

TOWN OF STERLING
BOARD OF SELECTMEN
February 20, 2019

MEETING:	Chairman Lane called the Board of Selectmen meeting to order at 6:30 pm. Roll Call: Selectman Cranson – Present. Chairman Lane – Present. Selectman Kilcoyne – Present. Also present were Town Administrator, Ross Perry and Executive Assistant, Kama Jayne.
Minutes	Selectman Kilcoyne moved to approve the Public Meeting minutes of February 6, 2018 as written. Selectman Kilcoyne 2 nd Selectman Kilcoyne - Aye. Motion carried.
Check Presentation	Senator Tran and Representative Naughton presented the Board with a check for \$25,000.00 toward E-Permitting.
Consent Calendar	The Town Administrator proposed that that a consent calendar be used at Town Meeting to expedite the meeting. The consent calendar would include multiple warrant articles to be moved and approved as a “block”. The moderator will ask if anyone wishes to “hold” an article for further discussion. If so, that article(s) will be removed from the consent calendar and voted separately after discussion. The articles included in the consent calendar will be those that are non-controversial. The purpose of the consent calendar is to simplify the Town Meeting process and to shorten the amount of time that is spent on approving typical expenditures. The Town Moderator, Amrith Kumar voiced his approval. The consensus of the Board was that they are in favor of the consent calendar. This concept will be publicized to educate the public, prior to Town Meeting.
Tennis/Pickleball Court Contract	Charles Plaisted addressed the Board regarding the proposed Tennis/Basketball/Pickleball court Contract. <ul style="list-style-type: none">• The lowest bid was from Vermont Recreational for \$119,922.00, which does not include the escalation cost of asphalt at the time of the service.• Conservation voted to support the project.• Mr. Plaisted will submit an application for a Park Grant.• A Notice of Intent must be filed with the Conservation Commission• Ramp and handrails may be needed. If so, the cost will be added to this contract price.• Prior to the Town Meeting, Mr. Plaisted will gather information and develop a report on the number of players who can be expected to use the facilities• Mr. Plaisted has supplied a comprehensive maintenance plan for the facilities to the DPW
1835 Town Hall	The Board encouraged Mr. Plaisted and his group to address a contingency plan with the DPW, in case the article is not approved at the Town Meeting. After further discussion, Selectman Kilcoyne moved to approve the current low bid contract, pending the changes that will be incorporated prior to the Town Meeting vote. Selectman Cranson 2 nd . Selectman Cranson – Aye. Selectman Kilcoyne – Aye. Chairman Lane – Aye. Motion carried. Part of the 1835 Building project includes improvements to the septic system. The current plan is to run a force main (a.k.a. sewer pipe) from the 1835 Building along the old “town ditch” to Waushacum Street and tie into the septic system behind the Fire Station. There are three properties impacted by the location of the force main. Terry Heinold was present to represent the interests of Mr. Tran, who owns the building at 27 Main Street. Mr. Tran is interested in reinstating a lease agreement with the Town that was in place prior to his purchase of the property. The lease allowed Town usage of the parking lot behind the building and an easement through the back of the property. In exchange for this property usage, the Town would repave the parking lot behind the building and maintain it (drainage maintenance, plow and sand). The consensus of the Board was that

they will research the cost of having the parking lot re-paved and discuss the maintenance aspect with the DPW. The Town will continue to pursue the required easements with the guidance of Town Counsel.

The 1835 Town Hall Committee has requested that the Board support the change order on the current contract. After discussion, Selectman Cranson moved to authorize the Town Administrator to sign the third change order, contingent upon the funding by the Massachusetts Cultural Grant money being awarded for this purpose. Selectman Kilcoyne – 2nd. Selectman Cranson – Aye. Selectman Kilcoyne – Aye. Chairman Lane – Aye. Motion carried.

The 1835 Town Hall Committee will be asked to submit a 5 year financial plan. It was suggested that they request funding for a sprinkler system instead of waiting until next year.

81 Chace Hill Rd

Michael O'Connor appeared before the Board. The Town Administrator reported that the question regarding the Town's Right of First Refusal (RoFR) on the 81 Chace Hill Road property, due to its prior protection under Chapter 61A, has been researched. The Board of Assessors and Town Counsel were consulted as part of this process and a summary follows;

- The property was classified under M.G.L. c 61A from 1983-2015.
- It was removed from classification in 2015 as a result of the owner's failure to file an application with the Assessors.
- It has been assessed and taxed at full and fair cash value since the 3rd quarter of FY 2016.
- More than one year has passed since the classification expired. Thus, the Town does not have a RoFR. Accordingly, the owner is not required to provide the Town notice of intent to sell and convert this property to another use.
- Back taxes of approximately two years are due if the property changes use this year.
- Perc tests observed by the Board of Health in 2016 do not impact or change the RoFR situation.
- Discussions about the potential of a cluster development or other development during the perc test process are not tangible proof that a conversion occurred before the expiration of the classification protect. Research into these discussions indicate they were informal and may have been part of idle conversations during the perc test.
- Statute requires actual conversion and the RoFR is not triggered by discussions about a potential conversion.
- If one argues the Town was aware of a conversion due to the perc test activity, the Town didn't move to exercise its alleged RoFR in a timely fashion. Attempting to exercise this right at this time, four years later, will add to the legal hurdles.

