

BOARD OF SELECTMEN

MINUTES

FEBRUARY 1, 2012

- MEETING: Chairman Philpot called the meeting to order at 6:33 PM. Roll call established that Selectman Sushchuk, Selectman Furmaniuk and Philpot were all present.
- 6:34 PM Selectman Sushchuk made the motion to enter into Executive session in accordance with M.G.L. Chapter 30A, §21A, Real Estate, 2<sup>nd</sup> by Selectman Furmaniuk. Roll call, Philpot aye, Furmaniuk aye, Sushchuk aye.
- 7:18 PM Chairman Philpot called the regular scheduled meeting to order at 7:18 PM.
- Chairman Philpot read the statement declaring the Sterling Lancaster Cable Television as the only official electronic copy of the meeting.
- MINUTES: Selectman Sushchuk made the motion to approve the minutes of January 18, 2012 as submitted, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.
- Chairman Philpot made the motion to approve the first executive session minutes of January 18, 2012, not to be released until the matter is concluded, 2<sup>nd</sup> by Selectman Furmaniuk. Two in favor, one abstained.
- Selectman Sushchuk made the motion to approve the second executive session minutes of January 18, 2012, not to be released until the matter is concluded, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.
- Selectman Sushchuk made the motion to approve the minutes of January 4, 2012, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.
- Selectman Sushchuk made the motion to approve the executive session minutes of January 4, 2012, not to be released, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.
- Chairman Philpot inquired about the November 9, 2011 minutes and made the statement that he was against the inclusion of Ms. Ackerman's response, which was allowing only one side of the story to be told without input from the other ~~side-side~~. Selectman Furmaniuk disagreed with the Chairman stating that her letter was read during the meeting. Selectman Sushchuk stated he saw no harm in including Ms. Ackerman's response and made the motion to approve the minutes with the attachment, 2<sup>nd</sup> by Selectman Furmaniuk. Selectman Sushchuk aye, Furmaniuk aye, Philpot nay. Two in favor, one against.
- BUILDING DEPARTMENT
- FEES: Chairman Philpot recused himself as a contractor that could be affected by the outcome of the discussion.
- Mark Brodeur, Building Commissioner for Sterling, explained the reasoning for the increase of fees to the electrical and building permits. He explained that the last increase to the building fees was in 2003 and suggested a base fee plus \$10 per thousand on the cost of construction.

He informed the Board that he formulated the increase based on the inflation of operating costs and after doing comparisons with other towns. Chairman Philpot as a member of the audience and a taxpayer stated that he listened to Mr. Brodeur's explanation and disagreed. He stated that there are no more costs incurred to the building department based on the cost of a job and residents/contractors would be penalized for using ~~better material over using material of lesser quality. Moremore expensive materials.~~ Mr. Brodeur pointed out the increase of running the department which is currently running a deficit of \$40,000 to \$50,000, 0000, included the gas for inspections, insurance for the vehicle as well as the ongoing increase in supplies and overhead for the office. ~~He went on to say~~ Philpot stated that department costs have been relatively flat the past few years and wondered if the deficit wasn't a result of the economy and a drop in building the last few years. ~~He went on to sat~~ that the increase will never cover the cost of the department but will help with the increased expenses that the economy has incurred on the office ~~the deficit,~~ Mr. Brodeur agreed. Mr. Philpot then asked the Board how they could justify a building permit fee schedule that would double the fee to one person simply because they choose more expensive materials with no impact to the cost of the Town for exercising the permit? ~~permit.~~ Mr. Sushchuk stated that many surrounding towns have adopted this schedule, that it is a cost of doing business, and that the tax to transfer real estate is based on the sell price of the property. Philpot asked Sushchuk if he was talking about a fee or a tax. Mr. Philpot then asked how Mr. Brodeur would confirm that the estimated cost of the project is correct. Mr. Brodeur responded by saying that as long as the application and the project seems reasonable he had no intentions of disputing the information. Selectman Furmaniak ~~Furmaniuk~~ commented that Philpot did have some good points. Selectman Sushchuk made the motion to approve the increase of fees as submitted by the Building Commissioner to take effect July 1, 2012, 2nd by Selectman Furmaniuk. Two in favor.

