

**BOARD OF SELECTMEN
MINUTES
September 14, 2009
Slade Building**

Members present: Matt Castriotta, Chair
Kristie Casey, Vice Chair
Ernest Newcomb, Clerk

Staff present: Karen Chick, Accountant; Jim Dunbar, Treasurer; Steve Fox, Highway Foreman; Lyn Gauthier; Highway Superintendent; Elaine Peterson, Town Secretary; Deb Roussel, Town Administrator

Others present: Ed Blanchard, Jassy Bratko, Anne Dickie, Jim Dickie, Patti Hall, Kathy Panagiotes, Mark Valis

Meeting commenced at 6:00 pm

Warrant #6

Motion: K. Casey
To approve Warrant #6 in the amount of \$273,692.00

2nd: M. Castriotta
Vote: All in Favor

Open Agenda: Patti Hall presented regarding Brigham Road. Recently, while driving up Brigham Street towards Route 68, she was following a tractor trailer truck that encountered another tractor trailer truck coming from the other direction. As they passed each other, the trucks hit each other due to lack of room. Ms. Hall stated the situation was very scary as she had to pull off the road when this occurred. She requested the Board consider limiting trucks from the top section of Brigham Street and reroute them down Route 68 to Old Princeton Road to Evergreen Road to enter onto Brigham Street. The Board agreed to research how to limit traffic from roads. Ms. Roussel will check into the process with Mass Highway. Ms. Hall also addressed a hazardous water runoff situation originating from the driveway at 15 Brigham Street. In the winter water freezes in the road and causes cars coming up the hill to go into the other lane to avoid the ice. Mr. Newcomb said the water and ice creates a constant pothole, adding it was in the highway management plan. Ms. Roussel will check with the Highway Superintendent regarding alleviating the problem. Ms. Hall will check back with Ms. Roussel in a couple of weeks as the Highway Superintendent is on vacation. Ms. Hall thanked the Board and exited the meeting.

The Farm Animal and Machinery Optional assessment item was passed over as Agricultural Commissioner Chair Tom Colyer did not appear to discuss.

Appointments

Mr. Newcomb has requested to be appointed to the Town Common Committee.

Motion: K. Casey
To appoint Ernie Newcomb to Town Common Committee; Board of Selectmen representative with a term to expire May 1, 2010

2nd: M. Castriotta
Vote: All in Favor

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Ms. Peterson reported Tom Colyer's appointment to the Agricultural Commission had expired and he would like to be reappointed.

Motion: K. Casey

2nd: M. Castriotta

To appoint Tom Colyer to the Agricultural Commission with a term to expire June 30, 2012

Vote: All in Favor

Ms. Peterson presented an appointment request from Jack Pierce of 22 Flagg Road to be appointed to the Community Preservation Committee as a member-at-large. The Community Preservation Committee Chair has not responded to Ms. Peterson with any comments regarding the request.

Motion: K. Casey

2nd: M. Castriotta

To appoint Jack Pierce to the Community Preservation committee with a term to expire June 30, 2012

Vote: All in Favor

Wage Authorizations

Ms. Peterson presented a wage authorization for Building Department Clerk Carol Burke for an additional thirty minutes per week to perform clerical duties for the Wiring Inspector. Payment of wages will come from the Wiring Fund Revolving Account.

Motion: K. Casey

2nd: E. Newcomb

To increase hours for Building Department Clerk from 10 5 to 11 per week

Vote: All in Favor

Ms. Peterson presented wage authorizations for Part-time Police Officers James Halkola and William Withycombe submitted by Chief Perron, adding the Board had approved the hiring previously at the September 14, 2009 meeting. The Board signed the wage authorizations for \$14.42 per hour effective July 1, 2009.

Ms. Roussel reported she had been contacted by the Fire Station student intern's parent regarding the minutes of July 20, 2009 addressing the intern's pay and the Board's decision not to apply the COLA increase to the position. Ms. Roussel reviewed the history of the student intern position with the Acting Fire Chief and determined that the intern had received pay increases in previous fiscal years. Ms. Roussel recommended the Board apply the COLA to the position and review the position upon attrition of the current personnel.

