

BOARD OF SELECTMEN
OCTOBER 28, 2009
MINUTES

MEETING: Chairman Sushchuk called the meeting to order at 7:00 PM. Roll call showed Selectmen Philpot, Sheppard and Sushchuk all present.

AGENDA: Selectman Sheppard made the motion to approve the agenda as submitted. 2nd by Selectman Philpot. All in favor.

MINUTES: Selectman Sheppard made the motion to approve the minutes of October 14, 2009 as typed, with a suggestion that the minutes be brief, with summaries, comments and motions being made as required by state law, especially now that the meetings are being televised live. 2nd by Selectman Philpot. All in favor.

7:05 PM
JAMES BARBATO
PANDOLF-PERKINS
ISSUES:

Mr. James Barbato informed the Board of Selectmen that although there has been a significant improvement in the noise, sulfur smell, dust and blasting coming from Pandolf-Perkins there is still an issue with the 4:00 AM start up noise that disturbs his quality of life and those of his neighbors. He asked the Board for their help in convincing Pandolf-Perkins to install a muffler and to construct a wooden wall to deflect the sound. He also asked that the Fire Department keep track of the number of drill holes made with each blast and the amount of explosives and fuel oil used for each hole.

Selectman Sheppard asked if sound readings have been done and from what location. Mr. Barbato explained that the sound readings are below the legal safety standard but there is still the problem of noise affecting the neighborhoods quality of life.

Selectman Philpot informed the group that he did go to Mr. Barbato's property at 5:00 AM to hear the noise, admitted there was a steady hum but that hum was pierced by truck sounds. He further asked Mr. Barbato to explain the statement in his letter to the Board as to how the quarry noise is louder at his home (1/2 mile away) as compared to the noise level at the DPW barn which is only a "couple hundred yards" away from the quarry. Mr. Barbato explained how various geographical and atmospheric conditions create this effect by carrying the sound higher and farther. Selectman Philpot then asked Mr. Barbato if the specific sound control measures he is requesting from the Pandolf-Perkins would solve his problem to which he replied "I don't know" I am not an acoustic engineer. Chairman Sushchuk suggested that Pandolf-Perkins be notified of the complaints and invited to a meeting in the very near future to discuss and resolve the problems.

7:20 PM
TOWN ADMINISTRATOR'S
FOLLOW-UP:

Ms. Ackerman informed the Board that tonight's meeting was being broadcast live and thanked the volunteers by name for all their hard work. Chairman Sushchuk informed the group that he has received positive comments on the first broadcast and thanked the Cable Committee and their volunteers. Chairman Sushchuk asked the Cable Committee to meet with the Board on November 24, 2009 to discuss the Cable TV studio location. Selectman Philpot inquired about copies of discs for those in town who do not have cable. He was informed that copies can be acquired at the library. Ms. Ackerman informed the Board of the informal meetings with the Lake Association, Police Chief, director of Recreation and DPW to discuss and draft a by-law for parking and the use of boats at the town beach. Counsel is presently reviewing the by-law and

it will be presented to the Board after he has completed his review, made changes and approved the by-law. There were many questions regarding the by-law and its enforcement.

Ms. Ackerman informed the Board that the internet usage policy will be drafted for their review in November. Job postings have been placed for the Administrative Secretary for the Building department, Assessor's office, water department and soon for a Fire/EMT person.

COUNCIL ON AGING
BUILDING NEEDS
COMMITTEE:

The Board met with the Building needs Committee members along with Council on Aging Director, Karen Phillips and Board member, Barbara Foster to discuss the issues revolving around a new senior center feasibility study, the evaluation of the data resulting from the survey sent out, as well as a MOU relative to the senior center project. Engineering bids for the property behind the Butterick Building are due October 29, 2009. It was suggested that wetlands be flagged, and the DPW assist in boring holes for testing of soil conditions to reduce the cost to the town. Selectman Sheppard informed the Board that he was able to locate an engineering study for the public safety complex from 1999 (the source location of which he refused to reveal) that already addressed the issues of wetlands, ledge, storm water management, MEPA concerns along with many other issues. He questioned why the town was continuing to look into that location and spend more tax dollars when it has already been proven that it is not viable. Selectman Philpot expressed the same sentiments. Ms. Ackerman informed them town has reserved the right to reject all bids and can do so if we determine that we do not need the engineering services. Chairman Sushchik expressed the need for an information depository for projects like this to avoid duplication of work and spending of money.

Selectman Philpot made it perfectly clear with the approval of the rest of the Board that the bids should be rejected and no more time, money or effort was to be spent on this particular location. Selectman Philpot went on, with the support of the Board, to clarify the roles and responsibilities of individuals and groups involved in the evaluation of needs and a site for a new senior center. Chairman Sushchik requested a written protocol from Mr. Forance, codifying those roles.

SENIOR CENTER/BNC
PROTOCOL/
MEMORANDUM OF
UNDERSTANDING:

Chairman of the Building Needs Committee, Michael Forance, informed the Board that he would write the Protocol and MOU relative to the senior center and have it for the next Selectmen's meeting. Chairman Sushchik noted that the MOU was needed to help clarify the roles. Selectman Philpot agreed there were too many people going in too many directions but thought he understood the verbal protocol offered by the BNC some weeks ago. Nonetheless, he agreed if writing a specific protocol was necessary he had no problem with it. The Building Needs Committee informed the Board that they were waiting for the surveys sent out by the Council on Aging to come back so that they could process the data and determine the needs of the town.

