

February 6, 2006

**BOARD OF SELECTMEN
MINUTES
FEBRUARY 6, 2006**

Present: Arnold Wilson, Chairman
 Hal White
 Doris Sosik
 William Emrich
 James Malloy, Town Administrator

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

Approval of Minutes

It was the consensus of the Board to hold action on the minutes pending numerous amendments.

**MOTION: To approve the executive session minutes of January 17, 2006,
 to remain confidential, by D. Sosik.**
 2nd: W. Emrich
 Vote: All in favor.

Richard Lafleche – Logging Permit

Richard Lafleche appeared before the Board to request a logging permit for 80 Leadmine Lane. J. Malloy provided memos (copies on file) from Kelly Kippenberger, Conservation Agent, indicating that she is in the process of reviewing the application, and from Greg Morse, DPW Director, with his recommendations.

John Zajac, 128 Leadmine Lane, expressed concern about the amount of wood to be removed, the possibility of damage to the road and the impact on Leadmine Pond. A. Wilson said that the Conservation Commission will address the matter on February 16th, and suggested that Mr. Zajac attend that meeting.

John Rondeau, 120 Leadmine Lane, expressed concern about the safety issue of logging trucks on the road. Sharon Rondeau noted that the road is narrow, and can accommodate 1 ½ cars; when a logging truck goes by, it will be necessary for a car coming from the opposite direction to pull over. She asked how traffic would be managed on the road, and also expressed concern about an increase in trash. J. Malloy explained that Leadmine Lane is a private road; the Town does grading and spreads gravel, but cannot do drainage work or make improvements. He said that a performance bond will be in place to return the road to its original condition if there is any damage to the road. R. Lafleche gave

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his assurance that the road will remain passable, and that he would regrade the road.

J. Zajac expressed his appreciation for the work that was done on the road by the Town over the years.

H. White suggested that R. Lafleche indicate what route the logging truck will use.

MOTION: To continue the public hearing until February 21, 2006 at 8:50 p.m., by H. White.
2nd: W. Emrich
Vote: All in favor.

Shah Associates – Sewer Connection Request

Vijay Shah appeared before the Board to request sewer connections for a nine-lot subdivision at Green Acres Motel on Main Street, for an estimated 4,000 gallons per day. J. Malloy said that when Phase 3 was done, it was up to Mr. Shah to obtain an easement. He is not connected to the 11-room motel, but was in Phase 3.

H. White noted that there is a sewer moratorium in place, and the Board is looking at figures that have not been validated. W. Emrich agreed. D. Sosik asked whether it was necessary for Mr. Shah to get the Board's permission to use that existing flow. J. Malloy said that the moratorium is on new lot creations and extensions. He will research it. It was the consensus of the Board to review the matter and address it on February 21st.

Town Meeting Warrant

J. Malloy submitted the Annual Town Meeting warrant to the Board (copy on file). According to the Town's General Bylaws, the Board is required to vote to close the warrant at the first meeting in February.

MOTION: To close the Annual Town Meeting warrant, by D. Sosik.
2nd: W. Emrich
Vote: All in favor.

It was the consensus of the Board to schedule a two-night Annual Town Meeting.

Town Hall/Center School Renovation

J. Malloy informed the Board that he met with CME/CPK to review the original estimates and concerns expressed by the Board, as well as other areas that were not included in the original bid, some inflationary issues and additional

deterioration which has occurred. The engineer recommends replacing instead of repairing the two middle columns on the Town Hall. J. Malloy submitted to the Board the revised estimate and comparisons with the original estimate (copy on file). The increased cost will result in an increase of the first year's debt service from an estimated \$260,000 to \$350,000; the net result to the tax rate from this increase is \$0.09 per thousand. J. Malloy noted that it will be reviewed by the Historic Commission.

Acceptance of MGL Ch. 48, §59A

Fire Chief Leonard Senecal had submitted a request for the Board to accept this section of law, which provides immunity from claims when the Fire Department is in another town providing mutual aid.

MOTION: To accept MGL Ch. 48, §59A, by D. Sosik.
2nd: W. Emrich
Vote: All in favor.

Town Building Cleaning Bid

J. Malloy submitted to the Board a summary of the Town building cleaning contract (copy on file). The low bidder was Mass Commercial Cleaning at \$28,885.

MOTION: To award the town building cleaning bid to Mass Commercial Cleaning for FY07 & FY08, by D. Sosik.
2nd: W. Emrich
Vote: All in favor.

