

**BOARD OF SELECTMEN
BUTTERICK BUILDING
JUNE 8, 2011**

MEETING: Chairman Philpot called the meeting to order at 7:02 PM. Roll call established that Selectman Sushchyk, Furmaniuk and Philpot were all present.

Chairman Philpot read the statement declaring the Sterling Lancaster Cable as the only authorized electronic copy of the meeting.

7:05 PM

ACCEPTANCE OF

NEW PRECINCTS: The Board reviewed the legal description of the new precincts and the new map for the re-precincting in the Town of Sterling. Selectman Furmaniuk made the motion to approve and sign the legal description and the boundary map. 2nd by Selectman Sushchyk. All in favor.

7:08 PM

SCHOLARSHIP

AWARDS:

The Board of Selectmen met with Vern Gaw, Lisa Call and Larry Pape to discuss and vote on the scholarship awards from the Maria Houghton Scholarship Fund. The Committee received 6 applications all of which were very impressive. The Committee first discussed the total amount to be awarded and then the ranking process for determining the awards. They agreed to meet in the fall to establish criteria for ranking the applicants. After some discussion Selectman Sushchyk made the motion to award one, \$1000.00 scholarship to the student that they ranked the highest and \$300 to the remaining 5 students.

RELOCATION OF

BOARD OF

HEALTH:

Stan Selkow, Chair of the Board of Health and David Favreau, Health Agent met with the Board to discuss the relocation of the Health Department to a more suitable space. Ms. Ackerman informed the Board that after many discussions the Board of Health now prefers to move into space on the second floor. She recommends a move that would involve three departments, Facilities Manager, Administrative Assistant and the Board of Health. Mr. Selkow expressed his appreciation for Ms. Ackerman and the time and effort she put into coming up with a great solution that appears to be cost effective. He informed the Board that they were willing to move into the Administrative Assistant's space, the Assistant would move into Room 201 and the Facilities Manager would move into the Building Department. Ms. Ackerman estimated that the cost for some wiring, phones and partitions would cost less than \$1000. Mr. Philpot first asked if the B.O.H. was sure this new area would satisfy their needs. Mr. Selkow and Favreau assured him it was. Chairman Philpot stated that he was OK with the move but wanted a better understanding of the costs to be sure it would not exceed the estimated \$1,000. He also wanted to know the source of funding. Selectman Sushchyk commented that the Board of Health had been held at bay for quite some time now and asked that the Board approve the move subject to the cost report from the Town Administrator. Selectman Sushchyk made the motion to approve and authorize the Board of Health to make the move in the town hall and to have the Town Administrator report back to the Board of Selectmen with an actual cost, 2nd by Selectman Furmaniuk. All in favor.

**7:39 PM
BREAK**

**7:45 PM
PUBLIC HEARING
STERLING NATIONAL
COUNTRY**

CLUB: Selectman Sushchyk made the motion to open the Public Hearing for the application of a Seasonal, All Alcohol License for the pool at the Sterling National Country Club, 2nd by Selectman Furmaniuk.
Ms. Janice Mathews, manager for the Sterling National Country Club, represented the country club. It was explained that the Town of Sterling had issued the same license a year ago but the country club missed the renewal period and is now required by Law to reapply to the town. The Board discussed the special conditions for serving alcohol in the pool area, that of opening on Memorial Day and closing on Labor Day, hours to be 12 noon to 11:00 PM.
Selectman Sushchyk made the motion to approve the issuance of the Seasonal license for the pool area at the Sterling National Country Club with those special conditions, 2nd by Selectman Furmaniuk. All in favor.

**1835 TOWN HALL
COMMITTEE:**

The Board of Selectmen met with the 1835 Town Hall Committee to discuss and appoint members to the Designer Selection Committee for the project on the 1835 Town Hall Building. The 1835 Town Hall Committee submitted four names, Cynthia Secord, Ken Stidsen, Ronald Picherri and Vern Gaw to be appointed to the Selection Committee. Chairman Philpot commented that he had a call from Mr. Matthew Stelmach that also expressed an interest in serving on the committee. Selectman Furmaniuk made the motion to appoint Ms. Secord, Mr. Stidsen, Mr. Picherri, Mr. Gaw and Mr. Stelmach to the Designer Selection Committee, 2nd by Selectman Sushchyk. All in favor.

