

TOWN OF STERLING
BOARD OF SELECTMEN
May 22, 2013

MEETING	<p>The meeting convened at 4:00pm. Selectman Furmaniuk and Selectman Patacchiola welcomed Bob Cutler to the Board. Roll call established that Ron Furmaniuk, Brain Patacchiola and Bob Cutler were present.</p> <p>VOTE: Selectman Patacchiola made a motion to approve and release to the public, the Executive minutes of Feb. 13, 2013. Selectman Furmaniuk 2nd. Selectman Patacchiola - Aye. Selectman Furmaniuk - Aye.</p> <p>VOTE: Selectman Patacchiola made a motion to approve and release to the public, the Executive minutes, of Feb. 27, 2013. Selectman Furmaniuk 2nd. Selectman Patacchiola - Aye. Selectman Furmaniuk - Aye..</p> <p>VOTE: Selectman Patacchiola made a motion to approve and release to the public, the Executive minutes of March 13, 2013. Selectman Furmaniuk 2nd. Selectman Patacchiola - Aye. Selectman Furmaniuk - Aye.</p> <p>VOTE: Selectman Patacchiola made a motion to approve and release to the public, the regular and Executive minutes, of April 19, 2013. Selectman Furmaniuk 2nd. Selectman Patacchiola - Aye. Selectman Furmaniuk - Aye.</p> <p>VOTE: Selectman Patacchiola made a motion to approve and release to the public, the regular and executive minutes of May 8, 2013. Selectman Furmaniuk 2nd. Selectman Patacchiola - Aye. Selectman Furmaniuk - Aye.</p>
Re-organize the Board	<p>VOTE: Selectman Patacchiola made a motion to appoint Selectman Furmaniuk as Chair. Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye.</p> <p>VOTE: Chairman Furmaniuk made a motion to appoint Selectman Cutler as Clerk. Selectman Patacchiola 2nd. Chairman Furmaniuk – Aye. Selectman Patacchiola – Aye.</p> <p>VOTE: Chairman Furmaniuk made a motion to appoint Selectman Patacchiola as Vice-Chair. Selectman Cutler 2nd. Chairman Furmaniuk – Aye. Selectman Cutler – Aye.</p>
Town Meeting Re-Cap and Review	<p>General:</p> <p>Chairman Furmaniuk read, into the record, the correspondence from Town Council, Stan Weinberg to the Town Administrator in regard to the letter that was sent to some residents regarding Town Meeting articles. (attached to these minutes)</p> <p>Chairman Furmaniuk reminded everyone that the Board had spoken publicly, about their support initiatives for Town Meeting Articles, on February 27, April 11, and May 8, 2013.</p> <p>Senior Center:</p> <p>Maureen Cranson addressed the Board on behalf of the Senior Center Building Committee. The points that the Senior Center Building Committee would like to be known:</p> <ul style="list-style-type: none">• The members of the Senior Center Building Committee wish to add “Community Center” to the title of their building project, with a

	<p>codicil giving priority to senior usage.</p> <ul style="list-style-type: none">• A member will be resigning and a new member appointed• They believe their efforts are being hampered by the frequent introduction of potential 1835 Town Hall renovations.• They are actively pursuing creative ideas for programming.• The committee is anxious to move forward with this project before the cost rises.• The Senior Center Building Committee will meet with the Planning Board on May 29, 2013 to iron out differences that arose at Town Meeting
Marijuana Moratorium	<p>After discussion, with input from Ken Williams of the Planning Board and Bill Bird of the Zoning Board of Appeals. VOTE: Selectman Cutler made a motion to submit a temporary moratorium on Medical Marijuana Treatment Centers to the next Town Meeting, utilizing the same language from the town of Burlington, which has been approved by the Attorney General. Chairman Furmaniuk 2nd. All in Favor.</p> <p>This temporary moratorium would give the collective boards the opportunity to investigate multiple aspects regarding the impact that such a center would have upon the Town.</p>
Town Administrators Update:	<p>The Town Administrator reported the Following:</p> <p>There is training for new selectmen at the Natick Senior Center on June 8th.</p> <p>Joint appointments will take place on June 19th, at the next Selectmen's meeting.</p> <p>After speaking with the School business agent, Joe Scanlon, it is extremely unlikely that there will be a Special Town Meeting in June. The school funding issue will be addressed at the next Town Meeting.</p> <p>The Light Department wishes to create a Municipal Gas Dept. This issue will be addressed at an upcoming Board of Selectmen's meeting.</p> <p>Investigatory work and pumping were done on the Chocksett School septic system. The cost of \$8,346.00 will be shared between the WRSD and the Town of Sterling. The system is currently functioning but the system is expected to have a limited life expectancy.</p> <p>The new agreement with the WRSD will contain an appendix with a list of approved chemicals which can be used within the school, in order to preserve the functionality of the system for as long as possible.</p> <p>Walter and Paul Janowicz have asked for approval to access 133 Rowley Hill Road via 135 Rowley Hill Road, in order to construct a subsurface sewage disposal system. The consensus of the Board was that the Janowicz request should be approved.</p>

