

BOARD OF SELECTMEN

JUNE 22, 2011

MINUTES

MEETING: Chairman Philpot called the meeting to order at 7:00 PM. Roll call established that Selectman Sushchyk, Furmaniuk and Philpot were all present.

ANNOUNCEMENT: Chairman Philpot announced that the video disc of the April 28th BOS meeting is at the library and available for anyone who would like to view it.

AGENDA: Chairman Philpot stated that a situation occurred yesterday with regards to the Town Accountant which needed to be discussed. He went on to say that he could not have anticipated it and he believed it constituted an emergency issue since it involved the continuation of the Town's business. Selectman Sushchyk agreed the Board that this issue proved to be an emergency and should be added to the agenda with minimal discussion with regards to accepting the Town Accountant's resignation and to sign a transition plan. Chairman Philpot assured the Board the discussion would not go beyond determining a transition plan so the Town business could continue. Chairman Philpot then asked for a Public Session to be included on the agenda which was denied by the Board.
The Board approved the agenda as revised – with the inclusion of the Town Accountant transition plan.
Two yeas – one nay.

MINUTES: Minutes will be approved at the next meeting once all corrections are submitted.

KATHERINE CRONIN: Chairman Philpot acknowledged Ms. Katherine Cronin, as the winner of a state wide essay competition. Chairman Philpot presented Ms. Cronin with a certificate of recognition for her outstanding accomplishment as the winner of the Daughters of American Revolution State Wide 6th Grade Essay Contest.

CHIEF CHAMBERLAND: Chief Chamberland gave an overview of his May report. He asked that the Board set a fee for the solicitor by-law passed at the town meeting. The Chief recommended \$25 for the fee application. The Town Clerk will be submitting the by-law to the Attorney General's office 30 days later than usual and once approved will need a second approval for permit fee. The discussion will continue on July 6, 2011.

Chairman Philpot commented on the completion of the bridge work on Rte 62 and Selectman Sushchyk suggested a letter be sent to the Mass DOT thanking them for a great job on completing the project on time.

VAULT: The Board reviewed the summary report from the Vault Committee. The Committee reported that there were 3 finalists for the project; Ed Martinet, Leib Architects and Kang Associates. The Committee recommended Leib Associates as the best candidate for the project. They were the most knowledgeable, examined potential vault locations and answered all 12 questions asked by the Vault Committee.

The Board thanked Michael Padula, Don Murray and Dawn Michanowicz for their work and urged them to volunteer for the Design/Building Committee.

**PERSONNEL
POLICIES:**

Chairman Philpot informed the Board that the flex policy has been brought to his attention. He reported that the flex policy was approved by the Personnel Board in January and will take effect July 1, 2011. He continued to say that he had some questions regarding this policy which has never been presented to the Board and reported that 2300 hours had been accumulated with 852 hours taken against a policy which is not yet in effect. He further stated he believes this is compensatory time which violates the town by-law ratified at the ATM on May 17, 2010.

Selectman Sushchyk informed him that the Board has previously delegated the Personnel Board to develop policies. Mr. Kelley stated that nothing (no time) has been credited to any individual under this policy because it is not in effect.

Anything that has been credited to any employee has been credited under "past practices" and all time will go away as of June 30th. Chairman Philpot stated that in the past the Personnel Board has been advisory but as of 2010 the Personnel Board and the Human Resource Officer has been administrative. Chairman Philpot expressed his displeasure with the flex/comp time policy, stating that the Board should review and comment on all policies before they are implemented. Selectman Sushchyk stated that the Selectmen should defer to the Personnel Board, that they are hard working and conservative in their policy making and experts in personnel issues. Larry Pape of the Finance Committee had a number of concerns with the Personnel by-law, i.e. comp time that appears to have been recorded, taken and approved by the Personnel Board which violates town by-law. James Kelley informed the Board that the Personnel Board would be reviewing the flex policy on June 27, 2011 and could amend or suspend the policy. Chairman Philpot added that the appointing authority, the Board of Selectmen, should be kept abreast of all policies developed by the Personnel Board. Discussion continued and Mr. Pape informed the Board that Personnel Chairperson Schur agreed that in the future proposed policies will go to the Finance Committee for review.

