

TOWN OF STERLING  
BOARD OF SELECTMEN  
April 22, 2015

MEETING:	Chairman Patacchiola called the meeting to order at 7:00. Roll Call: Chairman Patacchiola – Present. Selectman Cutler - Present. Selectman Kilcoyne – Selectman Kilcoyne – Present.
Minutes:	<p>After discussion: <b>VOTE:</b> Selectman Cutler moved to approve the public session minutes of April 9, 2015. Selectman Kilcoyne 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.</p> <p>No executive session was convened.</p>
Bond approval	The Board Treasurer, Ann Cervantes appeared before the Board to have them discuss, approve and sign the paperwork for the bond sale, that is required to finance the Senior Center and a Fire Truck. VOTE: Selectman Cutler moved that the Board approve all of the Bond items, as printed on the document. (included at end of minutes) Selectman Kilcoyne 2 <sup>nd</sup> . Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried. The Selectman signed all paperwork. Their signatures were then certified by the Town Clerk, Dawn Michanowicz.
Joint meeting with the Board of Health	Present for the joint meeting between the Board of Health and the Select Board were: Gary Menin (BOH), Allen Hoffman (BOH), Donna Clark (BOH), Attorney Gregg Corbo (Town Counsel), Chairman Patacchiola, Selectman Cutler and Selectman Kilcoyne. The meeting was called to jointly discuss the building owned by Gary Griffin, at 33 Main Street. The Town Administrator explained that he had met with Mr. Griffin with a proposed agreement. Mr. Griffin would not sign. There was discussion by members of both boards about the conditions of the property and an explanation by Town Counsel about the legal authority of both boards. Ultimately, two of the three Board of Health members did not find that there was an imminent health hazard. The third member, Mr. Menin, stated that he believed that action was justified. Attorney Corbo explained that the authority of the Board of Selectmen is broader than the Board of Health's and explained the law of Nuisance. Mr. Griffin was given an opportunity to be heard with respect to the matter. Mr. Griffin has offered a letter of intent to the Board of Selectmen with a "finish date" that states his intention to restore 33 Main Street. The proposed finish date for the final phase of restoration is October 1, 2017. The Board is not satisfied with the proposed schedule. Therefore, VOTE: Selectman Kilcoyne moved to convene a Public Hearing on Wednesday, April 30 <sup>th</sup> , at noon in room 205 of the Butterick Building to determine whether the building, located at 33 Main Street is a nuisance to the neighborhood or is dangerous and whether the Board should issue an order prescribing the disposition, alteration or regulation of the building based on the existence of poor, dilapidated conditions on the exterior of the building which is harmful to the health of the public safety and welfare including the existence of peeling, chipping and flaking lead paint chips. Selectman Cutler 2 <sup>nd</sup> . Chairman Patacchiola clarified the April 30 <sup>th</sup> meeting by stating that April 30 was a Thursday. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried. In the mean time, Mr. Griffin and the Town Administrator will meet to compromise on projected dates of completion.
Personnel Board Discussion	Discussion Tabled.
Insurance Policy	The Town Administrator asked that the Board make a policy concerning Health insurance. The following issue has come to light and it needs to be addressed. An employee is divorced. As part of the divorce decree the employee must provide health insurance to the ex-spouse. The employee has now remarried and the present spouse is to be added to the employee's family plan for health insurance. Since according to MGL, the former spouse is entitled to be continued under a separate policy, what

Selectmen's Meeting Minutes

April 22, 2015

DPW Employee  
Classification

percent of the insurance policy premium will be the responsibility of the employee? After discussion; VOTE: Selectman Cutler moved to offer a separate insurance policy to cover the ex-spouse and the employee must pay 100% of the premium for said policy. Selectman Kilcoyne 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.

