

BOARD OF SELECTMEN
DECEMBER 23, 2009
MINUTES

- MEETING:** Chairman Sushchyk called the meeting to order at 7:02 PM. Roll call showed that Selectman Philpot, Selectman Sheppard and Chairman Sushchyk were all present.
- AGENDA:** Selectman Sheppard made the motion to approve the agenda with one addition, to waive a permit fee. 2nd by Selectman Philpot. All in favor.
- MINUTES:** Selectman Sheppard made the motion to accept with the minutes of December 9, 2009 as submitted. 2nd by Selectman Philpot.
Selectman Sheppard made the motion to accept the Executive Session minutes of December 9, 2009, not to be released until the issue was resolved. 2nd by Selectman Philpot. All in favor.
- ANNOUNCEMENT:** Chairman Sushchyk made a quick announcement regarding passport pictures that were left behind in the Clerk's office. If anyone recognized the person please notify her that her pictures are in the town hall for pickup.
- CHIEF CHAMBERLAND:** Chief Chamberland gave a brief summation on his November monthly report. Selectman Philpot requested that the Chief look into the location of the speed limit sign on Rte 12 heading south into town center. Cars entering Rte. 12 from Rtes. 62 are not aware of the town center speed limit of 25 mph. because the sign on Rte. 12 is north of the intersection. He experienced cars speeding into the center of town especially coming from the post office. The Chief agreed to take a look at that location. Chairman Sushchyk thanked the Chief for his report and commented on a report that was made by a citizen to the excellent job the officers were doing in the community.
- PARADE FUNDING:** The Board discussed the issue of the parade funding with the Chief due to the cuts made to the community policing. The main question asked of the Chief was why the police officers did not volunteer. Chief Chamberland explained that the FLSA prohibits the officers from volunteering and informed the Board that he and the Fire Chief both volunteer their time to march in the parade. Selectman Philpot asked why flagmen were not used in place of the officers. Chairman Sushchyk informed him that people would ignore non-uniform flagmen and the cost is the same if not more for flagmen. Chairman Sushchyk suggested going to town meeting giving the people the opportunity to vote for additional money to support the parades. All Board members agreed.
- TOWN COMMON
REVITALIZATION
COMMITTEE:** The Board had scheduled a meeting with Vern Gaw, a member of the Town Revitalization Committee, to discuss the plans for repair of the common. Mr. Gaw was not present for the meeting and the Board expressed some concern that Mr. Gaw was not in attendance and hoped that things were ok. Maryanne Macleod, another member of the committee, questioned the Board with regards to the ownership of the town common, stating that she is working on a grant to improve the common and cannot continue until the issue of ownership is resolved. Chairman Sushchyk informed her that he found a deed and a plan from 1965 that appears to not have been recorded. Ms. Macleod informed the Board that from what she reads in the 1742 original deed the town owns the property but the First Church has permission to use the common and may need to should their septic system fail. Chairman Sushchyk went on to say that a Title Examination needs to be done on the property. Selectman

Philpot expressed the need to look closer at the property and ownership before any work is done, he does not want to see the work being completed only to have it ripped up should the church need to use the property. He thanked Ms. Macleod for all her hard work in translating the deed of 1742 which proved to be a cumbersome job. He went on to say that the First Church is a fixture in the center of town and needs to be considered when going forward with the proposed revitalization of the town common. Chairman Sushchuk recommended that the committee continue to work with the First Church to find out ownership of the property; to reschedule a meeting with Vern Gaw for January; to contact the church and ask for a copy of the plan of the common so that the town can define the title and deed, draw up a memo of understanding and get approval at town meeting to go forward.

APPOINTMENT TO
TOWN COMMON
REVITALIZATION
COMMITTEE:

After reviewing the request for the appointment of Roseanne Mapp to the Town Common Revitalization Committee, Selectman Sheppard made the motion to appoint Roseanne Mapp to the committee. 2nd by Selectman Philpot. All in favor.

MONTACHUSETT
REGIONAL
VOCATIONAL
TECHNICAL SCHOOL:

The Board reviewed the annual report from the Montachusett Regional Vocational School. Selectman Sheppard commented on the efforts of the 21 members of the school committee of Montachusett in developing a cost-effective budget. A financial report done by Melanson, Heath & Company showed a job well done by the committee.

The Board acknowledged a Management Letter, Report on Examination Basic Financial Statements and Reports on Federal Award Programs from the Wachusett Regional School for the year ended June 20, 2009. The Board acknowledged the report and passed it on to Selectman Sheppard for his review. The Board will review the report at a later date. Selectman Philpot made the motion to accept the 2009 WRHS report, 2nd by Selectman Sheppard. All in favor.

PANDOLF PERKIN'S
IMPROVEMENTS:

Mr. Curtin, from Pandolf Perkins, was present to respond to the Board should they have any questions on the list of improvements made since November 28, 2007. He briefly reviewed the list and answered some questions. The Board of Selectmen asked that the list be forwarded to Mr. Barbato with a cover letter.

