

**BOARD OF SELECTMEN
MINUTES FEBRUARY 25, 2013
APPROVED**

Present: Stuart M. Schulman, Chairman; Peter S. Cunningham, Vice Chairman; John G. Petropoulos; Anna Eliot; Joshua A. Degen

Also Present: Mark W. Haddad, Town Manager; Patrice Garvin, Executive Assistant

Mr. Schulman called the meeting to order at 7:00p.m.

TOWN MANAGER'S REPORT

1. Mr. Haddad announced that Berta Erickson has resigned from the School Committee and suggested the Board take no action so her seat can be placed on the upcoming ballot.
2. Mr. Haddad requested that the Board vote on the necessary order of Takings.
Mr. Cunningham moved to accept Winding Way as indicated in the Order of Taking. Ms. Eliot seconded the motion. Motion unanimously carried.
Mr. Cunningham moved to accept Quail Ridge as indicated in the Order of Taking. Ms. Eliot seconded the motion. Motion unanimously carried.
Mr. Cunningham moved to accept Forest Drive as indicated in the Order of Taking. Ms. Eliot seconded the motion. Motion unanimously carried.
Mr. Cunningham moved to accept Paugus Trail as indicated in the Order of Taking. Ms. Eliot seconded the motion. Motion unanimously carried.
3. Mr. Haddad updated the Board on the School's budget and noted that a meeting has been set to look at the Technology.
4. Mr. Haddad stated that the Center Fire Station has been awarded to TLT and an informal meeting has been called. A meeting of the Subs and OPM will also be scheduled.
5. Mr. Haddad stated that the Herbicide treatment of Lost Lake has been awarded to Aquatic Control. Mr. Haddad added that ET&L was awarded the Fitch's Bridge contract.
6. Mr. Haddad stated that with the vacancy of the Building Commissioner he would like to discuss the possibility of returning the position to full time status. Three years ago the Board entered into a regional agreement with the Town of Boxborough to share the position. At that time building permits were down due to economic conditions. The regional agreement ended and the Town kept the part time Commissioner and a part time local inspector. Since that time there has been a major increase in building and the issuance of building permits. Mr. Haddad wanted to take the opportunity of the vacancy to revisit making the position full time. [Document 1- Memo from Land use Director outlining need] Ms. Collette gave further information on building permits and a 2008-2012 comparison. Mr. Haddad stated that in FY13 there would be a need for \$36k more and in FY14 the total salary would be \$72k. Ms. Collette noted an increase in commercial construction as well as the new Center Fire Station, GELD, Tarbell and Squannacook as future projects in the pipeline. Mr. Petropoulos asked if there was a fee for the Center Fire Station. Mr. Haddad responded that there was no fee, but the work was still there. Mr. Cunningham acknowledged sharing the position with another community did not work. Mr. Degen asked if there was a health care vacancy in the budget. Mr. Haddad stated there was a vacancy.
Mr. Cunningham moved to authorize the Town Manager to advertise the Building Commissioner as a full time position not to exceed the upper level pay grade. Mr. Petropoulos seconded the motion. Motion unanimously carried.

PUBLIC HEARING –BEER AND WINE PACKAGE STORE LICENSE FOR BLISS BAKERY, 134

MAIN STREET[Document 2- Bliss Application]

The public hearing was opened and the legal notice was read. The Bakery is set to open in April. The beer and wine would be in a limited amount. The owners stated that they would have wine tastings. A resident asked about their limited selection and asked if the law still allowed them to sell any beer and wine. The law states that once a beer and wine package store was approved any beer and wine could be sold. The hours would be Tuesday through Friday 7am to 7pm and on Saturdays 8am-5pm, Sunday 12pm-3pm.

Mr. Cunningham moved to close the hearing. Mr. Petropoulos seconded the motion. Hearing closed.

Mr. Cunningham moved to grant the beer and wine package store license for Bliss Bakery contingent on payment of fee. Ms. Eliot seconded the motion. Motion unanimously carried.

TOWN MANAGER'S REPORT CONTINUED

7. Mr. Haddad asked the Board to approve a one day Liquor License for the Taste of Nashoba.

Mr. Cunningham moved to approve the one day all alcohol liquor license for the Nashoba Valley Chamber of Commerce 12th Annual Taste of Nashoba on Tuesday, March 19, 2013. Mr. Petropoulos seconded the motion. Motion unanimously carried.

8. Mr. Haddad requested that Brownwen Wallens be appointed as an Election Worker.

Mr. Cunningham moved to ratify the Town Manager's appointment of Bronwen Wallens as an Election Worker to expire 6/30/13. Mr. Petropoulos seconded the motion. Motion unanimously carried.

DISCUSSION PERSONNEL BOARD

Mr. Petropoulos began by requesting the Personnel Board be reconstituted. Mr. Cunningham stated that the Bylaw Review Committee has the background and history and the opinion was that the Personnel Board was obsolete and left over from the old form of government. Mr. Cunningham continued by stating that there are a number of positions now that make up for the Personnel Board and also there are a limited number of employees impacted by the bylaw. Mr. Petropoulos stated that given the number of recent issues the idea of reconstitution has been raised in the past few months. Mr. Schulman stated that there has been no epidemic of grievances and if a grievance is filed it eventually would come to the Board of Selectmen. Mr. Petropoulos stated that two grievances have been filed; there have been three abrupt resignations and an absence of an independent body to address issues.