Motion: K. Casey

2nd: E. Newcomb

To approve the COLA for the student intern position

Vote: All in Favor

Finance Committee Chair Ed Blanchard suggested amending the compensation plan and annual blanket wage authorization to reflect only hourly and not salary for pertinent personnel. Ms. Roussel explained the history behind the inclusion, noting the original salaries were derived from an understanding of the number of hours estimated to complete the position; then used the compensation plan as a guide when the positions changed to salaried.

Minutes

Ms. Peterson reported two typographical errors needed to be corrected from the previously approved July 6, 2009 minutes. Under annual appointments the terms needed to be changed from June 30, 2009 to June 30, 2010 and the word "correct" had been omitted from the last sentence.

Motion: K. Casey

Vote: M. Castriotta

To approve the amended minutes of July 6, 2009

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Vote: Mr. Castriotta- yes, Ms. Casey-yes, Mr. Newcomb-abstained

Motion: K. Casey

2nd: E. Newcomb

To approve the June 22, 2009 minutes as written

Vote: Mr. Castriotta- abstained, Ms. Casey-yes, Mr. Newcomb-yes

Various Businesses

Ms. Peterson reported Highway Superintendent Gauthier had submitted a letter recommending awarding the winter sand bid to Trinity Materials. Trinity Materials had submitted a low bid of \$4.95 per cubic yard with a trade in allowance of \$2.00 per cubic yard. Attestation clause, certificate of tax compliance, certificate of non-collusion and bid deposit were all submitted with the sealed bid. Ms. Roussel noted she had delegated authority to the Highway Superintendent to perform bidding for Highway materials.

Motion: K. Casey

2nd. E. Newcomb

To award the winter sand bid award to Trinity materials of 20 Sartell Road, Waltham, MA. 02451 with a bid price of \$4.95 per cubic yard and a trade in price of \$2.00 per cubic yard

Vote: All in Favor

Ms. Peterson reported Board of Health Chair Knipe had submitted a contract for services from Public Sector Partners, Inc. (PSP) for billing services related to municipal immunization reimbursement. The Town will reimburse PSP at a rate of ten percent of Medicare reimbursement funds received by the Town as a result of Medicare claims prepared by PSP for administration of influenza and pneumococcal vaccines.

Motion: K. Casey

2nd. E. Newcomb

To authorize Mr. Castriotta to sign the agreement on behalf of the Board with Public Sector Partners, Inc., 100 Century Drive, Worcester, MA 01606 for services relative to municipal immunization reimbursement.

Vote: All in Favor

Ms. Roussel reported she has received the deed and a preliminary title certification for Amber Lane. Town Counsel has approved for the Board's acceptance.

Motion: K. Casey

2nd: E. Newcomb

To accept the roadway shown as Amber Lane, as hereto laid out by the Board of Selectmen as shown on a plan entitled "Amber Lane Subdivision, prepared by Lead the Way Development Corporation (owner: Book 26288, page 29) Hubbardston, MA, August 2, 2004, Szoc Surveyors, 32 Pleasant Street, Gardner, MA," recorded with the Worcester Registry of Deeds, Plan Book 827, Plan 31, and to accept by gift, purchase or eminent domain, all rights of ways and related easements.

Vote: All in Favor

Ms. Roussel added the Planning Board will need to include the way on town map. The Planning Board is currently working with Montachusett Regional Planning Agency on an update of the map so it can be added to the new version.

Ms. Peterson presented thank you letters to Jonathan Sturgis and Brian Jette, applicants for the Finance Committee vacancies. The Board and Finance Committee jointly elected Peter Carmosino and James Pitney to the vacancies.

Motion: K. Casey

2nd: M. Castriotta

To send letters to the two applicants for the Finance Committee thanking them for their interest

Vote: All in Favor

Mr. Blanchard and Mr. Castriotta signed the letters.

Ms. Roussel presented a draft letter from the Board to Phil Giudice, Commissioner of the Department of Energy Resources, in support of the development of a photovoltaic solar electric project on a forty acre parcel on Pitcherville Road. The Board suggested some amendments and Ms. Roussel will update and have it ready for signatures at the next meeting.

Ms. Peterson reported the Library Trustees were meeting tonight and will have a wage authorization to hire Antoinette Walker as a part-time Library Assistant. Librarian Jayne Arata has checked her references. The Trustees would like to have Ms. Walker start as soon as possible. Ms. Peterson will present the wage authorization at the September 28 meeting.

