

BOARD OF SELECTMEN
DECEMBER 9, 2009
MINUTES

- MEETING: Chairman Sushchik called the meeting to order at 7:00 PM. Roll call showed Selectman Sheppard, Selectman Philpot and Chairman Sushchik 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 November 16, 2009, Special Meeting at the 1835 Town Hall, 2nd by Selectman Sushchik. All in favor.
- Selectman Sheppard made the motion to approve the minutes of November 24, 2009, 2nd by Selectman Philpot. All in favor.
- AMBULANCE
LEASE: Selectman Sheppard made the motion to adopt the lessee resolution regarding the lease with option to purchase transaction for the new ambulance. 2nd by Selectman Philpot. Chairman Sushchik read the resolution between the Town of Sterling and All American Investment Group for the new ambulance in to the record and signed the paper work.
- PARADE FUNDING: Ms. Ackerman explained that the Board of Selectmen had been informed in June that community policing grants will no longer be funded, resulting in a lack of funding for the parades in town for 2010. Working with Chief Chamberland and Roland Nelson, Veteran's agent, Ms. Ackerman stated the Police Chief has estimated an additional \$2400.00 would be needed to fund the Memorial & Veterans' Day parades. Ms. Ackerman recommended the line item for the Memorial/Veteran's parade for 2011 budget be increased by \$2400 for a total of \$5400 which would require a vote at town meeting. The Board agreed but asked Ms. Ackerman to follow up with Chief Chamberland on whether the police would be willing to volunteer their services for the parades.
- TAX CLASSIFICATION
HEARING: Harald Schied, Sterling's Assessor, met with the Board of Selectmen for the purpose of adopting a tax rate for the Town of Sterling for 2011. He informed the Board that the Board of Assessor's recommended a single tax rate for both commercial and residential. Selectman Philpot asked if there were any programs in the state of Massachusetts that encouraged commercial/industrial growth in towns or cities and what the benefits of a single tax rate were if any. Mr. Schied informed him that his knowledge of split rates discouraged commercial and industrial growth in towns that sponsored split rates; a single rate is beneficial to business and an incentive to come to town.
- Selectman Sheppard made the motion to accept the single rate as recommended the Board of Assessors, 2nd by Selectman Philpot. All in favor.
- WIRELESS ACCESS
POLICY: The Board reviewed the draft Wireless Access Policy submitted by Terri Ackerman and Karen Pare', Sterling's IT person. Discussion continued on whether there should be a time limit on the denial of access for those who violate the conditions of the policy and who determines who violated the conditions. Mr. Philpot stated his preference for clarity on this point and supported the idea that "a stern warning" may be more beneficial over time. After some discussion the Board adopted wording to provide room for discussion of individual cases/violations. Ms. Ackerman informed the Board that the IT person would know if a violation occurred and the Board would determine the time frame on the denial of access based on the violation and whether denial would be permanent. Selectman Sheppard made the motion to approve the Wireless Access Policy with the one change, 2nd by Selectman Philpot. All in favor.
- ETHICS
REQUIREMENTS: Ms. Ackerman updated the Board of Selectmen on the Conflict of Interest Law that mandates all town employees, elected and appointed officials as well as volunteers complete an online

training program. She explained the process and informed the Board that to date 40 people have completed the training. The state also requires municipalities to designate "a senior level employee" as a liaison to the Commission. Ms. Ackerman asked that the Board of Selectmen appoint James Kelley, the Human Resource person, as the liaison. Selectman Sheppard made the motion to designate James Kelley as the liaison to the Commission, 2nd by Selectman Philpot. All in favor.

Ms. Ackerman informed the Board that James Kelley would be giving drug free training sessions as well as harassment and ethics training to each department. Selectman Philpot stated that the training sessions would be a great idea for the public as well so that everyone was on the same page

TOWN ADMINISTRATOR'S

FOLLOW UP:

Ms. Ackerman thanked the cable volunteers working for the night. Ms. Ackerman announced that Karen Phillips, Director of the Council on Aging, is one of 43 master trainers of Matter of Balance. The endorsement letter for the Open Space Implementation Committee has been written and signed by Chairman Sushchik. Ms. Ackerman asked the Board to set a time for cancellations of meetings due to inclement weather so that everyone on the agenda can be notified in a timely fashion. After some discussion the Board set 4:00 PM as a deadline for cancellations. Ms. Ackerman reminded the Board of the MMA meeting being held on January 22nd & 23rd. Selectman Philpot made the motion to appoint Selectman Sheppard as their designated voter. 2nd by Chairman Sushchik. All in favor. There was some discussion on the permitting process of vendor and common victualler licenses and under what circumstances such fees have been waived. It was determined that the vendors at the fair for the Friends of the Library did not need to be licensed.