Mr. Kelley explained that the Workplace Conduct Policy protects the Town, citizens and employees, similar to the Harassment Policy. Selectman Sushchyk read the policy and stated it was a good one.

ANNUAL

APPOINTMENTS:

Chairman Philpot reviewed the appointment list and commented that a number of individuals on the re-appointment list had not completed the mandatory ethics test. He went on to say the Town has not taken "reasonable steps" as listed in MGL to ensure compliance. Ms. Ackerman took issue with the remark stating they had taken reasonable steps. Philpot suggested that a reminder be sent out to those who have not complied with the new law informing them that they need to take the test within the next two weeks. Selectman Sushchyk suggested that a reminder letter be sent out giving the 30 to 45 days to comply. Mr. Philpot stated that under MGL new appointees must comply within 30 days. Mr. Kelley announced that computer access is available in the Council on Aging department for those who do not have a computer at home. The Board voted to re-appoint the individuals on the list except

for those that require a vote from the Finance, Moderator and Board of Selectmen (Personnel, Finance and Capital Committee) because the Personnel Board and the Moderator had not received advance notice of their required input. Mr. Pape (Finance chair) stated he would schedule a meeting to discuss the issue with the Finance Committee and take their formal vote.

**CLEANING
CONTRACT:**

The Board discussed the cleaning contract and voted to extend the contract for 1 year as long as the Town receives updated Cori's and the cleaning company fulfills the conditions of the contract. Mr. Philpot asked Ms. Ackerman what would happen if the Board did not vote to extend it for another year given that the current contract will expire in a week. Ms. Ackerman stated we would go out for bids and start the procurement process which would take additional time.

**YEAR END
TRANSFERS:**

Selectman Sushchyk made the motion to approve the year end transfers for the DPW, Snow and Ice \$556.24, the Building Department, from wiring inspector to building expense \$2000 and the Library, \$850 from wages to expenses. 2nd by Selectman Furmaniuk. All in favor.

**ONE DAY
LIQUOR
LICENSE:**

Selectman Sushchyk made the motion to approve the one day liquor licenses for the Eight Point Sportsmen's Club for July 9, July 17, July 30 and August 13. 2nd by Selectman Furmaniuk. All in favor.

**DONATION OF
TOWN
EQUIPMENT:**

Chairman Philpot informed the Board that the Sterling Municipal Light Department has generously donated to the Town 2 copiers and a pickup truck and thought it was a good idea to donate the Town's camcorder to the Light Department. Selectman Sushchyk agreed and made the motion to donate the Town's camcorder and all its cables, case and accessories to the Sterling Municipal Light Department. 2nd by Selectman Furmaniuk. All in favor.

**TOWN
ACCOUNTANT:**

Selectman Sushchyk reported that he talked with Donna Couture, the Town Accountant, and she confirmed she is resigning and that she has worked out an interim agreement with Terri Ackerman. Chairman Philpot expressed his disappointment with the resignation, expressing the unspeakable loss the town would be experiencing. He continued to say he had every confidence that the Accountant would maintain the high standards through the transition as she has done for the past nine years. Selectman Sushchyk made the motion to approve the interim agreement between Ms. Couture and the Town of Sterling dated June 22, 2011. 2nd by Selectman Furmaniuk. All in favor.

FUTURE TOPICS: Chairman Philpot informed the Board that the Town Administrator was overdue on her Performance Evaluation. He asked that it be scheduled for the next meeting.

Ms. Ackerman asked the Board members if everyone understood the evaluation process. The Board agreed that they did and scheduled a portion of the review for open session and then to enter into Executive session to complete the process. Chairman Philpot stated he has received contradicting information from Mr. Jamie Kelley and Town Counsel on whether an Executive Session was allowed under Open Meeting Laws. He stated he would speak with Town Counsel and take his advice on the matter. Selectman Sushchuk asked that the Board be prepared to set its annual goals, no more than 2-3 items and to allot 40 to 60 minutes for the topic. Ms. Ackerman discussed the possibility of holding a special meeting for annual goal setting and Chairman Philpot stated that it should be televised. Mr. Philpot preferred to include it as part of a regular meeting and then have a follow-up discussion at the following meeting to finalize the goals.