Mr. Haddad stated that there have been no abrupt resignations and that this was a mischaracterization by Mr. Petropoulos. Mr. Petropoulos reiterated his point of abrupt resignations to that Mr. Haddad stated Mr. Petropoulos was taking things out of context. Ms. Eliot stated that the Charter and Personnel By-law do not mesh and that the Charter precedes the by-law. Ms. Eliot added that the Town has a full time HR Director. Mr. Petropoulos stated that the By-law indicated a Personnel Board and currently that body does not exist. Ms. Eliot stated that the Board of Selectmen would review a grievance filed. Mr. Cunningham stated again that the Personnel Board was no longer necessary. Mr. Cunningham added that there may be a way to address the concern but to reconstitute the Personnel Board did not make sense. Mr. Petropoulos stated that the Town Meeting said no to the Personnel By-law changes and that the Personnel Board should be reconstituted. Mr. Degen agreed with everyone. Mr. Degen added that there can be a problem when the grievance is against the

Town Manager. Mr. Haddad reviewed the grievance procedure for union and by-law employees and that the Board of Selectmen disbanded the Personnel Board unanimously. Mr. Petropoulos stated that he could find people to fill the vacancies. Mr. Cunningham reiterated that there was no place in the new form of government for a Personnel Board. Mr. Petropoulos stated that the Town needed to be in compliance with the bylaw and the Personnel Board would work with the HR Director and Town Manager. Mr. Schulman stated that it was up to the Board of Selectmen to decide what role, if any, the Personnel Board would have and determine a need.

Mr. Haddad stated that the last action of the Personnel Board was a zero percent COLA for the bylaw employees which he felt lead to the formation of another union. Linda Decisio, former Personnel Board member addressed the Board. Ms. Decisio stated that she worked with the Town Manager to update the bylaw and that she was not consulted after trying to make recommendations. Ms. Decisio felt she was dismissed and that a zero percent COLA was recommended based on the Social Security Guidelines. Ms. Decisio felt an independent body was needed for bylaw employees. Mr. Cunningham read from an opinion from Town Counsel that the Personnel Board was no longer necessary and that the Charter super cedes the bylaw. Mr. Petropoulos had possession of the same letter and noted that the issue of grievances is not in the Charter. Mr. Cunningham stated that he was open to looking at the grievance procedure and Mr. Petropoulos's concerns but not through reconstituting the Personnel Board. Mr. Petropoulos reiterated that Town Meeting said no to dissolve the Personnel Board.

Robert Flynn, also a past member of the Personnel Board, asked who the Personnel Board reported to. Mr. Cunningham stated that Personnel Board reported to the Board of Selectmen. Mr. Flynn stated that the most recent Personnel Board was never asked what to do with the bylaw and there was a need for a third party. Mr. Cunningham stated that there was a clear function of the Personnel Board in the old form of government made up of volunteers; some with HR experience some without. Mr. Cunningham added that the government changed and now has a HR Director. A grievance can be addressed through other functions. Mr. Petropoulos asked again to reconstitute the Personnel Board to be in compliance with the bylaws and the Town Meeting vote of 2011.

Mr. Degen suggested redrafting the charge of the Personnel Board, redraft the bylaw and reconstitute after the Fall Town Meeting. Mr. Cunningham stated that the Bylaw Review Committee can relook at the bylaw and prepare something for the Fall Town Meeting to provide a level of comfort with the grievance procedure. Mr. Cunningham also stated that this would give the Board time to do a better job communicating to people.

Mr. Petropoulos moved to reconstitute the personnel Board immediately and asked the Personnel Board to work with the Town Government to revise and keep the bylaw as the formal governance. Mr. Degen seconded the motion. Motion not carried 1-yes, 4-no.

Mr. Cunningham stated that the By-law Review Committee would reconvene and review the Personnel Bylaw in order to have recommendation for the Fall Town meeting.

LIAISON REPORTS

Mr. Cunningham stated that the Wetland Bylaw Committee has been meeting and having a hearing soon to discuss changes. Ms. Eliot noted that she has attended several meetings including the Board of Health. Mr.

Petropoulos stated that he has had Lost Lake Sewer Meetings and they are moving along. Mr. Petropoulos has also attended the Democratic Town Committee Meetings and they went very well.

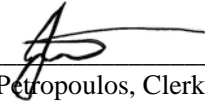
MINUTES

Mr. Cunningham moved to approve and not release the Regular Minutes of January 7, 2012. Mr. Petropoulos seconded the motion. Motion carried 2 abstentions. [Document 3- Draft Minutes 1-7-13]

Mr. Degen moved to approve and not release the Regular Minutes of February 4, 2013. Ms. Eliot seconded the motion. Motion carried 1 abstention. [Document 4- Draft Minutes 2-4-13]

ADJOURNMENT

Mr. Cunningham moved to adjourn the meeting at 8:25p.m. Meeting adjourned.

Approved: 
John G. Petropoulos, Clerk

respectfully submitted,
Patrice Garvin, Executive Assistant

Date Approved: 3-18-13