

December 15, 2003

**BOARD OF SELECTMEN  
MINUTES  
DECEMBER 15, 2003**

Present:     Arnold Wilson, Chairman  
              Charles Blanchard  
              David Schmida  
              Hal White  
              Doris Sosik  
              James Malloy, Town Administrator

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

Klaus Hachfeld of the Sturbridge Rotary Club read a response to the yearly proclamation to the Rotary Club of Stourbridge, England which was signed by Mike McConville, President of the Rotary Club of Stourbridge and Rosemary Tomkinson, Mayor of the Dudley Metropolitan Borough, offering friendly greetings.

**Approval of Minutes**

**MOTION:**   To approve the minutes of December 1, 2003 as corrected, by C. Blanchard.

2<sup>nd</sup>:   H. White

**Vote:** All in favor.

**MOTION:**   To approve the executive session minutes of December 1, 2003 as submitted, to remain confidential, by C. Blanchard.

2<sup>nd</sup>:   H. White

**Vote:** All in favor.

**Department Head Monthly Reports**

Greg Morse read his report to the Board (copy on file). He said that they have a good stockpile of sand and salt, but they will need \$25,000 more for the snow and ice purchased services account to pay the plowing contractors.

A. Wilson asked about the status of the Millyard stormwater management. G. Morse said that it has been topsoiled and seeded, and they rebuilt the

stone wall, installed rip rap and created a leaching area to prevent water pollution.

Regarding the Hobbs Brook pump station, all of the mechanical work has been completed, but the testing has not been done yet.

A.Wilson asked about the status of the testing at the new well site #5. G. Morse said that he did not have the full report, but it has been downgraded to 400,000 – 500,000 gallons/day.

J. Malloy read the Building Inspector's report to the Board (copy on file). A.Wilson suggested that Mr. Malloy make sure that the Certificates of Occupancy are sent to the Board of Assessors.

C. Blanchard asked who would serve as interim Building Inspector after Mark Lev retires. J. Malloy said that Nick Tortis has been doing some of the work, but Mr. Malloy could contract with Mark Lev to continue doing inspections.

### **Class 2 Licenses**

Steven Brunell of Sturbridge Motors Inc. and Steve's Collision Center appeared before the Board.

**MOTION: To approve the Class 2 license for Sturbridge Motors Inc. with a maximum of 64 vehicles to be stored at the site as shown on the site plan, by C. Blanchard.**  
**2<sup>nd</sup>: D. Sosik**  
**Vote: All in favor.**

Dan and Roger Curboy of George Curboy's Garage appeared before the Board.

**MOTION: To grant the Class 2 license for George Curboy's Garage, to allow storage of up to 100 vehicles within the area identified on the plan dated 12/15/03, with a 20 foot setback, by C. Blanchard.**  
**2<sup>nd</sup>: D. Sosik**  
**Vote: Four in favor; A.Wilson opposed.**

Jeffrey Krushefsky of Sturbridge Auto Body appeared before the Board.

**MOTION:** To approve the Class 2 license for Sturbridge Auto Body with no more than 25 vehicles to be stored on the used car lot, as indicated on the plan dated 12/15/03, with a setback of 10 feet from the edge of the property, with the understanding that the vehicles be parked behind the existing island, by C. Blanchard.

**2<sup>nd</sup>:** D. Sosik

**Vote:** Four in favor; A.Wilson opposed.

Attorney Ed Neal, Sylvio Proulx and Earl Johnson of Syl's Auto Sales Inc. appeared before the Board.

**MOTION:** To grant the Class 2 license to Syl's Auto Sales Inc. with a limit of 50 vehicles maximum to be stored at the site in the three locations identified and marked on plan #94166 dated April 18, 1994 and amended 12/15/03, with the understanding that there be no other types of vehicles stored in the area, by C. Blanchard.

**2<sup>nd</sup>:** D. Sosik

**Vote:** All in favor.

The Board took no action on the Class 2 licenses for the following: D & R Garage, Sturbridge Service Center, Village Automotive Inc. due to the fact that they did not appear before the Board, and Spinney's Automotive because they had not received notification.