**TOWN
ADMINISTRATOR'S
UPDATE AND**

ANNOUNCEMENTS: Ms. Ackerman reported on the cost for the Board of Health move and the source of funding for the notaries in the Butterick Building, along with total cost for the dog licensing software.

ADJOURNMENT: Selectman Sushchuk made the motion to adjourn the meeting at 9:40 PM. 2nd by Selectman Furmaniuk. All in favor.

RESPECTFULLY SUBMITTED



**RONALD FURMANIUK
CLERK**



Appointments for FY2012

A.D.A COORDINATOR

Matthew Marro 12/7/09 1 year

A.D.A. REVIEW COMMITTEE

Danielle Mattei 12/7/09 1 year

Kenneth Stidsen, Jr. 6/7/11

Clare Fisher 12/21/09

AGRICULTURAL COMMISSION

Robert Nickerson 2/8/10 3 years

David Grinkis

ANIMAL CONTROL ADVISORY BOARD

Cynthia Miller 7/15/10 1 year

Theresa Sadler

Claire Stidsen 5/25/11

ANIMAL CONTROL OFFICER

Louis Massa 12/9/09 1 year

ANIMAL INSPECTOR

Louis Massa 12/9/09 1 year

BUILDING INSPECTOR – ALT

Norman Clemence 4/3/10 1 year

David Johnson

CAPITAL FUND COMMITTEE

Patrick Fox 3 years

John Kilcoyne

CELL MONITOR 1 year

Christopher Constantino

CONSERVATION COMMISSION

Susan Valentine 3 years

Robert Schnare

Appointments for FY2012

COUNCIL ON AGING

Anita Benware	1/11/10	3 years
Constance Cleary	1/24/10	

ELECTRICAL INSPECTOR

J.Bruce Dunn	12/16/09	1 year
Robert Warren – alternate	1/5/10	

ETHICS COMMISSION – LIAISON

James Kelley	11/9/09	1 year
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EARTH REMOVAL BOARD

Kenneth I.H. Williams	12/23/09	3 years
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EXTENSION SERVICES

Clare Fisher	12/21/09	1 year
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FENCE VIEWER

Gary Griffin	7/15/10	1 year
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FINANCE COMMITTEE

Lisa Call		3 years
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GAS INSPECTOR

Robert Janda	12/2/09	1 year
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HISTORICAL COMMISSION

James French		3 years
Vern Gaw		

LOCAL EMERGENCY PLANNING

Peter MacDonald	12/21/09	1 year
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MART ADVISORY BOARD

Christopher Roy		1 year
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Appointments for FY2012

MEMORIAL AREA

William Tuttle 12/23/09 1 year

MUNICIPAL HEARING OFFICER

Terri Ackerman 11/2/09 1 year
James Kelley willing to serve
Donna Erickson REFUSED APPOINTMENT

OPEN SPACE IMPLEMENTATION COMMITTEE

Marion Larson 3/31/10 1 year
Peder Pedersen
Robert Arthur 1/14/11

PERSONNEL BOARD

Loret Schur 12/7/09 3 years
Diane Burrows 1/2/10

PLUMBING INSPECTOR

Robert Janda 12/2/09 1 year

PROCUREMENT OFFICER

Terri Ackerman 11/2/09 1 year

PUBLIC WEIGHERS

Edward Perkins 1 year
Jeff Henningson
Charles Darlington
Heidi Lindgren

RECREATION COMMITTEE

Jessica Moroney 3 years

RECYCLING COMMITTEE

Kenneth I.H. Williams 12/23/09 1 year

SAFETY COMMITTEE

Gary Chamberland 11/27/09 1 year