Selectman Philpot asked Ms. Ackerman to supply the Board of Selectmen with a report of the cost savings made by the Facilities Manager along with the complete cost of the position for a comparison. Selectman Philpot reported on his findings on the water and ice dams at the fire station and asked that Tom Rutherford supply the Board with a report on the ice dam issues at the Police Department.

UPDATE OF GOALS:

Ms. Ackerman gave a quarterly update on the goals set for the town. She informed everyone that the report is a living, breathing document that is changing frequently. Ms. Ackerman reported that the Town Common Revitalization Committee was looking for permission to remove fence posts and signs from the town common in preparation for renovations. The Board of Selectmen requested that representation from the Town Common Committee come to their next meeting, December 23, 2009, to answer some questions they have on the project. Mr. Sheppard expressed his concern, which was echoed by Mr. Philpot, that the matter of ownership of the Common be finally determined before we do much work on the area. After reviewing the titles of workshops that James Kelley would be holding the Board asked that Customer Service and Running of Meetings be added to the list of workshops.

CITIZEN REQUEST:

The Board of Selectmen acknowledged a letter from a citizen requesting that the Town of Sterling, as an abutter, share in the equal cost of snow plowing North Cove Road. The Board stated that this did not fall under their jurisdiction and asked that the request be passed on to the Department of Public Works.

ONE DAY LIQUOR

LICENSE:

Selectman Sheppard made the motion to approve the one day liquor license for the Eight Point Sportsmen's Club for December 20th from 1:00 PM to 8:00 PM. 2nd by Selectman Philpot. All in favor.

ANNUAL LIQUOR

LICENSE RENEWALS:

Chairman Sushchik read the list of liquor license renewals for 2010. Selectman Sheppard made the motion to approve and sign the 2010 list of licenses, 2nd by Selectman Philpot. All in favor. Selectman Philpot stated that two concerned citizens had questioned the beer and wine advertisements in the window of Appletown Market asking if the establishment was in violation of the conditions set by the Board. He had reviewed the minutes of the Selectmen's meeting (date) when the conditions were set and felt, although somewhat ambiguous, the context indicated there was no violation; that Appletown Market could advertise beer & wine.

Mr. Sheppard offered his memory of that meeting which supported Mr. Philpot's understanding that there is no violation and the Market could advertise beer and wine but not alcohol.

Mr. Philpot read into the record a report from Detective David Johnson on an administrative inspection of DMJ Variety d/b/a Appletown Market which found the market selling hard alcohol from behind the counter, violating a condition set by the Board of Selectmen. The detective felt that selling liquor from behind the counter was in the best interest of public safety since it was in care and control of the store clerk, alleviating the chances of underage patrons gaining access to these items. The Board of Selectmen supported the Detective's findings and agreed to modify the conditions.

INSURANCE ADVISORY
COMMITTEE:

Selectman Sheppard made the motion to appoint Mr. James Kelley, Human Resource Officer, to the Insurance Advisory committee, 2nd by Selectman Philpot. All in favor.

PUBLIC SESSION

Mr. Noyes informed the Board of Selectmen of an incident that he witnessed December 3, 2009 outside of Miles Funeral Home. He reported that cars were parked on both sides of Rte. 12, which is prohibited on a state road, creating a public safety issue for both pedestrians attending the funeral and the police officer working the detail. He suggested that should the incident repeat itself two cruisers should be placed, one on each end of the stretch of road to slow oncoming traffic, and that supplying light for pedestrians walking on Rte 12 trying to enter the funeral home would improve safety.

Other matters discussed during public session were the issue of vendor licenses, heating problems at the polls on Tuesday, December 8, 2009 and the placement of the public session on the agenda.

EXECUTIVE SESSION:

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

Chairman Sushchik	Aye
Selectman Sheppard	Aye
Selectman Philpot	Aye

All in favor.

ADJOURNMENT:

Selectman Philpot made the motion to adjourn at 10:29 PM. 2nd by Selectman Sheppard. All in favor.

RESPECTFULLY SUBMITTED

RUSSELL R. PHILPOT
CLERK