

BOARD OF SELECTMEN
MARCH 28, 2012
MINUTES

MEETING: Chairman Philpot called the meeting to order at 6:05 PM. Roll call established that Selectman Furmaniuk and Chairman Philpot were present. Selectman Sushchyk recused himself from the first Executive Session being held.

EXECUTIVE SESSION: Selectman Furmaniuk made the motion to enter into Executive Session at 6:06 PM in accordance with MGL Chapter 30A, Sec 21, to meet with the representatives of the Insurance Advisory Committee, 2nd Executive Session to discuss Real Estate. 2nd by Chairman Philpot. The Board will return to open session upon completion of the 2nd executive session.

7:06 PM

REGULAR SESSION

CALLED TO ORDER: Chairman Philpot called the regular scheduled meeting to order at 7:06 PM after holding 2 executive sessions. . All three Selectmen are now in attendance.

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

7:09 PM

The Board met with Representative Kim Ferguson and Sue Templeton from Harold Naughton's office for a brief update on the status of the state's finances. Representative Ferguson informed them the budget would be released on April 11, 2012 and Chapter 90 money would be \$420,647. Representative Ferguson reported she was working on the local aid, circuit breaker and school transportation trying to increase the aid to the town. Susan Templeton informed the Board of Selectmen that Representative Naughton was expected to return from Afghanistan on June 11, 2012. She continued by saying that FY2013 would be a lean year but was working on getting funds for the repairs of the Wekepeke dams. Selectman Sushchyk asked what the anticipated state budget short fall would be and was informed 500 million was the expected number with over \$1 billion in the rainy day fund. Mr. Philpot commented that he has been studying the school funding issue and noticed there seems to be an imbalance with respect to the amount of funding the WRSD receives as compared to other districts. He asked whether there was any help coming on this matter as well as increasing the funding for regional transportation (school buses) which has never been fully funded by the State as promised. Representative Ferguson stated that the state is looking into the formula used to apportion out the cost to the Wachusett Regional School district towns but stated that some towns feel that the formula is working well.

LIQUOR LICENSE
HEARING

HARVEST GRILLE:

Selectman Furmaniuk recused himself from the hearing because he currently has a family member working at that establishment.

Ms. Harragin, owner and representative of the Harvest Grille, sat before the Selectmen asking for a full liquor license for her restaurant located at 27 Main Street.

Janet Baker, as a representative from the First Church, informed the Board that she was pleased with the opening of the restaurant, Harvest Grille, and that the church is in no way opposed to the liquor license as long as it does not turn into a bar/lounge. Ms. Harragin agreed with the request and stated she intended to serve alcohol to patrons in conjunction with serving food.

Selectman Sushchuk made the motion to approve the liquor license for Stix Enterprises doing business as the Harvest Grille, 27 Main Street, to patrons in conjunction with the food, either full plate or appetizers. 2nd by Selectman Philpot. Two in favor, one abstained.

INSPECTOR GENERAL'S

LETTER:

Chairman Philpot informed the Board that he received a letter from the Inspector General's office listing 11 different non-compliant procurements. Chairman Philpot stated that he has had concerns in the past with procurement and is embarrassed that issue has now gotten attention in Boston by the IG. Selectman Sushchuk read the letter from the Inspector General's office and suggested that Ms. Ackerman as procurement officer go to Boston to meet with Deputy Counsel Nicholas Read in the Inspector General's office and discuss the issues at hand. Selectman Furmaniuk agreed with Sushchuk. Ms. Ackerman agreed and she informed the Board that she is presently working on a response, that she believes the Inspector General in many instances has been misinformed. She has the documents to prove many of the items were properly procured and would like the opportunity to deliver them in person and speak with Mr. Read. Chairman Philpot disagreed and was in favor of supporting an independent investigation by the auditors. He stated that he felt it would be inappropriate for Ms. Ackerman to respond as the procurement officer and the one responsible for compliance with procurements. Chairman Philpot also questioned Ms. Ackerman preparing a response to the letter when clearly the letter was addressed solely to him. He wanted to know who authorized anyone to open his mail. The process of mail opening was explained to Chairman Philpot, that unless marked confidential all mail was opened and copies made for all three selectmen. Selectman Sushchuk reminded that it was sent to him as Chairman of the Select board, meaning all three. Selectman Sushchuk made the motion for Ms. Ackerman to meet with Mr. Read, of the Inspector General's office to discuss the procurement issues, 2nd by Selectman Furmaniuk. Sushchuk aye, Furmaniuk aye, Philpot nay.