FACILITIES  
MAINTENANCE  
TECHNICIAN:

Chairman Philpot explained that the job description ~~from September 2010~~ for the Facilities Maintenance Technician had recently been reviewed ~~with changes made and changed in September 2010.~~ He asked Tom Rutherford, Facilities Technician, if he had ~~reviewed the opportunity to review the description the new the~~ draft of the job description and approve it prior to it being finalized and approved by the Personnel Board. Mr. Rutherford responded that he had. He stated his opinion that the statement of capabilities is correct but 25 hours per week does not allow for him to perform all the tasks listed. Selectman Philpot reported that he had complaints from department heads that snow removal was not being performed and that they had to hire their own people to perform the task. He went on to say snow shoveling and maintaining the grounds, both of which are in the job description, are not being done and wanted to know what else in the description might not be getting done. Ms. Ackerman commented that not every action in a job description would, necessarily, get done by the employee. She continued by saying a job description is a list of things a person can do and not necessarily a list of things a person shall do. Selectman Philpot pointed out that Ms. Ackerman is Mr. Rutherford's daily supervisor and ~~then~~ asked ~~Ms. Ackerman~~ what plan she had in place to shovel snow on days Mr. Rutherford was not at work.

Chairman Philpot then referred to a letter received by the Board from Mr. Best, P.E. who performed, the engineer of record for the work at the Police Station, which stated that he was unable to complete his duties on the ~~roof~~ project due to Mr. Rutherford's ~~lack of attention to items he needed~~ inability to finish the work to attend to in order for the work to be completed. Selectman Philpot questioned Mr. Rutherford as to length of time it was taking for him to complete the work which amounted to not more than 1 ½ days of labor (Mr. Rutherford agreed) but has remained since May of 2011. Mr. Rutherford responded that he did not have access to wholesale supplies needed to complete the project. Chairman Philpot asked Ms. Ackerman, as Mr. Rutherford's supervisor, how she could better assist Mr. Rutherford to ensure the jobs asked of him are being done. Mr. Rutherford handed the Board members a list of work requests made by individuals in town and his progress report on the items. Selectman Sushchuk stated that there needs to be a way of improving on the delivery of services. A resident suggested using the Vocational students and Mr. Rutherford suggested using the Sheriff's department workers. The Board agreed that the Sheriff's department could assist as long as security and quality of work was met. The Board agreed that the first item was for Mr. Rutherford to complete the Police Station roof project. They asked that Mr. Rutherford and Ms. Ackerman to report back on February 15, 2012 with a plan for improving services to the town buildings and a date for completion of the roof project at the Police Station.

#### CHIEF CHAMBERLAND

DECEMBER REPORT: Chief Chamberland reviewed his December report with the Selectmen. He informed the Board the video and audio system acquired with the MIAA grant has been installed. Chief Chamberland reported that there were two arrests made with a quantity of stolen property recovered due to Detective Johnson's attentiveness and dedication. He continued by saying that another break-in was solved due to a neighbor reporting suspicious activity in the neighborhood. He reinforced the need for residents to report seeing any suspicious individuals in the area; with their help these individuals can be stopped. Selectman Sushchuk made the motion to authorize Chairman Philpot to sign the Central Massachusetts Law Enforcement council Mutual Aid Agreement, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

#### SENIOR CENTER SITE COMMITTEE:

Chairman Philpot began the discussion by asking what skill sets they should be looking at when appointing members to the building committee for the new senior center. He went on to state he opinion that first the goals & objectives and authority of the committee should be set by the Board, then they should determine the skills necessary to accomplish the goals, and finally the Board should actively recruit people with the skills to sit on the committee. The Board briefly discussed what skill sets, goals, objectives and timeline should be expected of the committee. Ms. Maureen Cranson of F.O.S.S. spoke on the benefit of having motivated people on the committee and why motivation was more important than certain skills and abilities. Selectman Sushchuk and Furmaniuk agreed that motivation was most important to accomplish the goal.

Mr. Sushchyk felt the committee should appointing a committee to see the building project to fruition was most important. Selectman Sushchyk stated the committee should be responsible for submitting a timeline and progress report to the Board. Ms. Ackerman informed the Selectmen that Council on Aging Vice Chair, Barber Foster and Karen Phillips met with the Capital Committee and tried to supply with them information and the approximate cost for a new center. The Capital Committee was convinced that a committee needs to be formed and a more exact dollar amount needs to be determined ~~at~~. Larry Pape confirmed this and encouraged the Board to appoint the building committee. Selectman Sushchyk made the motion to appoint, Peter Watson, Maureen Cranson, Weymouth Whitney, Jack Chandler, Richard Maki and Kevin Beaupre as full members and Karen Phillips and Terri Ackerman as ex officio members. 2<sup>nd</sup> by Selectman Furmaniuk. Chairman Philpot commented that only six people had been appointed and the committee should have an odd number. The Board agreed ~~that committee could possibly expand by one more member for a total of 7 voting members and 2 ex-officio members~~ the committee will have 7 voting members and 2 ex-officio members. All in favor.

