

TOWN OF STERLING
BOARD OF SELECTMEN
December 17, 2018

MEETING:

Chairman Cranson called the Board of Selectmen meeting to order at 9:37 am. Roll Call: Selectman Kilcoyne – Present. Chairman Cranson – Present. Selectman Lane – Present.

Minutes

The consensus of the Board;

Adjourn

- They requested that the Town Administrator contact the Attorney General's Open Government Bureau regarding the laws that govern recording/videoing of public meetings. The BOS is concerned that the Planning Board may attempt to enact policies that would restrict access to those who wish to record their meetings. The BOS is committed to helping all Boards to function within the Open Meeting laws.
- They requested that the Town Administrator make inquiries as to the cost of wiring the Planning Board office for filming by the SLCT.
- They agreed upon an amended version of a letter to the Planning Board that calls for civility, adherence to laws and an apology to those who were targeted, prior to the November 28th Planning Board meeting.
- They requested that the approved letter be mailed to each member of the Planning Board and that the letter be attached to these minutes.

At 10:29 Selectman Cranson moved to adjourn. Selectman Kilcoyne 2nd. Chairman Lane – Aye. Selectman Cranson – Aye. Selectman Kilcoyne – Aye. Motion carried



Town of Sterling

Board of Selectmen

Richard Lane, Chair
John Kilcoyne, Vice Chair
Maureen Cranson, Clerk

12/17/18

From: Board of Selectmen
To: Planning Board

Re: Incident at November 28, 2018 Planning Board Meeting

Recently the Board of Selectmen was advised of an incident occurring at your November 28th meeting. We received a written description and several verbal assessments of behavior that was disrespectful and unprofessional.

Many exciting things are happening in Sterling right now that encourage moving forward, the most recent example of which was the hiring of a new Town Planner. Our local cable company, SLCT, clearly recognizes that fact. Their endeavor to tape your meeting should be lauded, not discouraged. The general public often has little understanding of the procedures necessary for various boards and committees to achieve a goal. This was an opportunity for your Board to demonstrate to our taxpayers how they are served by the Town Planner and the Planning Board. This incident turned a positive event into a negative event.

Instead, based on the written and verbal descriptions, the videographer from SLCT was subjected to a barrage of questions by Planning Board members, particularly Mr. Philpot, who was described to be acting hostile and unprofessional. When Mr. Philpot wasn't satisfied with the videographer's response he turned his ire toward Richard Maki, a Sterling resident attending the meeting as a member of the general public. Mr. Maki is an attendee of many meetings in Sterling, as well as being a volunteer for several committees. Neither Mr. Maki nor the videographer were deserving of such disrespectful treatment. After the confrontation, Mr. Philpot abruptly left the meeting, temporarily leaving the board without a quorum. This action inconvenienced an applicant, his engineer and the attending public, as they were required to wait for the Chairman to obtain the necessary members to continue the meeting.

It now appears that the Planning Board has blamed Mr. Philpot's outburst and abandonment of his duties on the unannounced arrival of SLCT. This is an absurd subterfuge of the actual problem. All public officials are advised, through the Attorney General's guidance literature, that public meetings are open and therefore subject to recording at any time.* There is no requirement for any person or entity with such intent to notify the public body prior to their arrival, therefore no public official should be shocked when it occurs. It also stands to reason that no such person should then be subject to inquisition, accusation or humiliation simply because they are *exercising their rights*. The Planning Board blaming SLCT for this incident is the equivalent of the offender blaming the victim.

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It also now appears that the Planning Board is considering plans to restrict SLCT from filming in the future, due to alleged safety and/or security reasons. There are no rational safety or security concerns presented by our public cable access personnel or equipment. It is expected of every public body that they will make reasonable accommodations for the press during public meetings. The Board of Selectmen will vigorously oppose any board or committee that takes such action. In furtherance of that goal, the Selectmen have recently, during the renewal of SLCT's contract, requested SLCT to record and broadcast as many town meetings as possible, with the priority being elected bodies.

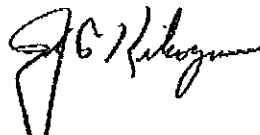
Sterling has a "Code of Conduct" for all town property which is posted throughout the Municipal Building. This code applies to every person within the building. The Board of Selectmen believes that the incident which occurred on November 28, 2018 was a clear violation of this policy.

Whatever changes the Planning Board decides to make to ensure compliance with current policies, which are designed to protect the general public from any form of harassment, is ultimately up to you. The Board of Selectmen encourage the Planning Board to revisit this incident during their next scheduled meeting to honestly address the real issues, institute internal mechanisms to assure that such behavior doesn't occur in the future, and issue apologies to the affected parties.

Respectfully;



Richard Lane



John Kilcoyne



Maureen Cranson

* The Select Board would also like to bring your attention a recent Boston Federal Court case which overruled Mass General Law concerning wiretapping, stating that the secret recording of public officials is legal. (See Case 1:16-cv-10462-PBS, Boston Federal District Court.) According to this case it may be legal for persons to record your meetings without even notifying the Board.