Larry Pape, Chairman of the Finance Committee, read into the record, a section of the town by-laws which stated that the Finance Committee has the authority to investigate or question expenditures. The recommendation of the Finance Committee was to have the auditor do an investigation with regards to the 11 outstanding issues.

STEPHEN JABLONSKY

COMPLAINT:

Mr. Jablonsky met with the Board to file a complaint against the Animal Control Advisory Board. He stated that he felt the ACAB was an illegal board, not following their own bylaws which states that the board should be made up of a cross section of the town residents. He claims the board consists of all females which does not meet the requirement for diversity set forth in their bylaw. Chairman Philpot first took the opportunity to apologize for the lateness of his response to Mr. Jablonsky's request to be on the agenda. He went on to say that the board is made up of residents that volunteered to be on the board, something that cannot be controlled. Chairman Philpot suggested to Mr. Jablonsky that he volunteer to service on the board, that there were two openings and would welcome him and a friend to serve on the board. Mr. Jablonsky said he would consider that suggestion.

FACILITIES

MAINTENANCE

TECHNICIAN:

Chairman Philpot reported that he talked with department heads and was informed that there was much opportunity for improvement with regards to the Facilities Maintenance Technician position. Selectman Sushchuk expressed his desire to see the position shifted to the Department of Public Works, to be supervised by the DPW, with job assignments distributed through the Superintendent of Public Works. Chairman Philpot agreed and stated he would like to see the position phased out, to shift to the DPW and replace the present cleaning company with 2 part time custodial positions.

The Board agreed that Ms. Ackerman was to draft a letter to the DPW Board asking for an open dialogue on the possibility of their department taking on the responsibility of the Maintenance Technician as well as working with the Personnel Board to develop/grade the position. They also requested Ms. Ackerman draft an article for the two part time custodial people, to include wages and expenses.

WACHUSETT REGIONAL

SCHOOL DISTRICT

TASK FORCE:

Selectman Sushchuk made the motion to appoint Selectman Furmaniuk as the representative to the WRSD Task force, 2nd by Chairman Philpot. All in favor.

TOWN MEETING

ACTIONS:

Selectman Sushchuk made the motion for the Board of Selectmen to report at Town Meeting on the following articles: #10 Police contract, #11 DPW contract, #12 Sterling Executive Assistants' Association and #7 negotiations of the Special Town Meeting.

The Board agreed that article #17 – Assistant Town Accountant, was being withdrawn and replaced with the 2 new custodial positions.

The Board approved article #24 – Senior Center site and article #13 – Personnel articles.

Selectman Furmaniuk made the motion to support the articles, 2nd by Selectman Sushchuk.

Selectman Furmaniuk questioned the rationale for the changes to article #14 which breaks out the wage increases for all non-union and certain unions from the FY13 Town Operating Budget. The Town Clerk asked for clarification on the procedures for developing department budgets after reading the proposed article and who she should meet with; the Finance Committee, the Personnel Board or both. There was a major discussion on the requirements outlined in the article and who was responsible for updating the job descriptions and title. After discussing the issue at length Selectman Sushchuk made the motion to not recommend the article as written, 2nd by Selectman Furmaniuk. Ms. Ackerman reminded the Board that their vote removes the increases for employees. Vote to not recommend the article as submitted, Sushchuk aye, Furmaniuk aye, and Philpot nay.