Motion: K. Casey

2nd: E. Newcomb

To approve hiring Antoinette Walker as Library Assistant, Grade 4, Step 1 with a wage of \$11.75 per hour contingent on passing the pre-employment physical and a CORI

Vote: All in Favor

Ms. Roussel presented the agreement with the Teamsters Union Local 170 for signatures.

Motion: K. Casey

2nd: M. Castriotta

To sign the agreement between the Town and the Teamsters Local #170

Vote: Mr. Castriotta- yes, Ms. Casey- yes, Mr. Newcomb-abstained

Open Space Committee Chair Jassy Bratko presented a grant authorization request for a Recreational Trails grant to complete multiple projects at Mt. Jefferson and Malone Road Conservation areas, funded by the Commonwealth of Massachusetts.

The projects list includes: building a fieldstone sign holder as well as a trail map for the new sign holder, clearing brush and selected trees from the foundation area to make a picnic grove, possibly relocate the parking area, relocate part of Chimney Trail where erosion has occurred, grade sections of Malone Road, widen and smooth Dottie Rock Trail to Cliff Head to accommodate an all terrain wheelchair, extend Dottie Rock trail to loop back, clear overgrown fields in preparation for haying, use a dumpster to remove more rubbish, make a picnic area near the old house site, new trail maps, and signage highlighting points of natural interest. Ms. Bratko reported the amount of the grant is uncertain as the Open Space committee is still gathering estimates for the project. The grant requires a twenty percent match of funding. She added the state considers volunteer labor as a match and if anything is required they would take funding from the Hubbardston Preservation Fund.

Motion: K. Casey

2nd: E. Newcomb

To authorize the Regional Trails Grant application

Vote: All in Favor

Ms. Bratko stated the application was due October 1, 2009. Ms. Roussel offered technical assistance to Ms. Bratko with the grant application, if needed.

On another note, Ms. Bratko reported Tom Sawyer, owner of property located on Root Road, has filed an agricultural preservation restriction application (APR). This will require a five percent match from the Town which comes to \$26,000.00. Ms. Bratko stated the owner can opt for a bargain sale, reducing the sale price to cover the required town match in exchange for a tax credit, however Mr. Sawyer was not interested in that option. The Open Space Committee anticipates applying for a Community Preservation Act grant to fund the town portion, which will require approval at the next Special Town Meeting. Ms. Bratko exited the meeting.

Motion: K. Casey
To call a brief recess at 6:52 pm

2nd: E. Newcomb
Vote: All in Favor

The meeting reconvened at 7:04 pm.

Motion: K. Casey **2nd: E. Newcomb**
To enter into Executive Session to consider the discipline or dismissal of, or to hear complaints or charges brought against an employee and to reconvene after Executive Session

Jim Dickie requested the Board hold an open meeting after Ms. Roussel informed him he had a choice of either open or executive session.

Present: Highway Foreman Steve Fox, Superintendent Lyn Gauthier; Union Steward Mark Valis, Employee Jim Dickie, Anne Dickie, and Kathy Panagiotos

Ms. Roussel read into the record the written warning issued by Superintendent Gauthier to Jim Dickie and Mr. Dickie's grievance. Ms. Roussel then read the Union response to the grievance, requesting review in accordance with step #2, grievance procedures, and to have the written warning removed from Mr. Dickie's personnel file. It was noted Mr. Dickie has received three written warnings, which in accordance with Highway Rules and Regulations is cause for suspension or dismissal. Mr. Valis recommended postponing any hearing until a Union representative can be present. The Board indicated their intent to review the request to determine if a hearing is warranted.

Mr. Gauthier was present and reported having been contacted at home late Thursday afternoon by Ms. Roussel following a resident complaint. The resident was concerned about debris being dumped close to a private well on New Templeton Road. Mr. Gauthier stated he visited the site and observed large rocks, dirt and debris approximately six to seven feet off the public way. Mr. Gauthier added it took two workers all day to go back and clean up the area with a backhoe. Mr. Fox stated a loader was involved too. Mr. Fox reported he went back at noon and told Mr. Dickie he was doing a good job. Mr. Fox added he provided reference points to Mr. Dickie on where to place the debris after Mr. Dickie questioned him on the road boundaries, actually stepping down from the loader and walking the roadway identifying landmarks to use as boundaries.

