

BOARD OF SELECTMEN
MARCH 3, 2010
MINUTES

MEETING: Chairman Sushchik called the meeting to order at 6:00 PM. Roll call showed that Selectman Sheppard, Philpot and Sushchik all present.

MINUTES: Selectman Sheppard made the motion to approve January 20, 2010 minutes as submitted, 2nd by Selectman Philpot. All in favor.

Selectman Sheppard made the motion to approve the minutes of February 17, 2010 as submitted, 2nd by Selectman Philpot. All in favor.

Selectman Sheppard made the motion to approve the first set of Executive Session minutes of February 17, 2010, not to be released until issue is resolved. 2nd by Selectman Philpot. All in favor.

Selectman Sheppard made the motion to approve the second set of Executive session minutes as submitted, not to be released until issue is resolved. 2nd by Selectman Philpot.

EXECUTIVE
SESSION:

Selectman Sheppard made the motion to enter into Executive Session in accordance with M.G.L. Chapter 39, §23B to discuss Real Estate. 2nd by Selectman Philpot.

Roll call: Sushchik –Aye

Sheppard –Aye

Philpot – Aye All in favor

7:18 PM
RETURN TO
PUBLIC

MEETING: The Board of Selectmen returned to the public meeting at 7:18 PM. Chairman Sushchik announced that he would be preparing a press release to inform the residents of Sterling what was discussed in the executive session.

POLICE
STATION:

Tom Rutherford, Facilities Manager, reviewed the scope of proposed work for the Police Station to correct deficiencies in the code found by the Building Inspector. Mr. Rutherford reported that the code was updated in 2003, after the building project of the Police Station, which grandfathered some of the alleged code violations. Selectman Philpot informed the Board that after talking with Ms. Ackerman he did some investigating and called in the State Building Inspector to inspect the station. Chairman Sushchik asked Selectman Philpot why he took it upon himself to perform an investigation without first conferring with the Board as a whole. Chairman Sushchik called his attention to the Policy Memorandum #1 approved and signed by the Board August of 2009, which states no one individual member of the board should usurp that authority. Selectman Sheppard asked Selectman Philpot why he would call a State Inspector when we have a competent Building Inspector on staff. Selectman Philpot explained that he has been looking into these issues at the Police station or a number of weeks and has been reporting back to the Board at our meetings. There still remains a disagreement with the findings of the town's building inspector and wanted to get a second opinion bringing the issue to a conclusion, absolving the contractor who worked on the project of any wrong doing and possibly saving the Town up to \$6,000 by taking advantage of a service provided by the State at no charge to the Town. Chairman Sushchik expressed his disappointment with Selectman Philpot's decision and reminded everyone that at no time did the Board intend to cast aspersions on the integrity of the contractor, Paul Pacheco, who did work at the police station. Chairman Sushchik stated that Mr. Pacheco did a commendable job for the town during his employment and offered a public apology to Mr. Pacheco if it looked like they were attacking his character. Paul Pacheco explained that the statements made on tape referred to his work being inferior but graciously accepted Chairman Sushchik's apology.

Mr. Rutherford addressed the list of issues, fire sprinklers, doors, attic insulation, ridge vents, fire stop sealants and fire alarm equipment. Selectman Sheppard made the motion to authorize Mr. Rutherford to go forward with the installation of insulation in the attic and the fire stop, total cost to be no more than \$5000. 2nd by Selectman Philpot. All in favor.

SELECTMAN

SUSHCHYK: Chairman Sushchyk excused himself from the meeting to attend a meeting of the Town Government Study, to return when that meeting was over.

STATEMENT: Selectman Sheppard read the Board of Selectmen's statement, declaring the Sterling-Lancaster Community Television as the only official electronic copy of the meetings, anyone recording the meetings must notify the Chairman.

ARTICLES FOR TOWN

MEETING: Ms. Ackerman asked the Board to discuss and take position on the articles listed. She thanked Mr. Kelley for working with the Personnel Board to develop and improve on the Personnel by-law. Mr. Kelley commended the Personnel Board for all of their hard work and effort to draft a new by-law reflecting state changes. He went on to say that Article #17 will delete the present by-law in its entirety and replace it with the new and improved version. The Board agreed to support the article.