10:05 PM
RECESS

10:10
SESSION
RECONVENE

TOWN MEETING
ACTIONS:

Selectman Furmaniuk questioned the composition of article #14 in conjunction with the budget line items. He stated he was against the way the article was written, asking for secret ballot and singling out employees and their raises. He also stated he did not realize the budget line items did not include raises for employees.

Selectman Sushchuk added that he values the work and the employees of Sterling and they deserve to have an open discussion on town floor with regards to increases. Selectman Sushchuk made the motion to revisit the article, rescind the last vote and report at town meeting. 2nd by Selectman Furmaniuk. All in favor.

Selectman Sushchuk made the motion to support article #15 – Amend Personnel By-law, 2nd by Selectman Furmaniuk. All in favor.

CLOSING OF
ANNUAL TOWN
WARRANT:

Chairman Philpot spoke against closing the Annual Town Warrant, since he noticed at last night's (3/27 FINCOM meeting) there are numerous unresolved issues still needing to be addressed and there were petition articles submitted. Selectman Furmaniuk stated that the petitions were submitted late. Ms. Ackerman reminded the Board that closing the warrant only means no new articles can be added. Selectman Furmaniuk made the motion to close the Annual Town Warrant, 2nd by Selectman Sushchuk. Furmaniuk aye, Sushchuk aye, Philpot nay.

CLOSING OF SPECIAL
TOWN MEETING
WARRANT:

Selectman Furmaniuk made the motion to close the special town meeting warrant, 2nd by Selectman Sushchuk. All in favor.

TOWN ADMINISTRATOR'S

UPDATE; Ms. Ackerman informed the Board that the Town Accountant completed the Schedule A on time, the Government Study Committee is holding a public hearing on April 30, 2012. Ms. Ackerman asked permission of the Selectmen to extend the 1835 Town Hall Committee's Architect contract from April 1, to June 30, 2012. The Selectmen approved the extension. Reimbursement for the October storm will take longer than expected.

BUSINESS AND
CORRESPONDENCE: Chairman Philpot informed the Board that he will be taking names into consideration for the naming of the pond on Muddy Pond Road. He asked Ms. Ackerman to post a notice on the Town's website that he is accepting names suggestions.

CRITERIA FOR
SCHOLARSHIPS: The Board briefly discussed what the criteria would be for the awarding of the scholarships, whether to be on a need bases or academic bases. They agreed that it would not be an easy task either way and decided to review each application and determine the awards on all information provided.

PERMITS: Selectman Sushchuk made the motion to approve the common victualler for Over Easy on Redemption Rock Trail. 2nd by Selectman Furmaniuk. All in favor.

Selectman Sushchuk made the motion to approve the vendor license for Davis Farmland and Mega Maze, 2nd by Selectman Furmaniuk. All in favor.

MINUTES: Selectman Sushchuk made the motion to approve the executive session minutes of February 15, 2012, 2nd by Selectman Furmaniuk. All in favor.

Selectman Sushchuk made the motion to approve the minutes of March 7, 2012. 2nd by Selectman Furmaniuk.

PUBLIC SESSION: Chairman Philpot brought to the Board's attention the 6 petitions submitted to the Town Clerk before the warrant was closed. Selectman Sushchuk reminded him that the warrant was closed and refused to enter into a major discussion at 11:03 at night with an executive session still to be had.

11:03 PM The motion was made to enter into Executive Session in accordance with MGL Chapter 30A, Sec 21 to discuss union negotiations. Sushchuk aye, Furmaniuk aye, Philpot aye, not to return to public session.

11:44 PM A motion was made to adjourn the Executive Session and for the night; Sushchuk aye, Philpot aye, Furmaniuk aye.

RESPECTFULLY SUBMITTED

RONALD A. FURMANIUK
CLERK