Local Emergency Preparedness Grant

J. Malloy submitted to the Board the state contract (copy on file) for this grant program for the 2005 Local Emergency Preparedness Grant Program.

MOTION: To authorize the Town Administrator to execute the Local Emergency Preparedness Grant contract and any subsequent documents related to this grant on behalf of the Town, by D. Sosik.
2nd: W. Emrich
Vote: All in favor.

NIMS Compliance Statement

J. Malloy informed the Board that the Town will need to become NIMS compliant in order to continue to be eligible for federal emergency aid.

MOTION: To formally recognize NIMS and adopt NIMS principles as the incident management system used by the Town of Sturbridge and authorize the Town Administrator to execute the certification and submit the certification to the Commonwealth, by D. Sosik.

2nd: W. Emrich

Vote: All in favor.

FY07 Budget Review

J. Malloy submitted to the Board an updated "Budget Analysis of Revenue vs. Expenditure" sheet (copy on file) from the five-year forecast, which included Governor's House 1 State Aid. He also submitted a spreadsheet on which he highlighted the items that were removed from the budget, and updated information on school budget requests (copies on file).

Miscellaneous

- Exit Interview – J. Malloy created a form based on samples from other municipalities (copy on file). This form would be mailed from the Town Administrator's office to all employees that leave employment with the Town. It will be mailed to their home addresses with a self-addressed stamped envelope for return to the Town Administrator's office, and will be kept in a separate confidential file. A. Wilson asked whether other communities conduct person-to-person exit interviews. H. White said that it needs to be carefully proofread.
- An Act to permit food stores to sell wine – J. Malloy submitted to the Board a copy of a ballot question that will go before voters this fall. He has been approached by local stores that sell beer, wine and liquor, who will meet with the Board during the next few months to seek support to oppose this ballot initiative.

Innholder License

J. Malloy submitted to the Board an Innholder License application (copy on file) for the new licensee of the hotel at Sturbridge Isle, which is now a Quality Inn.

MOTION: To approve the Innholder License for Cheryl St. Pierre on behalf of Sturbridge Inn Inc., d/b/a Quality Inn at 400 Route 15, with the understanding that the applicant's home address be provided, and the names of all owners and their interest in the business be provided, by D. Sosik.

2nd: H. White

Vote: All in favor.

OSV PWED

J. Malloy informed the Board that this project will be re-bid in the next few weeks, and will hope to have it awarded in time for the work to be completed this summer. He contacted the low bidder, who indicated that they cannot hold their bid price from last summer. A pre-bid meeting with the contractors will be held before going back out to bid. H. White thanked J. Malloy for his efforts on this project.

Woodside Circle Engineering Contract

J. Malloy met with the USDA, and after reviewing the areas of town that have town sewer, it appears that the Town may be eligible for a partial grant for this project. Tighe & Bond prepared the contract documents for the engineering as though the Town will be receiving grant funds, using the USDA standard form contract.

MOTION: To authorize the Town Administrator to execute the agreement between the Town of Sturbridge and Tighe & Bond to be dated 2/7/06, by D. Sosik.
2nd: W. Emrich
Vote: All in favor.

Legal Opinion on Petitioned Article

J. Malloy submitted to the Board an opinion from Demetrios Moschos (copy on file) regarding the petition received last week indicating that the petition is in violation of MGL Ch. 41, §108N and that the Town Moderator should rule that the petition for the warrant article is improper and will be passed over.

IOD Injury

J. Malloy submitted to the Board a report from the Chief of Police (copy on file) for an injured on duty claim as per MGL Ch. 41, §111F for Officer David Williams for an injury incurred during a house fire. There was no loss of time, but there are some medical bills that need to be paid.

MOTION: To approve the injured on duty claim of Officer David Williams for injuries sustained on 11-28-05 in response to a house fire on Cricket Drive, by H. White.
2nd: W. Emrich
Vote: All in favor.

Old Business

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A.Wilson said that J. Malloy sent the Board a note in December requesting a letter from the Board to the Open Space Committee. H. White has generated some input to the Open Space Committee on various issues, and has not received a response. J. Malloy said that he would request feedback from the Open Space Committee.

A.Wilson submitted a draft of the Report of the Board of Selectmen for the 2005 Annual Town Report for the Board's review and comments. He requested that the Board submit their comments to Judy Knowles by February 10th.

A.Wilson said that the first 14 items of the Goals and Objectives for the Town Administrator were from J. Malloy; items 15 – 21 were additions proposed by the members of the Board. A.Wilson requested input from the Board by next week to formalize them with J. Malloy.