**ACTION PLAN
AND TIME
TABLE FOR
SELECTION
COMMITTEE:**

The group discussed the time table and determined that there was a short runway of time to accomplish the task and meet the CDBG grant application deadline of mid December. Chairman Philpot again stated his concern over the applicability of the Federal Lead Paint Law (R.R.P.) and commented that he would like someone to determine whether or not it would impact this project and be accountable for the decision. He went on to explain that if this Law applied, the estimated prices for the work could rise substantially and make the project too costly for the Town. Knowing now about the Law could save us large sums later and, possibly, negate the need to spend \$75,000 now. Mr. Gaw of the Designer Committee stated he would check into the Federal Lead Paint Law and suggested the designer to be chosen would make that determination. Mr. Ken Stidsen informed the B.O.S. that the Town must provide an ADA transition plan in order to apply for the CDBG grant. The ADA committee will be responsible for this action starting with a study of Town buildings with the goal of having the plan ready to be submitted as part of the CDBG application.

TOWN ADMINISTRATOR

UPDATE:

Chairman Philpot explained that the closing down of issues is an essential duty of the Board of Selectmen and that the Town Administrator's update worked well in assisting the Board on those issues. Selectman Sushchyk agreed as long as the follow up stuck to the facts and the topics listed. The Board agreed that questions of Ms. Ackerman during follow-up subjects were natural and expected.

Ms. Ackerman reported on the Hardscrabble Road acquisition. She informed the Board that there were 4 telephones quotes for the Phase I soil and site assessment and Mr. Oldfield came in as the lowest bidder. She would be checking to make sure the proper insurance was in place before awarding the bid. Mr. Philpot asked if there would be any written quotes given the broad range in prices offered over the phone. Ms. Ackerman stated they would ensure all verbal quotes were for the same work.

Ms. Ackerman stated that there has been no further response to her correspondence to the cellular companies. The Board determined the matter to be closed with no further action/attention required.

Ms. Ackerman explained that the department heads discussed the cleaning company and recommend a 1 year extension for the present cleaning contract. Everyone was in agreement that the services had improved and item #7 of the contract allows for a 30 day notice of termination if the job is not being completed successfully. Chairman Philpot asked that the building managers be polled and Ms. Ackerman to report back with the consensus at the June 22, 2011 meeting before any decision was made to the extension of services.

The Procurement delegation process was explained, outlining the 3 principals; legal compliance, professional expertise and efficiency. Ms. Ackerman stated under MGL 30b, the Chief Procurement Officer was allowed to make such delegations but she wanted input from Dept. Heads and the B.O.S. before moving ahead with the process. Mr. Philpot commented that he believes T.O.S. general By-Laws prevented this from occurring because the Laws required a Town Meeting vote. The Board agreed process would be further discussed at a future meeting.

Correspondence was sent to Mr. Traina and Ms. Morgan regarding the placement of the town septic system and its location to Mr. Traina's driveway. It has been determined the septic system for the Butterick Bldg, is very close to the proposed parking area and the leaching pipes are just 23" below the surface making them vulnerable to heavy traffic. The area will be marked clearly, establishing an area to say away from to alleviate damage to the system. Ms. Ackerman stated that more discussion is required to determine how best to mark the area and prevent damage to the system. She will be working with Mr. Tuttle @ DPW on the matter.

Bill Tuttle, superintendent of the DPW, informed Ms. Ackerman that the metal stakes have been removed from the corner of Burpee Road and that a survey will be done in July.

BUSINESS

ANIMAL CONTROL ADVISORY

APPOINTMENT: Ms. Karen Kase was present and briefed the Board on her background and interest on serving on the Animal Control Advisory Board. Selectman Furmaniuk made the motion to appoint Ms. Kase to the Animal Control Advisory Board. 2nd by Selectman Sushchyk. All in favor.

ONE DAY LIQUOR

LICENSES: Selectman Sushchyk made the motion to approve the request for the one day liquor license for the Eight Points Sportsman club for June 18, 2011, 2nd by Selectman Furmaniuk. All in favor.

Selectman Sushchyk made the motion to approve the request for the one day liquor license for the Eight Points Sportsman club for June 24, 2011. 2nd by Selectman Furmaniuk. All in favor.

END OF YEAR

TRANSFERS: The Town Clerk requested a year end transfer of \$2943 to cover additional costs for software to the dog licensing program and unexpected costs to produce the annual Town report (\$464). The transfer was approved by the Finance Committee. Chairman Philpot asked for a total cost of the dog licensing software in the Town Clerk's office since this transfer which include \$2,479 would, essentially double the total cost. Ms. Ackerman agreed to provide the costs. Selectman Furmaniuk made the motion to approve the transfer, 2nd by Selectman Sushchyk. All in favor.