Gregg Aubin and Bill Tuttle appeared before the Board with concerns over DPW Employee Classification/Compensation. Mr. Tuttle explained that the wording on warrant article #8, concerning the DPW compensation and benefits had not been modified as per the DPW expectations. Of specific concern was that now that the DPW has chosen to disband their union ties, they would be compensated on a continuing basis, based upon the last year of their contract. It was explained that the DPW Board would be able to vote on certain DPW specific benefits (Such as licensing expenses and protective gear) Other benefits, concerning the Municipal Employees will be included in the proposed Personnel Handbook.

Mr. Tuttle's other concern was that the posted Operating Budget, for the DPW, does not provide for the proposed 2% wage increase for Fiscal Year 2016. After discussion, it was decided that the Operating Budget will be reconsidered for accuracy and any modifications to that operating budget may be made on Town Meeting Floor. Mr. Tuttle will meet with the Town Administrator to correct the posted Operating Budget for the DPW.

Appoint Election  
Officers and  
Registrar

The Town Clerk has offered a list of people whom she requests be appointed to serve as Registrar and election officers. VOTE: Selectman Cutler moved that the entire list of people be appointed. (to be attached to minutes) Selectman Kilcoyne 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.

Appoint Assoc.  
Member Fair  
Committee

Tabled

Approve  
Common  
Victualer Lic.

VOTE: Chairman Patacchiola moved to renew the Common Victualer License for the food truck for Stix and Pux. Selectman Kilcoyne 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.

Approve Antique  
Licenses

**VOTE:** Chairman Patacchiola moved to renew the Antique licenses for Sterling Rare Coin, 50 Leominster Rd, Pratt's Junction Antiques, 253 Leominster Road and the Deacon's Bench. 233 Worcester Road Selectman Kilcoyne 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.

Approve One Day  
Alcohol Licenses  
for FISHCO

**VOTE:** Chairman Patacchiola moved to approve the one-day Alcohol licenses for FISHCO, 228 Leominster Road for June 7, 14, 21, 28, and July 5 and 12. Selectman Kilcoyne 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.

60 Kendall Hill  
Road 61A release

After discussion and after taking into consideration the consensus of the Board of Assessors, the Conservation Commission and Planning Board to Not exercise the Towns right to purchase the 61A land that is incorporated as part of the house and lot at 60 Kendall Hill Road, **VOTE:** Selectman Kilcoyne moved to accept the resolution to the sale of 60 Kendall Hill Road and to release the aforementioned land from 61A tax classification status. Selectman Cutler 2nd. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.

Town  
Administrator's  
Report

Budget Update: The Town Administrator will contact the Finance Committee regarding the DPW Operational Budget concerns.

Updated Cherry Sheet: The Board was advised that the State has provided the final Cherry sheets. With

some providing slightly more aid and some providing slightly less aid, ultimately the cherry sheets indicate that there will be little impact on the Town's budget.

School Lease: Details of the School Lease are being addressed. The Town Administrator will meet with Mr. Joe Scanlon and collectively consider changes to the lease.

Visual Budget: Pending

Library Elevator: Due to an electrical error, the elevator motor in the library overheated. The Fire Department responded to excessive heat and smoke in the building. It appears to be an electrical issue, which will be monitored.

1835 Town Hall Paint Project: The lead abatement project for the 1835 Town Hall has commenced. After the lead paint has been abated, members of the Sheriff's program will re-paint the building.

Veteran's Agent: The Town Administrator is continuing to negotiate with Clinton in regards to establishment of a Veteran's District. In the mean while the Veteran's Agent in Clinton has been good enough to offer assistance to Sterling's veteran's when there is need.

