

BOARD OF SELECTMEN
BUTTERICK BUILDING
AUGUST 31, 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.

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

AGENDA: Chairman Philpot asked for approval of the agenda. Selectman Sushchyk asked why Public Session was included in the night's meeting and stated that the Board approved to hold a public session every other meeting. Chairman Philpot stated that as long as he was chairman there will be a public session in the meetings. He added that the Board also agreed to hold a town wide public session chaired by the town moderator in exchange for the alternate public sessions and more than a year has passed and not one meeting was held. Selectman Sushchyk stated that the Board's vote still carries and made the motion to approve the agenda, removing the public session. 2nd by Selectman Furmaniuk. Two in favor, one against. Chairman Philpot made the statement that this is a poor policy and a poor vote.

MINUTES: Selectman Sushchyk made the motion to approve the minutes of August 9, 2011, 2nd by Selectman Furmaniuk. All in favor.

Chairman Philpot questioned the Board why changes to minutes were allowed to be made by someone other than a board member. Selectman Sushchyk stated that in most cases it is a matter of that person changing/clarifying a statement. Chairman Philpot stood by his statement that a non member should never be allowed to change the minutes.

POLICE CHIEF
JULY REPORT:

Chief Chamberland gave a brief overview of the July report. He reported that the guard rails have been removed on Rte. 12 which has improved the sight distance greatly. He informed the Board of the accidents at Rte 62 and 140 as well as the Chocksett and Leominster Road intersection. The Board discussed ways to improve upon the two intersections. The Chief reported that although there is a restriction on parking on Upper North Row Road, the public still has access to the Wekepeke by foot. Passive recreation, including swimming is also allowed.

NOISE COMPLAINT: David and Veronica Mack and Stephen Hall asked the Board for some assistance in regards to the noise generated by motorcycles going to and coming out of the 140 Rendezvous Club. Selectman Sushchyk recused himself from any discussion or vote to avoid a perception of conflict of interests due to the fact that Selectman Sushchyk has represented the owner of the 140 Club in the past.

Mr. Mack explained that he has no problem with the 140 Club itself but expressed much frustration with the traffic of motorcycles going and coming out of the club. He stated that most (not all) of them go out of their way to intentionally and willfully make as much noise as they can. Mr. Hall stated that he has lived in the area for many years and this past year is the worst ever. Mr. Mack asked if the town could insist on the club having police details during the peak times or special events. He went on to say that whenever there is a police cruiser present in the area the cyclists tend to keep the noise down. Chief Chamberland informed the Board that this is a major issue now and in the past. He suggested that the Board hold a meeting with the 140 Rendezvous Club owner to discuss the noise violation. He also suggested that the Board require the club to hire details if there is no improvement in the situation.

The Board agreed that a meeting with the owner of the club was necessary and asked Ms. Ackerman to research any license restrictions for the club.

HABITAT FOR
HUMANITY:

Mr. Nobrega representing Habitat for Humanity requested that the Board of Selectmen partner with them to build affordable housing by waiving the building fee for the project they would be working on at Myrtle Ave. Chairman Philpot commended Habitat for Humanity and the great work that they do but referred to the state's constitution that prohibits the town from aiding charitable organizations including waiving fees. He also stated that the town has many nonprofit organizations and would not want to set a precedent by waiving fees for one organization and not the other. Selectman Furmaniuk stated that such a precedent had been set a couple of years earlier when the Board waived the building permit fee for the Little League. Mr. Philpot clarified the record by pointing out the fee had been donated and the land was under the care, control, and custody of the Town Conservation Committee which would make waiving the fee permissible under the State Constitution. The Board agreed to not waiving the fee.