The Town Clerk asked for a second transfer of \$458 to cover Election expenses attributed to additional time needed for workers to enter voter information into VRIS. Mr. Philpot commented that much work had (and associated expense) had been done on VRIS and asked if this represented the last of the effort. Ms. Ackerman responded that it did, from this point on VRIS would be in a "maintenance mode". Selectman Furmaniuk made the motion to approve the transfer, 2nd by Selectman Sushchyk. All in favor.

NOTARY POLICY: Ms. Ackerman researched the notary policy that was currently being used in the town hall and reported that there was a minimal fee of \$1.25 charged to those needing the service by the Building Department's administrative clerk and the Town Clerk's office. The notaries providing the service paid for their notary license at an estimated cost of approximately \$95.00 every 5 years. The money collected for the notary service was turned over to the Town Treasurer and not personally kept as inquired about -at the last meeting. Mr. Sushchyk stated he felt the \$1.25 fee was more than reasonable given in his professional experience such fees are \$5.00 and went on to recognize the Finance Committee's suggestion of looking for new sources of revenue. Mr. Philpot stated that charging \$1.25 to taxpayers did not put the Town in a good light and suggested the Town absorb the costs for renewal of the Notaries so long as they are employed by the Town and that taxpayers should not be charged for the service. The Board discussed the notary policy and agreed that the individual notaries that paid for their notary permit should be reimbursed. Ms. Ackerman was to identify the source of funding for the reimbursement. The Board then agreed that residents of Sterling should not be charged for the service. Mr. Philpot cautioned that we should be sure this service is for taxpayers and that

business people should not expect free service as a part of their business. Selectman Sushchyk on behalf of the Board of Selectmen formally thanked the employees who took the initiative on their own to provide the service in the town hall.

**BOARD OF
SELECTMEN
POLICES AND
PROCEDURES:**

Chairman Philpot stated that he liked the present format and would like to continue on the same path. Selectman Sushchyk agreed and added that he would like to see after the new business a future item list for the next upcoming agendas. Selectman Furmaniuk agreed. The Board continued to discuss the agenda format, Robert's Rules and current polices and agreed that the Board of Selectmen would continue to make changes and that it would be a trial and error process in trying to best suit the needs of the Board and the Town of Sterling.

**RICHARD
TRAINA:**

Mr. Traina returned to the meeting after responding to a fire call and Ms. Ackerman reviewed the previous discussion with him. She informed him of the area that was sectioned off to protect the town's septic system.

**9:15 PM
OPEN MEETING
LAW:**

Chairman Philpot referred to a complaint regarding an Open Meeting Law violation sent on May 2, 2011 to the Board of Selectmen and the fact that the Town Administrator took it upon herself to respond to the complaint addressed to the Board of Selectmen on May 13, 2011, sending it to the complainant and the Attorney General's office without conferring with the Board. Ms. Ackerman stated that she had spoken with the Chairman of the Board at the time as well as Town Counsel and the Attorney General's office and they advised her to respond due to the timeline and the timing of the Selectmen's meetings. Chairman Philpot informed the Board and Ms. Ackerman that he read the complaint, the response from the Attorney General's office and Ms. Ackerman's response and took it upon himself to write the Attorney General's office to explain the situation and filed for an extension on the timetable, which was granted. He wanted to know why Ms. Ackerman had not done the same. Ms. Ackerman confirmed that she really did not want to write the letter and that she should have taken that step. Chairman Philpot then informed the Board that the AG's office never tells people when to enter Executive Session. He stated that the issue did not fall under the reasons outlined for an Executive Session. Selectman Sushchyk disagreed, stating that he wanted an Executive Session as the complaint was attacking his integrity and character and he was willing to waive the right of a 48 hour notice. Selectman Furmaniuk agreed that this was a proper matter for Executive Session

**EXECUTIVE
SESSION:**

Selectman Furmaniuk made the motion to enter into Executive Session at 9:30 PM in accordance with MGL Chapter 39B, §23B to discuss the alleged complaint of the Open Meeting Law Violation, to return to regular scheduled meeting only to adjourn, 2nd by Selectman Sushchyk. Roll Call

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| Sushchyk | Aye |
| Furmaniuk | Aye |
| Philpot | Aye |

All in favor.

**ADJOURNMENT: Selectman Sushchyk made the motion to adjourn the meeting at 10:18 PM, 2nd by
Selectman Furmaniuk. All in favor.**

RESPECTFULLY SUBMITTED

**RONALD A. FURMANIUK
CLERK**