### **Tim Oppenheimer – DPW Union Grievance**

Tim Oppenheimer, Union Representative for Local 888 and Dan Gervasi from the bargaining unit appeared before the Board. A grievance had been filed on 11/21/03 (copy on file) stating that there had been a violation or misinterpretation of the provision regarding assignment of mandatory overtime, in that a bargaining unit member had been mandated to work at the recycling center. The union stated that this is non-bargaining unit work, since it comes under the Board of Health's jurisdiction, not under DPW's jurisdiction; therefore DPW bargaining unit members should not be mandated to work there.

J. Malloy issued a response on 11/19/03 (copy on file) denying the grievance based on Articles 2(m), 2(n) and 2(r) of the collective bargaining agreement, and that the past practice, both prior to and since the creation of the collective bargaining unit, had been to fill vacant shifts at the Town's recycling center with DPW employees.

T. Oppenheimer proposed a compromise, with an agreement that there be no mandating of work on weekends; DPW employees have agreed to work during the week, if necessary, at the recycling center. J. Malloy noted that the recycling center operates under the direction of the Board of Health, but is on the DPW payroll. He also stated that work is only mandated for weekends in an extreme emergency.

H. White did not think that the Board should attempt to re-write the contract in a grievance hearing. J. Malloy said that it would be important to obtain the original decision on the creation of this collective bargaining unit. He said that it did include DPW and landfill employees. He suggested that the Board take the matter under advisement. The local agreed to that.

**MOTION: To take the matter under advisement, to be discussed at the January 5, 2004 meeting, by H. White.**

**2<sup>nd</sup>: D. Schimida**

**Vote: All in favor.**

#### **Pole Hearing – McGilpin Road**

Bob Strand of Verizon appeared before the Board to discuss the petition for six jointly owned poles on McGilpin Road. J. Malloy submitted to the Board Greg Morse's comments (copy on file) and Tom Chamberland's comments (copy on file), after their meeting with representatives of Verizon on December 9, 2003.

**MOTION: To allow Verizon to place six new poles on McGilpin Road, per the revised pole plan submitted on 12/15/03, by H. White.**

**2<sup>nd</sup>: D. Schmida**

**Vote: All in favor.**

**MOTION: To close the public hearing, by H. White.**

**2<sup>nd</sup>: D. Schmida**

**Vote: All in favor.**

#### **Micknuck's Fresh Marketplace – Change of Manager on Liquor License**

Justin Cournoyer appeared before the Board.

**MOTION:** To approve the Change of Manager application for Micknuck's Fresh Marketplace, naming Justin Cournoyer as the new manager, by C. Blanchard.

**2<sup>nd</sup>:** H. White

**Vote:** All in favor.

#### **TIF Agreement with OFS Fitel**

**MOTION:** To authorize the Board of Selectmen to execute the tax increment financing agreement between the Town of Sturbridge and OFS Fitel LLC, by C. Blanchard.

**2<sup>nd</sup>:** D. Sosik

**Vote:** All in favor.

#### **Step-in-Grade Pay Scale**

J. Malloy had drafted a memo to all departments regarding the new merit based pay programs, and requested the Board's opinion on the final spreadsheet before sending the memo. In the past, when there have been adjustments to wages, the Board has capped the adjustments at 10%. There are three employees whose adjustment brings their increase over 10%, but the dollar amount is only \$780. Mr. Malloy asked the Board whether to cap at 10%, or leave it as it is. It was the consensus of the Board to leave it as it is.

#### **Resignations**

**MOTION:** To accept the resignation of Marge Cooney from the Planning Board with regret, and with appreciation for her services in the past years, by H. White.

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

**Vote:** All in favor.

**MOTION:** To accept the resignation of John Michalek from the Conservation Commission, by H. White.

**2<sup>nd</sup>:** D. Schmida

**Vote:** All in favor.

#### **Liquor License Issues**

**MOTION:** To authorize the Board of Selectmen to sign the certification of the temporary increased population of 20,000 for the Town of Sturbridge, by H. White.

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

**Vote: All in favor.**

**MOTION: To authorize the Board of Selectmen to sign the renewal certification form, by H. White.**

**2<sup>nd</sup>: D. Sosik**

**Vote: All in favor.**

**MOTION: To authorize the Board to sign and renew the Businesses and Liquor Licenses subject to any requirements for proof of Workers Compensation and payment of taxes before releasing the licenses, with the following exceptions: Village Automotive, and a hold on Spinney's Automotive, by C. Blanchard.**

**2<sup>nd</sup>: H. White**

**Vote: All in favor.**

### **Sunday Liquor Sales**

J. Malloy submitted to the Board the pertinent sections of Chapter 140 of the Acts of 2003 which relate to Sunday Liquor Sales (copy on file). He noted that Yankee Spirits, the largest retailer in Town, has had Sunday sales from Thanksgiving through New Year's Day without incident regarding traffic.