DAN HAYNES
FY10 AUDIT:

Dan Haynes, representative of Scanlon Associates met with the Board to review and discuss the FY10 Audit and management letter. Mr. Haynes commended the town on their excellent financial rating/position. Chairman Philpot thanked Mr. Haynes and stated that it was a group effort including the Finance Committee, Capital Committee and the taxpayers. Mr. Haynes reviewed the GASB 54 & 45. Most of the discussion was on whether or not to fund the OPEB (other Post Employment Benefits). He then spoke about the Ambulance Service Reporting and encouraged a more timely billing and posting process. He addressed the Procurement process and while nothing was wrong with the procurement of the playground equipment done by SPARC, it may have been prudent to seek more up to date quotes. Chairman Philpot questioned the response by Ms. Ackerman with regards to the delegation of procurement to department heads. He remembered that the Board discussed this particular issue. He stated that he was not in favor of delegating the responsibility when Ms. Ackerman was the Procurement Officer. Ms. Ackerman responded by saying she had received input from departments and twice attempted to receive input from the Board but the item was removed both times from the agenda. Mr.

Haynes then spoke to the issue of the town having multiple accounts. He stated that while none of the issues are major or significant the recommended changes would be beneficial to the town.

Chairman Philpot thanked Mr. Haynes for the report and asked why it took until August to hear from the firm on the audit. Mr. Haynes reported that the draft audit was submitted in March and agreed that the meeting with the Board of Selectmen was a little late.

ZONING BOARD OF
APPEALS:

Chairman Bird met with the Board members for an update on the ZBA. He informed the Board that the dog licensing issues have been resolved. Mr. Bird explained that budget forecasting was difficult because of the suits filed against them regarding 55 Lakeshore. He reported that the first case was dismissed and had just gotten word the second case was also dismissed. Money spent on legal fees due to the two complaints cost the town about \$27,000.

MRPC VISIONING
COUNCIL:

John Hume and Jennifer Siciliano representatives of the MRPC Visioning Council spoke to the Board of Selectmen about joining the council. They presented the program to the Board in hopes of getting Sterling involved and obtaining a substantial grant for the town to do a Master Plan. The Board agreed that securing grants was a great idea but asked what entailed being a member of the council. Ms. Siciliano informed them a member would be responsible for attending quarterly meetings and if possible contributing a monetary sum. The Board asked for time to review and analyze the information provided, to obtain recommendations from the Planning Board. Mr. Philpot expressed his concern about the Town obtaining a grant which would require us to spend even more funds for a plan and asked Mr. Hume how the grants worked with the towns he had mentioned. Hume responded that the grants were for 50% +/- of the total cost of the plan and the towns must contribute the remaining portion of the plan fee. Philpot then asked Ms. Siciliano & Mr. Hume for more information on the costs & benefits to Sterling for joining this venture. The Visioning Council would provide a model support letter including a breakdown of the commitments Sterling would be making to the Council. Should the Board agree to commit they agreed to meet again to sign the support letter.

TRI-TOWN
HOUSING:

Rob Protano, Gene Capoccia along with Barbara Roberti met with the Board of Selectmen to discuss Tri Town Housing and community planning which included affordable housing. The main discussion revolved around having a professional person to consult on housing issues. The group estimated Sterling's share would cost between \$5200 and \$7800 which would hopefully be obtained through a regionalization grant. Chairman Philpot questioned the benefits Sterling would reap from such a position and stated that we already had an active Planning Board and a Zoning Board of Appeals to oversee the zoning by-laws and he did not see any need to be satisfied by such a person. Philpot then asked Mr. Protano how the Planning Board felt about this idea to which Mr. Protano stated his board was split: He was, personally, in favor of the idea while two other members of Planning were against, and the two remaining members were

“on the fence” about it. Mr. Capoccia explained that the person would be able to produce housing inventory reports, assist with 40Bs, and possibly save legal costs in this area, plus monitor sales, match them with eligible buyers and assist in obtaining grants. Mr. Protano reminded the Board that the town would have a quality person in place without having to support the entire cost. Chairman Philpot stated that he would be in agreement if that person was able to obtain some grants to offset the cost of having him/her, something Sterling has not been able to do. Selectmen Sushchyk and Furmaniuk also supported the idea. Ms. Ackerman was asked to talk with the West Boylston Administrator to find out the timeline and report back to the Board.

