

March 20, 2006

**BOARD OF SELECTMEN
MINUTES
MARCH 20, 2006**

Present: Arnold Wilson, Chairman
Hal White
Doris Sosik
David Schmida
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

MOTION: To approve the minutes of March 6, 2006 as amended, by H. White.
2nd: D. Schmida
Vote: All in favor.

Yogi Bear's Jellystone Park – Change of Manager on Liquor License

Attorney Robert George and James Leaming appeared before the Board. J. Leaming said that he was AIM certified and lives on the premises.

MOTION: To approve the Change of Manager for Woods & Waters d/b/a Yogi Bear's Jellystone Park, naming James Leaming as manager for both the pouring license and package store license, by H. White.
2nd: W. Emrich
Vote: All in favor.

Water/Sewer Abatement

Sturbridge Hills Condominiums submitted a water/sewer abatement application (copy on file) for \$13,905.40 due to a misread meter.

MOTION: To approve the abatement application of Sturbridge Hills Condominiums on account #598 in the amount of \$13,905.40, by D. Sosik.
2nd: W. Emrich
Vote: All in favor.

Special Event

March 20, 2006

The East Coast Bass Anglers submitted a special use permit application (copy on file) to hold a bass fishing tournament at Big Alum Lake on September 30, 2006.

MOTION: To approve the application from the East Coast Bass Anglers to hold a bass fishing tournament at Big Alum Lake on September 30, 2006, by H. White.
2nd: W. Emrich
Vote: All in favor.

Firefighters Union

J. Malloy informed the Board that the Sturbridge Fire Fighters have chosen to affiliate with the Teamsters Truck Drivers Union Local #170. Town Counsel worked with the Labor Relations Commission and composed a motion for the Board's consideration.

MOTION: To notify the Labor Relations Commission that the Board of Selectmen and Town of Sturbridge, acting in good faith, believes that the Teamsters, Truck Drivers Union Local #170 has been designated as the freely chosen representative of a majority of the full-time and call firefighters of the Sturbridge Fire Department. As a result, it is the Town's intent to voluntarily grant exclusive recognition to the Teamsters Truck Drivers Union Local #170 as the exclusive representative for all full-time and call firefighters of the Town's Fire Department. If any other employee organization claims to represent any of the Town's full-time or call firefighters, the Town must be notified within the next twenty (20) days and file an appropriate petition for certification with the Labor Relations Commission. If the Town does not receive any such claim within this period, the Town intends on entering into a written voluntary recognition agreement with the Teamsters Truck Drivers Union, Local #170 on April 11, 2006, by H. White.
2nd: D. Schmida
Vote: All in favor.

Class II Auto Dealers License

Jeffrey Krushesky of Sturbridge Auto Body submitted an application to issue his Class II license to Brianna Corp. d/b/a Sturbridge Auto Body.

MOTION: To approve the name of ownership from Jeffrey Krushesky to Brianna Corp., d/b/a Sturbridge Auto Body as per the application, by W. Emrich.
2nd: D. Sosik

Vote: All in favor.

Mary White, Library Board of Trustees

Mary White, Grace Littlejohn and Jacqueline Belisle of the Library Board of Trustees and Ellie Chesebrough, Library Director, appeared before the Board to discuss vacation benefits for part-time employees. M. White said that there are two library employees who work 32 ½ hours/week and 30-40 hours/week respectively, who have never received vacation or holiday pay. She requested that the Board rectify the situation. She noted that Sturbridge is the only town that does not pay vacation benefits to part-time employees. E. Chesebrough said that the employee who works 30-40 hours/week has been doing so on a temporary basis to fill in for another employee who is out on medical leave; she will return to 32 hours/week when the absent employee returns to work.

A. Wilson noted that the Town's employee handbook does not address this situation. J. Malloy said that the Town's policy states that part-time employees receive some benefits. He said that the Personnel Committee met with E. Chesebrough about eight or nine years ago and they had suggested that she hire a full-time employee instead of several part-time employees. She had replied that the employees did not want to work longer hours, so the Personnel Committee made no recommendation for part-time employees.

J. Malloy asked whether anyone had done a fiscal impact analysis of the cost of offering benefits to part-time employees. M. White said that an analysis was not done, but she had done her own survey regarding benefits offered by other towns.

It was the consensus of the Board to have the Personnel Committee review benefits relative to part-time employees as soon as possible, and to calculate the impact on the FY07 budget. J. Malloy added that E. Chesebrough would be invited to attend.

Executive Session Minutes

MOTION: To release the following executive session minutes: April 9, 2001; May 14, 2001; May 21, 2001; May 29, 2001; June 4, 2001; June 18, 2001; July 9, 2001; July 23, 2001; August 6, 2001; December 3, 2001; February 10, 2003; February 18, 2003; April 7, 2003; May 5, 2003; July 7, 2003; July 21, 2003; September 15, 2003; September 20, 2004; December 20, 2004; February 7, 2005; May 16, 2005; June 6, 2005; June 20, 2005; September 6, 2005; October 17, 2005, by H. White.

2nd: D. Schmida

Vote: All in favor.

CDBG Community Development Strategy

J. Malloy requested that the Board vote whether to approve or disapprove the Community Development Strategy that had been presented by Bill Scanlon from CMRPC at the last meeting for the grant application for the Sturbridge Retirement Community application.

