

April 18, 2006

**BOARD OF SELECTMEN
MINUTES
APRIL 18, 2006**

Present: Hal White
William Emrich
Steven Halterman
Ted Goodwin
James Malloy, Town Administrator

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

Reorganization of the Board

MOTION: To nominate Arnold Wilson as Chairman, by W. Emrich.

2nd: H. White

Vote: All in favor.

MOTION: To nominate Hal White as Vice-Chairman, by W. Emrich.

2nd: S. Halterman

Vote: All in favor.

MOTION: To nominate Ted Goodwin as Clerk, by H. White.

2nd: W. Emrich

Vote: All in favor.

H. White welcomed Steven Halterman and Ted Goodwin to the Board. It was the consensus of the Board to hold action on the minutes, since there were only two members present who had attended those meetings.

Tom Chamberland, Tree Warden – Arbor Day

Tom Chamberland appeared before the Board. He announced that Sturbridge was awarded the 17th consecutive Tree City USA Award. He said that the Arbor Day celebration will be held on April 28th from 6:00 p.m. to 7:30 p.m. on the Sturbridge Town Common with the planting of a new sugar maple tree in front of 4 Charlton Street, which will be dedicated as the Town's "witness tree." This past winter a 54" diameter 112' tall sugar maple tree, estimated to be over 250 years old, was removed due to its poor condition, and it was believed to be growing at the time of the Town's incorporation in June 1738, and had witnessed every event from that time. Residents are invited to help to plant the replacement tree, and all participants will be asked to sign the register, which will be held by the Sturbridge Historical Society. A dedication of the tree as the Town's new "witness tree" will be done by the Sturbridge Militia volunteers of the Sturbridge

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Historical Society on Saturday, June 24th as part of the Town's 268th anniversary and Militia Day re-enactment.

T. Chamberland said that during the week the 6th grade class will be bagging 1,200 tree seedlings to be given out at Burgess school and at the recycling center later in the week.

T. Chamberland said that Senator Stephen Brewer had presented the Town with a proclamation. H. White read the Arbor Day proclamation from the Board of Selectmen (copy on file). The Board commended T. Chamberland for his hard work as Tree Warden.

Resignation

MOTION: To accept the resignation of Police Officer Sean Lewis with regret, by W. Emrich.

2nd: S. Halterman

Vote: All in favor.

Appointments

J. Malloy read the list of appointments. S. Halterman pointed out that Leila Glaser is not a member of the Open Space Committee. Lisa Meunier is on the Insurance Study Committee instead of Muriel Canterbury.

MOTION: To confirm the Town Administrator's appointments as stated in the update of April 14, 2006, by W. Emrich.

2nd: S. Halterman

Vote: All in favor.

Cyclical Measure and List

Tom Chamberland and Donald Mapplebeck of the Board of Assessors appeared before the Board. J. Malloy had submitted to the Board a memo from the Board of Assessors dated 4/12/06 (copy on file) regarding cyclical inspection. He said that it is possible to do it in a phased-in manner; the Assessors have worked with the state to develop a phased-in program. Their request was to add \$8,500 to the Purchase of Services account for the Board of Assessors to pay the costs of the first year of the program, which J. Malloy recommended. Based upon the phased-in program that the Board of Assessors is now pursuing, this will be an annual cost, but will prevent the single-year impact of conducting this full measure and list once every ten years. T. Chamberland said that they are considering whether it would be better to stay with an appraisal company, or to do it in-house. J. Malloy commented that he was glad to see that progress is being made.

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MOTION: To place a hold on the Board of Assessors' Purchase of Services Account #11412-52000 to amend the account from \$21,570 to \$30,070, by W. Emrich.

2nd: T. Goodwin

Vote: All in favor.

Part-Time Employee Benefits

J. Malloy informed the Board that the Personnel Committee had met on April 12th to review the issue of part-time employee benefits, as requested by the Board of Selectmen. The Personnel Committee voted to provide pro-rated vacation and holiday pay for employees who work over 20 hours per week and to delete the sick leave benefit for part-time employees. J. Malloy submitted to the Board copies of two spreadsheets that had been provided by the Personnel Committee containing a survey of 10 comparable towns and cost implication (copies on file).

H. White suggested that J. Malloy look into the practicality of the effective date. J. Malloy suggested making the effective date April 18, 2006, to be prorated from this date until their next anniversary date. He said that sick time should also be prorated; previously it had been a set number of days. H. White said that they should not lose their accumulated sick time.

Sylvia Lenti, Librarian, said that she has accumulated hourly sick time, not sick days. J. Malloy said that he would talk to Barbara Barry, Finance Director, about it.

MOTION: To amend the following sections of the Town of Sturbridge Personnel Policies effective April 19, 2006:

Section 5.2 to add a new paragraph (H) Part-Time Employees that are regularly scheduled to work 20 hours per week shall be provided vacation benefits as per the schedule in Section 5.2 (A) of these policies prorated based on the annual hours scheduled for their position divided by the total hours for full-time employees (1820 per year).

Section 5.3 to add a new paragraph at the end of the section to read, "Part-Time Employees that are regularly scheduled to work 20 hours per week shall be provided holiday pay on a prorated basis on the annual hours scheduled for their position divided by the total hours for full-time employees (1820 per year).