JAY HARTNETT
CHAIRMAN OF
THE STERLING
FAIR:

Mr. Hartnett requested that the Board sign the usual contracts for the upcoming fair consisting of the contracts for the use of the Sterling Airport and the hold harmless contract for the helicopter rides. He also submitted the vendor and common victualler license for Gillette Shows. Selectman Sushchyk made the motion to approve and sign the contracts for the use of the airport and the hold harmless contract for the helicopter, 2nd by Selectman Furmaniuk. All in favor.

Selectman Furmaniuk was chosen to be the speaker at the opening ceremony of the fair.

BOARD OF SELECTMEN
YEARLY GOALS:

The Board members discussed the seven goals they had outlined and agreed that choosing three goals would be a reasonable number of goals to accomplish in the next year. After discussing all of them the Board agreed upon working to reduce the FY13 budget by \$60 to \$100,000, to investigate the need for a grant writer and the benefits to the town, to identify potential sources of grants and to try and obtain a grant, and lastly to complete the vault project.

TOWN ADMINISTRATOR'S
GOALS:

Chairman Philpot opened the discussion by reminding the Board of the Town Administrator's review and the need to complete the review as well as establish goals for the next year. He stated that in his opinion Ms. Ackerman should position herself as the expert with respect to the Town Government by-laws and be in compliance at all times. Discussion continued with suggestions that the Town Administrator provide support to the Board and to Department heads so that the annual goals are achieved and to create and implement a tracking system to ensure all issues are fully addressed and brought to a conclusion. Chairman Philpot encouraged Ms. Ackerman to make sure that the procurement of goods and services in the town are in compliance with the Laws with no exceptions. After a lengthy discussion the Board agreed that the goals set for the Town Administrator should be to develop a plan to assist the Board of Selectmen in meeting their goals and to develop a tracking system for following up on items discussed at the Selectmen's meeting.

Chairman Philpot will average out the scores given to Ms. Ackerman in her review and place them in her personnel jacket.

TOWN ADMINISTRATOR'S

UPDATE: Ms. Ackerman reported that Rushing Waters is looking to hold an informational night for the public to report on their findings surrounding the Wekepeke area. They asked if the Board would be willing to hold such a meeting. It was agreed that the meeting should be held in Sterling on Thursday, September 15, 2011. Administration will check into the availability of the Selectmen's meeting room or the Chocksett auditorium. Ms. Ackerman attended a MMA presentation on the Health Insurance and informed the Board that RFQ's have been sent to 15 potential bidders for Employee Benefits Consultant. She suggested that the Insurance Advisory Committee be re-established consisting of 1 retire and town employees. The Hardscrabble Road inspection was done on July 20, 2011 and the draft report shows no problems.

PERMITS: Selectman Sushchyk made the motion to approve the attached list of Common Victualler and Vendor permits, 2nd by Selectman Furmaniuk. All in favor.

CHARGE FOR SENIOR
DEVELOPMENT

COMMITTEE: A proposal to expand the Senior Center Site Development Committee was submitted to the Board of Selectmen for their approval. The proposal asked that the charge include recommendations to the Council on Aging regarding the operations, policies and procedures of the Sterling Senior Center for implementation prior to the physical relocation of the Senior Center to a new site. Selectman Sushchyk made the motion to accept the proposal as written, 2nd by Selectman Furmaniuk. All in favor.

VAULT: Chairman Philpot informed the members of the Board that he would like to look into Firelock before continuing to negotiate a contract with Lieb Architects. He expressed his concerns with the cost of the project being more than originally voted on and stated he did not feel comfortable going back to the taxpayers looking for more money. With the Board's permission he wanted to take a look at similar projects done by Firelock in Westford. The Board agreed to his request.

ADJOURNMENT: Selectman Sushchyk made the motion to adjourn the meeting at 11:08 PM. 2nd by Selectman Furmaniuk. All in favor.

RESPECTFULLY SUBMITTED

RONALD A. FURMANIUK
CLERK