Mr. Newcomb asked Mr. Gauthier if Mr. Dickie usually asked for clarification and if warnings have been issued in the past for the same problem. Mr. Gauthier said "not to his knowledge." Mr. Gauthier said the first written warning was issued on February 7, 2008 and then a second warning was issued on August 13, 2009. Mr. Newcomb asked if Mr. Dickie objected to discussing the first written warning. Mr. Castriotta reminded Mr. Newcomb of his possible conflict of interest and recommended he recuse himself. Mr. Newcomb stated he can ask questions or make statements related to the issue, he just could not vote. Mr. Newcomb asked if any other town departments disciplined or issued warnings for the same reason. Ms. Roussel stated this was a union issue, not a general town issue; where personnel policies and procedures would dictate. Mr. Newcomb repeated he wanted to know if warnings have been given to other town employees in the same manner and requested to review employee records, noting as a member of the Board he had every right. Ms. Roussel indicated her intent to contact Town counsel for clarification on the request. Mr. Castriotta suggested addressing the issue at hand. Mr. Castriotta stated that two employees spent an entire day cleaning up Mr. Dickie's mistake. He said there is no reduction in pay and believed the progressive discipline approach is fair and this process is meant to ensure we all work together. Mr. Newcomb asked Mr. Dickie if there

was any one else present during the occurrence that could testify to the matter. Mr. Dickie responded the truck driver, Mr. Newcomb was present. Ms. Casey and Mr. Castriotta reminded Mr. Newcomb the Board was not conducting the hearing this evening. Mr. Castriotta stated his belief there was clear directions and no attempt to question those instructions, therefore he was recommending the Board not move to a hearing.

Motion: K. Casey

2nd: M. Castriotta

To not proceed to a hearing and require the written warning remain in Mr. Dickie's personnel file

Vote: Ms. Casey-yes, Mr. Castriotta- yes, Mr. Newcomb-abstained

The Board then addressed the third written warning to Mr. Dickie issued on August 26, 2009. Ms. Roussel read the warning issued on September 11, 2009, being absent from his assigned job without permission, stopping in the Town office to conduct personal business on town time. Mr. Gauthier is recommending a five day suspension for the third written warning in accordance with Highway Rules and Regulations progressive discipline procedure. Mr. Gauthier reported that on August 26, Mr. Dickie was patching roads and sometime during the morning Mr. Dickie stopped in at the Selectmen office to conduct personal business without permission. Mr. Gauthier stated he was informed of the visit by the Town Secretary and when Mr. Gauthier spoke to Mr. Dickie on September 11, Mr. Dickie denied any recollection of doing so. Ms. Peterson reported Mr. Dickie came in the office asking to be placed on the Board of Selectmen's next agenda. Ms. Peterson informed him he would have to come back when Ms. Roussel was available. Mr. Newcomb indicated employees are allowed a morning break and asked Ms. Peterson if Mr. Dickie came in at 9 am. Ms. Peterson stated she did not remember the exact time but she believed it was later in the morning.

Mr. Castriotta stated Mr. Dickie has an opportunity to address the warning with either his supervisor or the Board. Mr. Dickie reported he came in while on break and asked to be placed on the Board of Selectmen agenda. Ms. Roussel asked Mr. Gauthier what the procedure is for break. Mr. Gauthier replied break time is usually taken between 9:00 and 9:15 am. Ms. Roussel suggested checking with the Police Department security camera to verify the time Mr. Dickie entered the building.

Mr. Castriotta stated the Board will continue to deliberate the third warning at the working meeting on September 21st at 5:30 pm. Mr. Dickie requested a copy of this meeting's minutes. Mr. Dickie thanked the Board and exited. Mr. Blanchard reentered the meeting.

Motion: K. Casey

2nd: M. Castriotta

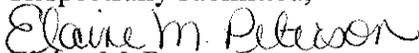
To enter executive session to discuss strategy with respect to litigation and to adjourn at end of session

Vote: Mr. Castriotta- yes, Ms. Casey-yes, Mr. Newcomb-yes

*****EXECUTIVE SESSION MINUTES ARE SEPARATE*****

The meeting adjourned at 8:10 pm

Respectfully submitted,



Elaine M. Peterson

Town Secretary

Approved: October 13, 2009

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