Bob Bullard, 321 Poplar Ave., said that the residents were not told the truth regarding many decisions that were made. He and the other residents would like to be informed when their executive board meets, since they are all partners in the cooperative. He said that perc tests are being done, and there is a soggy mess where the proposed leach field is located. He said that there is a drainage pipe that empties onto the park property. He noted that there are spotted salamanders and wood turtles on the property.

J. Malloy explained that the application itself is being submitted by CMRPC on behalf of the Retirement Community, and the Board of Selectmen is only dealing with issues outlined in the Community Development Strategy.

A.Wilson noted that an addition was made to the CDS on page 7, #5: "...being sold to the Town with a conservation restriction given to Mass. Division of Fisheries and Wildlife."

MOTION: To approve the Community Development Strategy as amended, by H. White.

2nd: W. Emrich

Vote: All in favor.

Annual Town Meeting/Special Town Meeting

Article #12: General Bylaw Amendment – Animal Control

Kevin Smith, Finance Committee Chairman, said that they felt that it was too restrictive, since dogs will have to be on a leash at all times while they are on their own property. J. Malloy suggested that Chief Button come in to discuss it with the Board. A.Wilson suggested that the Chief meet with the Finance Committee.

Article #21: Community Preservation – Acquisition of Land – OSV

Article #22: Community Preservation – Acquisition of Land – OSV

J. Malloy said that the Finance Committee is waiting for a motion with a dollar figure in it, and will change the wording based on the Purchase and Sale Agreement.

Article #27: Personal Property Inspection

MOTION: To place and support Article #27, by H. White.

2nd: D. Sosik

Vote: All in favor.

Article #32: Sturbridge Area Tourist Association

H. White noted that SATA is a private organization, as opposed to a municipal organization. He did not think that the Town should give a private organization the discretion to spend \$19,800 without public review of that. D. Schmida suggested that SATA provide the Town with a breakdown of their events and spending at the end of the year. He recommended there be a retroactive review of their finances.

Article #35: Town Administrator's Salary

MOTION: That the Board vote a salary of \$101,110 for the Town Administrator's Salary for FY07; that is the current salary of FY06 plus 3%, by A. Wilson.

2nd: H. White

Vote: A. Wilson and H. White in favor; three opposed

The motion was defeated.

MOTION: That the Board set the Town Administrator's salary for FY07 at \$108,150, which is 3% over \$105,000, by D. Schmida.

2nd: W. Emrich

H. White argued that the Board should vote on the article as it is written; the article takes precedence. He said that the motion compounds the increase for FY07. D. Schmida withdrew his motion; W. Emrich withdrew his second.

MOTION: To set the Town Administrator's salary for FY07 at \$105,000, by W. Emrich.

2nd: D. Schmida

Vote: All in favor.

MOTION: To set the amount for merit at \$16,502, by H. White.

2nd: D. Schmida

Vote: All in favor.

K. Smith said that the Finance Committee had voted to increase the hours for the Town Clerk's Assistant to 19 hours/week, an increase of \$3,865. A. Wilson felt that 19 hours/week was unacceptable, since it was only one hour short of being able to offer the employee vacation benefits. K. Smith said that the Town Clerk was not precise enough in delineating a need for the extra hours, but noted that every other comparison town has three people working in the Town Clerk's office, so it looks like the need is there.

K. Smith said that it was necessary to determine how the split should be done between Burgess and Tantasqua. A. Wilson suggested taking \$100,000 from Burgess, \$200,000 from Tantasqua, \$100,000 out of free cash and nothing out of

the Town's budget. K. Smith did not think that any of the budget line items from the general budget side should be cut; he suggested waiting to see what the schools were going to do. H. White said that the schools should be given the chance to respond to the Finance Committee, then when the Board meets again it will know more precisely what to do. K. Smith said that it is important for people to understand that the Town is at its limit. He suggested that more money come from Burgess than Tantasqua.

MOTION: That the Tantasqua town share be voted at \$4,665,793, by H. White.

2nd: D. Schmida

Vote: Three in favor; W. Emrich opposed; D. Sosik abstained.

The motion carried.

MOTION: To recommend the transportation account at \$100,382, by H. White.

2nd: D. Schmida

Vote: All in favor.

MOTION: That Burgess be funded at \$8,025,000, by A. Wilson.

2nd: D. Schmida

Vote: Three in favor; W. Emrich opposed; D. Sosik abstained.

The motion carried.

J. Malloy announced that there will be a pre-Town Meeting Informational Meeting on April 6th at 7:00 p.m. at the Burgess Elementary School Cafeteria.

Old Business

H. White said that he had received an email from Carol Childress, indicating that all of the necessary changes to the Open Space Plan have been made.

MOTION: To authorize the Chairman to sign to requested letter to the Open Space Committee in support of the Open Space Plan, by H. White.

2nd: D. Sosik

Vote: All in favor.

New Business

A. Wilson asked for an update regarding the situation at Veolia Water North America. J. Malloy said that two employees have been terminated after violating company policy. Roy Wood will take over the daily operations.

Ask the Selectmen

March 20, 2006

D. Sosik received a call from someone who did not wish to be identified publicly, who said that the sound quality was atrocious.

W. Emrich received a call concerning money that was appropriated at Special Town Meeting regarding fuel costs, about \$270,000. It was agreed that the school would report back any of this money that has not been used for this purpose, and return it. J. Malloy said that was correct, but that would happen at the end of the fiscal year.

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

2nd: D. Schmida

Roll call vote: Four in favor; H. White opposed.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date