TREASURER/
COLLECTOR:

Chairman Sushchik read the letter from the MA Collector & Treasurer Association informing them that Donna Erickson been certified as Treasurer/Collector until December 31, 2014. The Board congratulated Ms. Erickson on her certification. It was mentioned that this particular distinction demonstrated a level of achievement above and beyond the legal requirements for the position.

SIGN AGREEMENT
BETWEEN TOWN OF
STERLING & THE
STERLING-LANCASTER
COMMUNITY

TELEVISION: Selectman Sheppard made the motion to sign the agreement between the Town of Sterling and the Sterling-Lancaster Community Television Corporation. 2nd by Selectman Philpot. All in favor.

OPEN SPACE
IMPLEMENTATION
POLICY:

The Board of Selectmen discussed the draft Open Space Implementation Policy and agreed to review the policy and meet on November 24th, 2009 to formally give input to the policy.

MASTER PLAN:

Chairman Sushchuk informed the Board that the last master plan was worked on sometime between 1962-1966. He explained that the town would benefit from a plan showing the build out for the town along with the commercial and industrial areas, the tax base and projected growth for the future. He asked that Ms. Ackerman get copies of the past plan, find out services available to the town through MRPC and to find out from Finance if there was money available to spend on an updated master plan and to report back to the Board on November 24, 2009. Mr. Forance indicated he had a copy of the master plan but would reveal how he acquired it.

ALL BOARDS
MEETING:

Chairman Sushchuk commented on the All Boards Meeting from October 24, 2009 and stated that he thought the meeting went well. He would like to establish follow-up milestones between now and the April 24, 2010. The Board agreed to have All Boards Champions give brief progress reports on January 6, 2010. Selectman Philpot stated the meeting was not what he expected and was curious to see what the accomplishments would be resulting from the meeting. Selectman Sheppard explained that the meetings were a learning process and felt that the progress made in the meetings was positive and would benefit the town. Selectman Philpot said he saw conflicts between the volunteers and the boards and would be interested in help or suggestions that would assist everyone in going forward. He said the champion of the committee he was on had called him to withdraw due to some apparent conflict and he (the champion) did not explain or give details.

TOWN COMMON
REVITALIZATION
COMMITTEE:

The Board agreed to meet with the Revitalization Committee on November 24, 2009.

NEW SENIOR VAN:

Selectman Philpot made the motion to approve and sign the request to MRPC for a new senior van at no cost the Town of Sterling. 2nd by Selectman Sheppard. All in favor.

DRUG FREE WORK
POLICY:

Terri Ackerman gave the background on the policy written by the Human Resource Administrator, James Kelley. She informed the Board that the Personnel Board approved the policy. There were many questions from the Board members and Chairman Sushchuk made a motion to table the policy until all questions were answered, 2nd Selectman Sheppard. All in favor.

INTERNAL JOB

POSTING POLICY: The Board reviewed the policy and Selectman Sheppard made the motion to approve the policy, 2nd by Selectman Philpot with one minor correction to the wording. All in favor.

1835 TOWN HALL

JOINT MEETING: Chairman Sushchuk asked the Board members to set a date for the joint meeting with the 1835 Town Hall Committee to discuss the future of the 1835 Town Hall building. Selectman Sheppard made the motion to set November 16, 2009 for the joint meeting. 2nd by Selectman Philpot. Mike Forance asked that there be a meeting of the chairpersons from the 1835 Committee, Finance Committee, Building Needs Committee and the Board of Selectmen to lay down ground rules before the joint meeting with all the committee members. Chairman Sushchuk agreed and asked Ms. Ackerman to set up a meeting before the November 16, 2009 meeting with the Chair people of the committees.

COST OF COMMUNITY

SERVICES STUDY: The Board of Selectmen acknowledged the Cost of Community Services study from the American Farmland Trust. The Board thanked the Farmland Trust for supplying them with the study and agreed that everyone should meet to discuss the report and what the town does with the information supplied to them. Ms. Ackerman will try to set up a meeting with all concerned.

MMA 2009

ANNUAL MEETING: The Board was reminded that the 2010 Annual Massachusetts Municipal Association meeting was coming up in January of 2010.

MEETINGS AND HOLIDAY

SCHEDULE: Selectman Philpot made the motion to set the dates of December 9th and 23rd as meeting nights for the Board of Selectmen and to list the holiday hours as follows: day after Thanksgiving the building will be closed with employees making up the hours using personal or vacation time, December 24th and 31st hours for the Butterick Building will be 7:30 AM to 11:30 AM with employees making up the hours using personal or vacation time. 2nd by Selectman Sheppard. All in favor.

The town employees Holiday Gathering sponsored by the Selectmen will be held on December 18, 2009.

PUBLIC SESSION:

Inquiries were made about the policing of the boat ramp at the town beach and who would be in charge, who were the members on the Industrial Finance Committee, and what was the Town Revitalization Committee? (The recreation workers would assist in policing stickers on the boat trailers, Revitalization Committee was the Town Common committee and the Industrial Finance Committee consisted of three members, one of whom was Walter Sanders.)

10:27 PM

EXECUTIVE SESSION: Selectman Sheppard made the motion to enter into Executive Session in accordance with M.G.L. Chapter 39, S.23B – Real Estate, to return to open session only to adjourn, 2nd by Selectman Philpot. Roll Call

Sheppard	Aye
Philpot	Aye
Sushchuk	Aye

ADJOURNMENT: The Board returned to public session to adjourn at 10:36 PM. Selectman Sheppard made the motion to adjourn, 2nd by Selectman Philpot. All in favor.

RESPECTFULLY SUBMITTED

RUSSELL R. PHILPOT
CLERK