Section 5.3 (F) – to modify this section to read: "Part-Time Employees that are regularly scheduled to work 20 hours per week shall be provided sick leave on a prorated basis on the

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annual hours scheduled for their position divided by the total hours for full-time employees (1820 per year),” by H. White.

2nd: W. Emrich

Vote: All in favor.

Spaho Application

J. Malloy submitted to the Board a copy of the email response (copy on file) from Joel Bard, Town Counsel, regarding his opinion whether the proposed changes constitute “substantive changes.” J. Bard explained that he can’t give a definitive answer because the term “substantive” is subjective. He did provide an opinion that the proposed changes are substantive from a site plan/subdivision sense for the Planning Board, but not in the sense of the sewer connections approved by the Board of Selectmen acting as Sewer Commissioners, since the total connections have been reduced from 21 to 20. J. Malloy noted that Spaho will have to go through the filing process again with Site Plan Review and the Conservation Commission.

It was the consensus of the Board to schedule Mike Loin to meet with the Board on May 1st.

Roscioli Complaint – Big Alum Sewer Project

J. Malloy submitted to the Board the letter sent to Virginia Roscioli with the response from her and the response from her cousin, Charles Rice, the abutting property owner (copies on file). In addition to the work that the Town has offered to do to address their concerns, they are seeking a waiver of the sewer connection fee for #274 and to conduct additional work on the parking areas of #280 and #282. J. Malloy noted that there is no way to determine who actually did the damage. Greg Morse, DPW Director, Terry Smith, Resident Engineer for Tighe & Bond and J. Malloy reviewed the reconstruction of all roadways around the Big Alum Sewer Project upon completion of the project, and noted that this road was in perfect condition. Construction has been undertaken by Ms. Roscioli, and he believes that the contractors who had been hired by her damaged the drain that subsequently caused damage to the parking areas. Based upon that, J. Malloy said that the Town is taking all necessary action to ensure that all residents are satisfied with the final product of the sewer project. He said that there is no basis for the Town to grant waivers to sewer connection fees and/or to conduct additional work on private property related to these complaints. It was the consensus of the Board to take no further action other than that proposed in J. Malloy’s letter dated March 6, 2006.

Miscellaneous

- Greg Morse, DPW Director, indicated that staked will be placed on McGilpin Road during the next week. H. White suggested holding a

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meeting on May 22nd. It was the consensus of the Board to consider it at the next meeting.

- J. Malloy submitted to the Board a copy of the Strategic Planning Action Schedule (copy on file) which will be the basis for discussion at the next work session. H. White suggested adding the wastewater treatment plant upgrade, staffing and capacity, and the impact of the increase in the Southbridge sewer fees. It was the consensus of the Board to discuss the Strategic Plan at a work session to be held on June 12th.
- J. Malloy said that he met with Roy Wood on Friday afternoon regarding recommendations on sending flow to Southbridge and estimated costs for the Board's consideration. He said that any additional costs will need to be addressed as part of the Town Meeting article for the Sewer Department. J. Malloy said that he would prepare a substitute motion. He suggested setting a Board meeting for 6:00 p.m. on April 24th at the Tantasqua Cafeteria before the Annual Town Meeting.

Old Business

W. Emrich congratulated Barbara Barry, Finance Director, and all of the people who helped Team Sturbridge win the Jimmy Fund Rally with a total donation of \$12,373.

H. White asked about the status of the School Building Committee. J. Malloy said that no funds have been spent yet because the changes in the school building assistance program are substantial. He said that the state is planning on being more of a partner in planning schools, to try to prevent communities from overbuilding schools. He noted that the statement of interest requires the Town to identify priority problems with our school building. It must be approved by the School Committee, the Board of Selectmen and the Superintendent of Schools. A thorough evaluation of the school will be done by SBA.

H. White listed articles to be addressed before the Town Meeting. J. Malloy said that he would prepare substitute motions.

New Business

S. Halterman said that according to MGL 268A, he needs to submit a conflict of interest statement, since he is employed at DEP. J. Malloy said that he will give it to the Town Clerk.

H. White noted that there was an article in the Worcester Telegram regarding the Community Development Corp., and Sturbridge was listed as one of the seven member towns.

H. White submitted the list of liaison assignments to the Board and asked that they indicated their preferences, with first and second choices.

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H. White noted that Carol Childress, Opacum Land Trust, had submitted a letter to the Board regarding the VanDernoot parcel, dated April 13, 2006 (copy on file). C. Childress appeared before the Board, and explained that Opacum Land Trust had raised funds to purchase the property for \$5,400 in 2003, but found that it didn't have clear title. They suggested to Mr. VanDernoot that if he donated the parcel to Opacum, he might benefit from a tax deduction and be relieved of the tax burden, but Opacum could not spend charitable funds on a parcel that doesn't have clear title. He chose to keep the parcel. C. Childress said that since the property is sandwiched between the MA Pike and their conservation property, Opacum Woods, they thought they would be a good fit for the property in terms of ownership and stewardship.

Ask the Selectmen

S. Halterman received a call from a resident who reported that Charter Communications has moved channel 49 to digital to get people to buy digital service. J. Malloy said that the Town cannot dictate what networks or channels are run by Charter Communications; the Dept. of Telecommunications and Energy is the proper place to file a complaint.

MOTION: To convene in executive session under MGL Chapter 39, §23B, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation; not to reconvene in open session, by T. Goodwin.

2nd: W. Emrich

Roll call vote: All were in favor.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date