The SPARC spoke to Article #23 asking the Board to support the funding for the playground. Ms. Ornsbee explained their goal of acquiring \$90,000 to complete the park with \$40,000 to come from the Town and then, possibly, a grant for \$50,000. Selectman Sheppard asked if the Finance Committee supported the article and was informed there was no formal vote yet from the committee. A second part to the article was to designate the land as a playground. The Board asked that the article be broken out to two articles, one to declare the land as a playground and the second to vote to support appropriating \$40,000 to match the grant money. Ms. Ackerman explained that in order to apply for the SPARC grant we need to formally designate the land as a permanent park which was a technicality we haven't done yet. Mr. Sheppard commented that the Town had been taking care of the land all along.

Selectman Philpot asked the committee if there was collected data reflecting the cost of annual maintenance to the playground and suggested that they have these costs for town meeting.

Article #25 was to fund the Wachusett Earth Day in the amount of \$2475. Selectman Philpot made the motion to support and sponsor the article, 2nd by Selectman Sheppard.

Article #36, MGL, Ch 143, Sec 3Z was explained to the Board. Voting this article will bring the town in to compliance with regards to local inspectors and permitting them to work in town as long as they do not inspect their own work. Selectman Philpot made the motion to sponsor and support the article, 2nd by Selectman Sheppard.

Roland Nelson, Veteran's agent, asked the Board to support Article #41 which allows the town to pay employees during their two week training period. The Board agreed to support the article. He also asked the Board to appoint Dawn Michanowicz as back up to the Veteran's agent. Selectman Sheppard thought that appointment had already been made. Ms. Ackerman will check on the appointment and report back to the Board.

Selectman Sheppard informed the Board that he was not in support of Article #42, Hotel/Motel Tax, stating that it would be detrimental to the existing businesses in town. Selectman Philpot agreed with Selectman Sheppard and stated that is was putting additional pressure on businesses but felt that the article should go to town meeting for residents to vote on.

ARTICLES FOR SPECIAL TOWN

MEETING: Selectman Sheppard made the motion to support Article #1 transferring of Free Cash to Water Enterprise Fund, 2nd by Selectman Philpot.

James Kelley spoke to both articles #9 and #10, asking the Board to support the establishment of OPEB Liability Trust Fund and the funding needed to determine the potential liability for OPEB. Selectman Philpot made the motion to support the two articles, 2nd by Selectman Sheppard.

TOWN
ADMINSTRTOR'S

UPDATE: Ms. Ackerman thanked the Cable volunteers working the cameras for the night. She reminded the Board of Selectmen of the regional selectmen's meeting being held on March 11, 2010 in Holden.
Ms. Ackerman reported that members of the Sterling Police Officers had completed the simulator emergency driving training, at which time Selectmen Sheppard read the officer's names.
She pointed out that the auditors (Scanlon & Associates) agreement was ready to be signed by the Board.

CLOSING OF
WARRANTS: Selectman Sheppard made the motion to close the Annual Town Meeting warrant, 2nd by Selectman Philpot.
Selectman Sheppard made the motion to close the Special Town Meeting warrant, 2nd by Selectman Philpot. All in favor.

SUNDAY
PROMENADE
FOR PEOPLE: Selectman Sheppard made the motion to approve the hanging of the Promenade Banner over Main Street, 2nd by Selectman Philpot.

BOARD OF
REGISTRARS
APPOINTMENT: Selectman Sheppard made the motion to appoint Sheila Hudson to the Board of Registrars, 2nd by Selectman Philpot. All in favor.

CHAIRMAN
SUSHCHYK
RETURNED: Selectmen Sheppard and Philpot updated Chairman Sushchyk on the articles submitted by SPARC Committee. After reviewing the article the decision to support was deferred to the next Board of Selectmen's meeting.

The Board then discussed the Hotel/Motel tax. Chairman Sushchyk made the motion to not support the article but agreed to put the article on the town meeting warrant. 2nd by Selectman Sheppard. All in favor.

The Board of Selectmen voted to close the Town Meeting warrant with the addition of the article for the Hotel/Motel tax.

ADJOURNMENT: Selectman Sheppard made the motion to adjourn the meeting, next meeting to be held on March 17th. 2nd by Selectman Philpot. All in favor.

RESPECTFULLY SUBMITTED

RUSSELL R. PHILPOT
CLERK