LITTLE LEAGUE:

Mr. Curtin informed the Board of Selectmen of the renovations being made to the Little League snack shack located on Rte 62 & Holden Road. He explained that Selectman Philpot drew up a set of plans for the expansion of the second floor of the building. Selectman Sheppard questioned why they did not come before the Board of Selectmen requesting the building fee of \$140 be waived. Why didn't the league come before the Board before the work started as the town owns the property and should have been notified, especially since the town carries the insurance for that property? Furthermore since Mr. Philpot was the designer of the field house built on the property in 2004 he should have been familiar with the process and how to proceed. Selectman Philpot explained that he has donated work to the Little League over the years and never sought out work from the. With respect to the current project on the "Snack Shack", Mr. Curtin, Little League President and Mr. Brodeur, Building Inspector, had told him the building was owned by the Little League. Mr. Curtin supported that statement and admitted he was not aware the League did not own the building when he signed Mr. Philpot's "Disclosure Statement" as a property owner in the Town of

Sterling. He went on to explain that in the interest of full disclosure he has every client in Town sign a disclosure statement recognizing they will receive no special treatment because of his status as a selectman. There is also a letter of disclosure on file in the Town Clerk's Office regarding Mr. Philpot's business as a designer and general contractor. Mr. Philpot stated he did acquire the necessary building permit under his builder's license in full compliance with the State Building Code and specifically told the Building Inspector to take no special steps, including refusing to seek a waiver of the building permit fee which e he, Mr. Philpot, paid himself.

Chairman Sushchik made the motion to have the fee of \$140 waived, 2nd by Selectman Sheppard, and the refund be returned to the George P. Gibbs Little League. Selectmen Sheppard and Sushchik in favor, Selectman Philpot abstaining.

TOWN
ADMINISTRATOR'S
FOLLOW UP:

Ms. Ackerman thanked the cable volunteers for the night. She informed the Board that the Cable Board has hired the coordinator for the Sterling-Lancaster Community Television, Ms. Jayne M. Paszko of Lancaster, the Assessors hired Debbie Dryer as the Administrative Assistant and the Water Department hired Paul Lyons as the new water foreman. The January 19th Special Election arrangements have been made and the tax rate was approved by DOR. Ms. Ackerman reported on the FY10 and FY11 Local Aid, informing the Board that it was unlikely that there would be additional cuts in FY10 but that FY11 would see cuts to make up the 2-3 billion deficit in the state budget. Ms. Ackerman updated the Board on the Regional Emergency Communication Center, informing them that Lt. Tom Kokernak is doing an excellent job representing Sterling.

Selectman Philpot asked if the town has received quotes for the annual audits. He was informed that 5 companies have been called for quotes and they should be ready for review the 2nd meeting in January. Selectman Sheppard reiterated his feeling that the auditors should be changed this term and that we should consider Melanson & Heath.

Chairman Sushchik spoke to the upcoming negotiations for the Police Chief and the police officers. He informed the Board that the police department was in the process of selecting a new union to represent them.

ANNUAL LICENSE
RENEWALS:

Chairman Sushchik read the list of the annual licenses being renewed for 2010. Selectman Sheppard made the motion to approve the list as read, 2nd by Selectman Philpot. All in favor.

APPOINTMENT
OF CAPITAL
COMMITTEE:

Selectman Sheppard made the motion to appoint Michael Rivers as a member of the Capital Committee. The Board received votes via e-mail from the Finance Committee and the Moderator supporting Michael Rivers for the appointment. 2nd by Selectman Philpot. All in favor.

MUNICIPAL
REPRESENTATIVE
FOR SCHOOL
NEGOTIATIONS:

The Board reviewed the request for Municipal Representative for school negotiations. Ms. Ackerman was asked to get more information on the process of appointing a representative and report back to the Selectmen.

ELECTION WARRANT: Selectman Sheppard made the motion to sign the Special Election Warrant for January 19th, 2010. 2nd by Selectman Philpot. All in favor.

BANNER REQUEST: Selectman Sheppard made the motion to approve the hanging of the Election Banner over Main Street from January 11th or 13th until after Election Day asking residents to vote. 2nd by Selectman Philpot. All in favor.

APPOINTMENT OF
ELECTION WORKERS: Selectman Sheppard made the motion to appoint Eileen Desautels, Mary Nugent and Everett (Patrick) Nugent as election workers requested by the Town Clerk, Dawn Michanowicz. 2nd by Selectman Philpot. All in favor.

GOVERNMENT STUDY
COMMITTEE

QUESTIONNAIRE: The Board of Selectmen reviewed the letter from the Sterling Town Government Study Committee introducing them and asking the Board Chairman to complete the questionnaire attached and return it to Terri Ackerman. Selectman Sheppard filled out the questionnaire and Selectman Philpot requested to review it and return it back to Ms. Ackerman.

PUBLIC SESSION: A resident in attendance asked if the new coordinator of the Sterling-Lancaster Community Television was going to receive benefits. The answer was no. The Board was asked where the new vault project stood and the Board informed the public that the project was in a holding pattern until the new town clerk completed the elections and had a chance to give her input to the project. Another member of the public questioned the Board with regards to a recent meeting and why the Building Needs Committee was not included. They were informed that the groups included in the meeting were the 5 user groups, 1835 Town Hall Committee, Council on Aging, Cable, Recreation and the general group represented by the Board of Selectmen. No action was taken; everyone needs to define the space that they would need before anyone can go further. The Board was also asked about the DEP violation reported in the paper. Selectman Sheppard stated questions should be presented to the DPW Board.

ADJOURNMENT: Selectman Sheppard made the motion to adjourn at 9:45 PM, announcing that the next meeting will be held on January 6, 2010. 2nd by Selectman Philpot. Chairman Sushchuk wished everyone a Merry Christmas and a Happy New Year.

RESPECTFULLY SUBMITTED

RUSSEL R. PHILPOT
CLERK