**MOTION: To authorize the retail sales of alcohol, not to be consumed on the premises, effective January 1, 2004, and for the license renewals to reflect Sunday sales as provided in MGL Ch. 136, §52, by C. Blanchard.**

**2<sup>nd</sup>: H. White**

**Vote: All in favor.**

### **8 Brookfield Road Lease RFP**

J. Malloy submitted to the Board the three responses to lease the 8 Brookfield Road building, as follows:

- Civil Air Patrol -- \$4,000 per year for the Headquarters of the Phoenix Bay Path Composite Flight MA074 weekly meetings and training.
- Shirley Rovezzi Memorial Community Center and Conference Hall – Christopher Rovezzi -- \$21,600 per year for a location for any civic or municipal organizations to hold meetings or small events without

charge for the use of the hall. The only cost would be food and/or beverage provided by Rovezzi's Restaurant.

- Mass Motion Dance Academy – Terry Gordon -- \$18,000 per year for a dance academy and continued use of the building for appropriate community occasions.

C. Blanchard suggested that J. Malloy find out whether other organizations who wish to use the Center would be required to buy food from Rovezzi's.

D. Sosik suggested the possibility that Rovezzi's meet with Mass Motion Dance Academy to see if they could work out an arrangement to share the building. H. White said that it is not the Board's business to negotiate among bidders. C. Blanchard stated that the objective is for maximum benefit to the community while getting a reasonable return for the Town.

### **Class 2 Licenses**

Paul Jost of the Sturbridge Service Center and D & R Garage appeared before the Board.

**MOTION: To grant a Class 2 license for D & R Garage, with a limit of no more than 20 vehicles on the property, and that no vehicles can be stored within 10 feet of the front property line, by C. Blanchard.**

**2<sup>nd</sup>: D. Sosik**

**Vote: All in favor.**

**MOTION: To approve a Class 2 license for Sturbridge Service Center with a limit of no more than 25 vehicles to be stored on the property, that vehicles not be stored closer than 10 feet from the property line, and subject to review every year if they decide to go into the auto sales business, by C. Blanchard.**

**2<sup>nd</sup>: H. White**

**Vote: All in favor.**

H. White said that he did not think it should be the role of the Board to do calculations. He suggested that the applicant submit a plan to scale, indicating specific locations of vehicles. J. Malloy received a call from a member of the Conservation Commission, who expressed concern about the proximity of junk cars to the wetlands.

### **Old Business**

H. White noted that G. Morse had indicated that there were no grease traps at the Copper Stallion. He recommended that the Board notify the Board of Health and ask that they clarify the issue of grease traps before issuing their permits.

D. Sosik said that the tree lighting ceremony on the Common with Santa and Mrs. Claus was wonderful.

### **New Business**

H. White suggested using a speaker phone during Ask the Selectmen so that the Board and the public could hear the calls at the same time.

C. Blanchard said that for construction to move along soon on Rt. 131, they should consider having the Town do the engineering, especially regarding sidewalks. J. Malloy said that design work for a closed drainage system for Rt. 131 would cost approximately \$250,000. He noted that Rt. 131 already has curbs and closed drainage in areas. C. Blanchard suggested getting a better engineering figure and an understanding from the state regarding having the Town do the engineering, and to consider putting it on the next Annual Town Meeting.

A. Wilson requested that the Board fill out the evaluation form for the Town Administrator, outlining goals and objectives, and have comments ready for the January 20, 2004 meeting.

A. Wilson announced that on December 16, 2003 the School Committee will meet at 7:00 p.m. at Tantasqua relative to the funding mechanism of the Regional School District.

### **Ask the Selectmen**

There were no calls.

**MOTION:** To enter into executive session under MGL Chapter 39, §23B, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation, and Paragraph #6: To consider the purchase, exchange, taking, lease or value of real property, not to reconvene in open session, by D. Schmida.

**2<sup>nd</sup>:** H. White

**Roll call vote:** All were in favor.



December 15, 2003

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date