Senior Center: Maureen Cranson, Chairman of the Senior Center Building Committee reported the following:

- The Bid Documents and ads were posted on April 15th
- On April 22, 3 contractors participated in the pre bid site viewing. However, more than 20 contractors accessed bid documents.
- Sub Bids are due on May 6<sup>th</sup>. It is also the final day for GC's to submit any questions.
- GC Bids are due on May 13th. Those bids will be reviewed and subsequently a contract will be awarded.
- Construction is anticipated to begin in mid June. Construction will be a 9-10 month process.
- Local input has been abundant. Individuals from SMLD, DPW, BOH, Fire and Police have attended various meetings of the Senior Center Building Committee and have worked with the committee; architects project managers and engineers in order to attain the best costs and savings for the project.
- The site has been stumped and consequently graded, cut and packed. Grinding will begin as soon as the site can support loaders etc. At the moment it's still wet.
- Tree removal work was done, at significant savings, by S&K Tree Service (Keith Favreau) and JBS Companies (Jim Simpson) who agreed to do the job as 'equity owners'.
- A new Topo is being done and will go out to contractors, as an addendum, early next week.

Mudgett Orchard Loop Trail Grant: – The grant was awarded last November to the Open Space Implementation Committee for the construction of the Loop Trail project. The grant is for \$12,536.00 and the Town has committed to provide \$10,000.00 of "in-kind" services. (The DPW will put in a gravel access road, with a small parking area.) The project will be a 600 yard, walking trail through the old orchard. The Town Administrator will assist the Committee with procurement issues.

Public Session

Mr. Paul Belair of 34 Clinton Road addressed the Board. He is concerned about earth removal at 38 Clinton Road. Mr. Belair was assured that the matter has been considered by the Building Inspector and various Town Boards. At this time, neither the Building Inspector nor the Boards have determined that the removal of earth from the property is in opposition to Town or State laws. Mr. Belair wishes to have this issue formally addressed at a future Selectmen's meeting.

Adjourn

At 9:39 Chairman Patacchiola moved to adjourn the meeting. Selectman Cutler 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Sterling, Massachusetts (the "Town"), certify that at a meeting of the board held April 22, 2015, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$3,090,000 General Obligation Municipal Purpose Loan of 2015 Bonds of the Town dated April 30, 2015 (the "Bonds"), to Raymond James & Associates, Inc. at the price of \$3,344,537.50 is hereby approved and confirmed. The Bonds shall be payable on April 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2016	\$245,000	3.00%	2023	\$125,000	4.00%
2017	245,000	3.00	2024	125,000	4.00
2018	240,000	4.00	2025	125,000	4.00
2019	240,000	4.00	2026	125,000	2.00
2020	240,000	4.00	2030	500,000	3.00
2021	130,000	4.00	2035	625,000	3.75
2022	125,000	4.00			

Further Voted: that the Bonds maturing on April 15, 2030 and April 15, 2035 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Selectmen's Meeting Minutes  
April 22, 2015

Term Bond due April 15, 2030

<u>Year</u>	<u>Amount</u>
2027	\$125,000
2028	125,000
2029	125,000
2030*	125,000

---

\*Final Maturity

Term Bond due April 15, 2035

<u>Year</u>	<u>Amount</u>
2031	\$125,000
2032	125,000
2033	125,000
2034	125,000
2035*	125,000

---

\*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 9, 2015, and a final Official Statement dated April 16, 2015 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures in such form as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

---

**ELECTION OFFICERS**

1. Richard Barriere, REGISTRAR
2. Barbara J Bartlett
3. Robert A. Bloom
4. Jane D. Boquist
5. Jane Brunetta
6. Irene Camerano
7. Melissa Chalmers
8. Patricia C Christenson
9. Mary Cliett
10. Florence Coughlin
11. Lois Courville
12. Jo-Ann Cummings
13. Kristen Dietel
14. Utahna Hallet
15. Steven Hallet
16. Elaine C. Heller
17. Nancy Horton
18. Carmen Huntoon
19. Marjorie Long
20. Judy Mather
21. Arlene McGuirk
22. Anita McKenney
23. Kathleen Mello
24. Linda Mercier
25. Livia Morini
26. Judith Muckenstrom
27. Teresa Parker
28. Marilyn Pitman
29. Linda Racca
30. CarrieAnn L. Rugg
31. Donna Salluce
32. James Stack
33. Judith Tetu

Selectmen’s Meeting Minutes  
April 22, 2015