APPOINTMENT  
POLICY:

Selectman Furmaniuk addressed the appointment policy and informed the Board members that he had received input from several other boards and committees and taken that input into consideration. He reported that with a few minor tweaks the policy would be ready for approval at the next meeting. He clarified, and the Board agreed that his policy would not apply to separately elected Boards. Chairman Philpot addressed the joint appointment process and asked that the joint appointments not be held to just the moderator and the finance committee because there are others that could be involved in the process, i.e.; Conservation, Board of Health etc.

Selectman Furmaniuk will forward the final draft to the board members and the vote to adopt will take place on February 15, 2012.

ANIMAL CONTROL  
ADVISORY BOARD  
LETTER:

Chairman Philpot opened the discussion and stated that the Board received a complaint from the Animal Control Advisory Board that the animal shelter was calling ~~itself the shelter~~ the Sterling Animal Shelter and wanted the Selectmen to address the issue with the shelter, insisting that they correct this immediately. Philpot went on to say the Board also had a copy of a letter sent to Ms. Brady from the BOS in 2003 about the very same concern which was signed by then-chairman Paul Sushchyk. Philpot went on to say there appeared to be a concern with this Board 9 years ago and now here is the very same concern. Chairman Philpot opined that it would behoove the director to correct the misuse of Sterling in the name and advertisements of her organization. Ms. Brady first commented the 2003 letter contained false information because it listed her as an owner when she is only an employee – the director. Ms. Leigh Brady, director of ~~She went on to say~~ the Animal Shelter Inc., is a non-profit organization, informed the Board their legal name is Animal Shelter Inc., that is what they use when identifying themselves and

what the media says or does is not under her control. ~~Chairman Philpot opined that it would behoove the director to correct the misuse of Sterling in the name and advertisements of her organization.~~ Ms. Brady informed the Board that she sees the repeated complaints as a form of harassment and repeated that she has no control of what residents, media or newspapers call the shelter. Richard Maki, producer of a documentary on the Animal Shelter Inc., informed the Board that he referred to the animal shelter as the Sterling Animal Shelter, identifying where the shelter was located, and in no way was Ms. Brady involved. He stated his objection to the issue coming before the Selectmen when a 15 minute meeting with the Animal Control Advisory Board could have addressed this issue rather than being a tempest in a teapot issue. Mr. Philpot asked Mr. Maki if he had brought this information to the ACAB, he had not but He continued by saying that he would be going to the next ACAB meeting to explain the situation and freedom of speech allows him to say whatever he wants and name a video. Ms. Brady asked Mr. Philpot what action the Board will take on this matter to which he responded he did not see any action for the Board to take which is why he simply made a suggestion to her about the issue of confusion. Selectman Sushchuk thanked Ms. Brady for her work with the animals and the Cable Committee for the invaluable service to the town and added that he only wanted to avoid any confusion there might be in referring to the shelter as the Sterling Animal Shelter. The Selectmen will respond to the ACAB after Mr. Maki speaks with them, closing the loop.

#### ADOPT AN ISLAND:

The Board addressed the "Adopt an Island" program. Following up from the last discussion which needed clarification on its implementation, and Chairman Philpot suggested that the ~~information applications from sponsors first be~~ sent to Ms. Salluce, who will ensure they are properly completed and forward them ~~information~~ to the DPW ~~to assign and island who will carry the program forward and control the enforcement.~~ Philpot had assembled a short list of potential islands which was comprised of the Town-owned buildings and commented that Mr. Tuttle of the DPW would add new island locations throughout the town at his discretion. Hendrickson Sign Company will be listed for assistance in signs, signs to be held to 2 square feet as stated in the town's by-law. Selectman Furmaniuk made the motion to approve the "Adopt an Island" program, 2<sup>nd</sup> by Selectman Sushchuk. All in favor.