Due to a serious dirt bike accident, the Earth Removal Board needs to call a meeting. Selectman Cutler volunteered to be the Board of Selectmen Representative for the Earth Removal Board.

Selectman Patacchiola presented the Board with a proposal. He would like to send information regarding House and Senate Legislation to the appropriate Town Boards, in order to gather feedback.

The bills:

House ... No. 2740 .. An Act to modernize the renewable energy property tax

Senate... No. 93 .. An Act providing Municipal control of Liquor Licenses

Senate ... No. 946 .. An Act to promote municipal collaboration and regionalization throughout the Commonwealth

House ... No. 690 .. An Act relative to municipal assistance for clean water and economic development infrastructure

House ... No. 1859 An act promoting the planning and development of sustainable communities

VOTE: Selectman Patacchiola made a motion to have these initiatives presented to perspective Boards. Selectman Cutler 2nd. All in favor.
Ms Ackerman will contact perspective Boards, concerning these initiatives.

Year End
Transfers:

After discussion: **VOTE:** Selectman Cutler made a motion that, pending approval of the Finance Committee, that \$1,200.00 be transferred from the Wire Inspector's salary to Building Inspector's contracted services.
Selectman Patacchiola 2nd. All in Favor.

One day Liquor
Licenses

VOTE: Selectman Cutler made a motion to approve a one day Liquor license for the 8 point Sportsmen's Club for a fundraiser on June 1, 2013 from 4:00 pm until Midnight. Selectman Patacchiola 2nd. All in Favor.

VOTE: Selectman Cutler made a motion to approve a one day Liquor license for the 8 point Sportsmen's Club for a retirement party on June 8, 2013 from 6:00 pm until Midnight. Selectman Patacchiola 2nd. All in Favor.

VOTE: Selectman Cutler made a motion to approve a one day Liquor license for the 8 point Sportsmen's Club for a graduation party on June 15, 2013 from noon until 8:00 pm. Selectman Patacchiola 2nd. All in Favor

VOTE: Selectman Cutler made a motion to approve a one day Liquor license for the 8 point Sportsmen's Club for an anniversary party on June 21, 2013 from 4:00 pm until Midnight. Selectman Patacchiola 2nd. All in Favor

VOTE: Selectman Cutler made a motion to approve a one day Liquor license for the 8 point Sportsmen's Club for a Celebration of Life gathering for the Strang Family on June 29, 2013 from 2:00 pm until 8:00pm.
Selectman Patacchiola 2nd. All in Favor

Keno Monitor for
Appletown Market:

Chris Chirag was present to represent the Appletown Market. In their request for a Keno Monitor. The store currently offers Keno-to-Go and would like to have the State install a monitor within the store. The consensus of the Board was that, provided there was no issue with the zoning laws, the Board has no objection to the monitor being installed at the market.

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MRPC and MART
representatives:

After discussion, **VOTE:** Selectman Patacchiola made a motion to appoint Selectman Cutler as the Board of Selectman Representative for the Montachusett Regional Planning Commission from July 1, 2013 – June 30, 2014. Chairman Furmaniuk 2nd. Selectman Patacchiola – Aye. Chairman Furmaniuk – Aye.