A.Wilson requested that the Board vote on the formation of the Charter Review Committee.

MOTION: That the Board of Selectmen confirm that the formation of the Charter Review Committee is proper and within the role of the Board of Selectmen as stated in the Town Charter, by A.Wilson.

2nd: W. Emrich

Vote: All in favor.

A.Wilson requested that the Board vote on the Town Administrator's salary.

MOTION: That the Board of Selectmen set James Malloy's salary at \$95,000 with \$105,000 going forward . . . by D. Sosik.

2nd: W. Emrich

H. White suggested that the Board deal with it in two sections; first to agree with the \$95,000 figure; **to amend the motion that the salary of \$95,000/year be effective as of December 6, 2005, to be paid at \$1,827/week, but that amount be reduced over that amount paid from December 6, 2005 on. W. Emrich seconded the amendment.** A.Wilson noted that the motion has two separate things attached to it; it modifies the \$95,000 in that it was voted at Town Meeting to start July 1, 2005. A.Wilson said that he had no problem with spending the money that Town Meeting authorized. H. White noted that the Board of Selectmen and Finance Committee had unanimously voted on the \$95,000 salary; Town Meeting took action to lower the amount to \$88,843, so effective July 1, 2005 it was \$88,845. The Special Town Meeting on December 6, 2005 did not deal with the salary, but the transfer of money to the salary account. He said that the Board should go back to the recommendation made at the Annual Town Meeting last April of a salary of \$95,000, then reduce it by anything over \$827/week since December 6, 2005, since J. Malloy is being paid

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an annualized salary of \$98,165. He said that an adjustment should be made so that his salary is in line with what was voted at the Annual Town Meeting last April, an annualized salary from December 6, 2005 for \$95,000.

D. Sosik proposed that the Board go forward with the amount of \$98,165. H. White said that the Board should consider the will of the townspeople at the Annual Town Meeting; he questioned where the \$98,165 number came from, and said that the Board needs to be consistent. J. Malloy noted that this was the first time that the Board has taken a vote after the Town Meeting vote. He said that it was clearly stated on November 21, 2005 that the intent was for the salary to be \$105,000 based on a survey conducted by the Personnel Committee. A. Wilson noted that the Charter states that the Board of Selectmen should set the Town Administrator's salary within the amount appropriated at Town Meeting. J. Malloy asked if that salary (determined by the Board) has ever been less than what the Town Meeting had appropriated; A. Wilson said that it had not.

Vote (on H. White's amendment): H. White in favor; three opposed.

The motion was defeated. D. Sosik withdrew her original motion. W. Emrich withdrew his second.

MOTION: That the Board approve J. Malloy's salary at \$98,165 effective December 6, 2005, by D. Sosik.

2nd: W. Emrich

Vote: Three in favor; H. White opposed.

A. Wilson requested that J. Malloy review the executive session minutes to determine what may be released.

H. White noted that Thomas Kenney is still a member of the Planning Board, although he is no longer a resident of the Town. J. Malloy said that T. Kenney will resign at the pleasure of the Town. A. Wilson noted that T. Kenney had missed a Planning Board meeting regarding the subdivision in question, so he cannot vote on that issue anyway. It was the consensus of the Board that J. Malloy contact T. Kenney and request that he submit a letter of resignation.

H. White asked about the status of the Class 2 licenses. J. Malloy said that the Sturbridge Service Center and D & R Garage (which are at the same location and are related) have not submitted plans, nor have they paid for their 2006 licenses. It was the consensus of the Board to ask the Building Inspector to visit them, and to send a letter via certified mail to inform them that they are no longer licensed to sell used cars.

H. White asked about the Heins conservation restriction. J. Malloy said that the closing will be held on February 9, 2006 and the Board needs to sign the document.

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New Business

D. Sosik asked about the status of the project on Rt. 20 and Arnold Road. J. Malloy said that Greg Morse, DPW Director, has suggested that the markings begin in June or July.

Ask the Selectmen

D. Sosik said that there were no calls.

MOTION: To convene in executive session under MGL Chapter 39, §23B, Paragraph 3: To discuss strategy with respect to collective bargaining; and #6: To consider the purchase, exchange, taking, lease or value of real property; to reconvene in open session, by D. Sosik.

2nd: H. White

Roll call vote: All were in favor.

The Board reconvened in open session at 9:40 p.m.

MOTION: To adjourn, by H. White.

2nd: W. Emrich

Vote: All in favor.

The meeting was adjourned at 9:41 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date