 31 Maple Street, 1060 Pulaski Boulevard, 170 Mechanic Street, 745 South Main Street, 235 Maple Street. Regarding 169 and 174 Maple Street and 156 Mechanic Street, each shall have 30 days to establish compliance with their respective concerns as discussed. The Building Inspector shall review the application upon the expiration of 30 days and at such time; if compliance is met the applicant shall receive a license. If compliance is not met upon the expiration of 30 days the application is denied. Under discussion, the Board asked how these licenses will be regulated. Mr. Kupfer explained that the Bulk Storage licenses will go through the same renewals process as used car licenses each December.

Mr. Spencer brought up the discussion of the signing of the Town Warrants every week and whether or not the Board should continue the practice of allowing the Chairman to sign the Warrants if a majority of the Board members were not available to sign. On a Martinis/McNulty motion, the Board voted three in favor and Mr. Connor opposed to authorize the Chairman's signature to adequately approve warrants each week if three members are not able to sign the documents. Mr. Connor stated, under discussion, that he still feels as he did last time they took this vote that three members of the Board should be able to make themselves available to sign.

Mrs. Smith requested an executive session for employee contract negotiations. Members of the Board were polled with all voting in the affirmative.

On a McNulty/Martinis motion, the Board unanimously voted to adjourn the meeting at 7:50 PM with no further business to be discussed at the conclusion of the executive session.

Respectfully submitted,



Hilarie J. Allie  
Administrative Assistant