VOTE: Selectman Patacchiola made a motion to appoint Selectman Cutler as the Board of Selectman Representative for the Montachusett Area Regional Transit from July 1, 2013 – June 30, 2014. Chairman Furmaniuk 2nd. Selectman Patacchiola – Aye. Chairman Furmaniuk – Aye.

Employee
recognition:

The Board recognized the Assistant Treasurer, Karen LeClerc, for her exceptional performance. Her attention to detail and helpful attitude make her a valuable asset to the Town.

Resignation:

The Board accepted the resignation of Tim Hanrahan from the Personnel Board, with regrets.

1835 Designer
Selection
Committee:

Discussion established that the Designer Selection Committee has accomplished its goals and is no longer required. **VOTE:** Selectman Patacchiola made a motion to dissolve the Designer Selection Committee for the 1835 Town Hall. Selectman Cutler 2nd. All in Favor.

Dates:

The following dates were agreed upon as future Meeting dates:

June 4, 2013

June 19, 2013

July 1, 2013

July 17, 2013

July 31, 2013

August 14, 2013

August 28, 2013

Adjourned:

VOTE: Selectman Cutler made a motion to adjourn at 6:22. Selectman Patacchiola 2nd. All in Favor.

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JOHN M. COLLINS, P.C.
STANLEY L. WEINBERG

MEMORANDUM

To: Terri Ackerman, Town Administrator
From: Stan Weinberg
Re: Conflict of Interest Issue
Date: May 15, 2013

This is to follow-up our telephone conversation this afternoon concerning the contention made by a resident at last night's town meeting that materials distributed by the Board of Selectmen in connection with various town meeting warrant articles violates the conflict of interest law. As discussed below, that contention is wrong.

In its Advisory 11-1, the State Ethics Commission ("Commission") discusses political activity by public employees. (This advisory is available at mass.gov/ethics in the Education and Training Resources tab.) This lengthy advisory makes a clear distinction between election-related political activity and non-election-related political activity, as well as between appointed employees and policy-making or elected officials.

The most restrictive category is election-related political activity by appointed employees, and the least restrictive is non-election-related political activity by elected officials.

Election-related political activity is activity directed at influencing people to vote for or against candidates and/or ballot initiatives. Non-election-related political activity includes, for example, supporting or opposing town meeting warrant articles, bylaw changes, budgets, and construction of public buildings and infrastructure.

The Board of Selectmen's actions regarding various articles on the warrant for the May 2013 annual town meeting clearly fall within the non-election-related political activity category.

In Advisory 11-1, the Commission provides the following very instructive example of the type of non-election-related political activities an appointed policy-making employee may engage in without violating the conflict of interest law:

Example: A police chief may, in his official capacity and during his public work hours, support, and seek to convince the town meeting or the city council to support, the construction of a new public safety building. The chief may write a letter to the editor of a local newspaper in his capacity as chief advocating for a new public safety building, allow his name and official title to be used in a newspaper advertisement supporting the construction of a new public safety building, and advocate as chief for a new public safety building on the police department's website. He could also, while on duty and in uniform, attend meetings of public boards or visit public officials in their offices in order to advocate for a new public safety building, or telephone, email or otherwise correspond for the same purpose. He could use his subordinates' work time and department funds (if consistent with the department's budget and municipal policy) to prepare and distribute a flyer supporting the new public safety building.

The Commission goes on to state:

“Elected officials [e.g., selectmen] are presumed to hold policy-making positions and, thus, may engage in the same non-election-related political activities as public employees in appointed policy-making positions. In addition, because they hold their positions by popular vote, elected officials are not required to limit their non-election-related political activities to matters within their respective official responsibilities or within the purview of their own agencies. An elected official generally may, in his official capacity, engage in non-election-related political activities concerning any matter.”

Accordingly, there is no merit to the contention that a board of selectmen's writing letters to the editor of a local newspaper and to

constituents, and to posting materials on the Town's website, setting forth the board's positions and reasons in support of or in opposition to articles on a town meeting warrant is in violation of the conflict of interest law. Indeed that is perfectly consistent with an elected official's role, as specifically recognized by the Commission, "to inform and guide public debate on public issues."

Please let me know if you need any additional information regarding this matter.

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Selectmen's Meeting Minutes
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