#### PERSONNEL BOARD APPOINTMENTS:

Amrith Kumar, chairman of the Personnel Board, informed the Selectmen that the Personnel Board had four individuals expressing an interest in serving on the board. The Board spoke with David Shapiro, AnnMarie Belair, Jed Lindholm and Christine Lowe and brought forward AnnMarie Belair and Jed Lindholm as the most qualified to serve on the board. He continued by saying that Ms. Belair has already shown a great value to board by volunteering her services saving town employees a lot of time by scanning all the job descriptions in a matter of two days as compared to a number of weeks for the Town to complete. He went on to say Mr. Lindholm has also contributed valuable information at the Personnel Board meeting and the Board hopes to rely more heavily on his professional H.R. background. Chairman Philpot read a letter from Peter Monaghan, town moderator, which stated his ~~support preference in for the candidates for~~ the appointment of Ms. Belair and Mr. Lindholm. Mr. Larry Pape, Chairman of the Finance

Committee, also expressed the vote of the Finance Committee to be Ms. Belair and Mr. Lindholm. Letters of appointment are to be sent to Ms. AnnMaire Belair and Mr. Jed Lindholm.

DEDICATION OF A  
PARCEL OF LAND:

The Board of Selectmen had a request come before them regarding dedicating a parcel of town owned land. Chairman Philpot asked the opinion of town counsel who recommended the Board of Selectmen name the chairperson as the sole individual to make the decision. Selectman Sushchuk made the motion to appoint the committee of one, the chairperson, to name and dedicate a parcel of land, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

TOWN ADMINISTRATOR

UPDATE:

Ms. Ackerman thanked the Department Heads for submitting their budgets promptly and wanted to express her appreciation to Ginger Carroll, Anne Cervantes, Karen Chick and Karen Leclerc for their efforts in checking accuracy, collating and distributing the budgets. Ms. Ackerman reminded the Board of the Legislative Breakfast scheduled for February 24, 2012 in Lancaster. The Town Administrator asked the Board to consider implementing a policy to acknowledge long serving individuals that have dedicated their time to the town on boards or committees. The Board agreed it was a good idea and asked Ms. Ackerman to check with the town moderator if a small presentation could be made at town meeting. Selectman Sushchuk also mentioned the town report and the possibility of dedications being made in the report. Selectman Furmaniuk agreed and stated that there are a lot people going unnoticed for their service to the town. Ms. Ackerman will talk with the moderator and the town clerk.

TOWN MEETING

ARTICLE LIST:

The Board of Selectmen reviewed the list of article for town meeting and proposed that the following articles be discussed at the February 15, 2012 meeting;

- Article #17 – Create and fund new position of assistant town accountant
- Article #19 – Accept final draft general code
- Article #20 – Fund maintenance for 1835 Town Hall
- Article #27 – Chapter 90 funding
- Article #38 – Fund tree trimming
- Article #43 – Fund Wachusett Regional Recycling Center
- Article #44 – Fund Wachusett Greenways expense
- Article #46 – Hold tax payment for Active Duty Personnel
- Article #51 – Accept local option - Hotel/Motel tax

COMMON VICTUALLER

PERMITES:

Selectman Sushchuk made the motion to approve the common victualler permit for the Sterling Chocksett Club and Rota Springs, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

POPULATION

ESTIMATES: Selectman Sushchuk made the motion to sign the population estimates for seasonal licenses for 2012, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

TOWN OF ERVING: The Board agreed to research and consider House Bill #00200.

FUTURE AGENDA: The Board reviewed items for the next agenda with Ms. Ackerman including an executive session with Ken Lombardi, opening the Special Town Meeting and adopting the appointment policy.

10:15 PM Chairman Philpot called a break.

10:20: PM Meeting resumed.  
Amrith Kumar, Chairman of the Personnel Board, asked the Selectmen to consider holding a one item meeting with the Personnel Board, Town Moderator and Finance Committee to discuss personnel issues. He informed the Board that he would be sending a draft annual report and asked the Selectmen to review the listed bullets within the report that should be discussed at the meeting. The Board agreed after reading the report to set a date for a meeting with the Personnel Board.

NO PUBLIC SESSION

ADJOURNMENT: Selectman Sushchuk made the motion to adjourn the meeting at 10:24 PM, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

RESPECTFULLY SUBMITTED

RONALD A. FURMANIUK  
CLERK