Mr. O'Connor requested a second opinion from a different Lawyer. However, the Board did not think that the expenditure would be in the Town's best interest since the Town does not have a true use for the property and therefore, does not want to purchase it. The developer has not yet submitted a 40B proposal, therefore the Board unanimously decided to "do nothing" at this time.

MART Contract

After discussion, Selectman Cranson moved to sign the Montachusett Service Contract by and between the Montachusett Regional Transit Authority and the Town of Sterling for the Council on Aging vans. Selectman Kilcoyne 2nd. Selectman Cranson – Aye. Selectman Kilcoyne – Aye. Chairman Lane – Aye. Motion carried. The agreement expires on June 30, 2021. The Senior Center is currently operating under the terms of this contract.

MPO Rep. and
Scholarship
Funding

Tabled

DLTA Grants

The Town Planner has requested that the Board support the request for Service Delivery procurement under the DLTA program. This MRPC assistance would help in creating the Circulation/Transportation

	<p>element of the Master plan as well as updating the expired Housing Production Plan. The funds for this grant will come from the MRPC. After discussion, Selectman Cranson moved that the Board support the DLTA grants, as submitted by the Town Planner, to assist with creating the Circulation/ Transportation element of the Master plan as well as updating the expired Housing Production Plan and that the Chairman be authorized to sign the grant request. Selectman Kilcoyne 2nd. Selectman Cranson – Aye. Selectman Kilcoyne – Aye. Chairman Lane – Aye. Motion carried.</p>
Financial Audit And MIIA Health Benefits	Tabled
Greenways Support	After discussion, Selectman Cranson moved that the Board approve the annual letter of support to the State, for the Wachusett Greenways. Selectman Kilcoyne – 2 nd . Selectman Cranson – Aye. Selectman Kilcoyne – Aye. Chairman Lane – Aye. Motion carried.
Warrant	Tabled
One day Alcohol	<p>After discussion, Selectman Cranson moved to approve the one-day alcohol license for the Eight Point Sportsmen's club for February 23 from 4:00pm – 11:30 pm for a dinner. Selectman Kilcoyne 2nd. Selectman Cranson – Aye. Selectman Kilcoyne – Abstained. Chairman Lane – Aye. Motion carried.</p> <p>After discussion, Selectman Cranson moved to approve the one-day alcohol license for the Eight Point Sportsmen's club for March 2 from 4:00pm – 10:00 pm for a banquet. Selectman Kilcoyne 2nd. Selectman Cranson – Aye. Selectman Kilcoyne – Abstained. Chairman Lane – Aye. Motion carried.</p>
Public Session	No one spoke at Public session.
TA Report	<p><u>Town Administrator Report 2-20-19</u></p> <p>Bids:</p> <p>The Tennis and Pickleball court reconstruction project bids.</p> <p>Three bids received. The lowest price is from Vermont Recreational Surfacing & Fencing Co. Monroe NH. for \$119,922. The award is contingent upon available funding from Town Meeting.</p> <p>The Selectmen could vote to authorize the Town Administrator to sign a contract when it is ready for an amount not to exceed \$119,922, plus an asphalt escalation per the terms in the bid package</p> <p>Budgets:</p> <p>The preliminary Omnibus budget shows a total budget of \$24,810,772. This is less than a 3% increase from last year. This includes 'placeholder' numbers for Monty Tech, whose first budget number arrived an hour ago, and the Police Union contract. Negotiations will start next Tuesday.</p> <p>Highlights:</p> <ul style="list-style-type: none">▪ Debt service decreased \$96K▪ The Ambulance lease is ending reducing that line item @38K. This is offset by a capital request for \$284K for a new ambulance.▪ Insurance benefits are DOWN \$89K. This is offset by a separate warrant article to reserve this saving for the potential increase next year.▪ There is \$53K that may end up closer to \$60K to fund merit & longevity raises for non-contracted employees.▪ A Significant increase in the Worcester County Retirement expense of \$122K or 16.7%.▪ OPEB is funded at \$159K, a \$9K increase reflect the two new employee hired last year. <p>Draft Warrant</p>

	<p>Current draft warrant for May 2019</p> <p>No STM required</p> <p>Currently have 29 articles. Might end up close 30 articles this year versus 39 last year.</p> <p>The Consent Calendar could cover 12 of these articles</p> <p>The three school budget articles and the OPEB funding article are not in the warrant as these expenditures are in the Omnibus budget as they were last year.</p> <p>A new article is in the warrant to fund FEB (Future Employee Benefits). Using the savings from the new health insurance plan to fund some of the increase that may occur next year. The result is level funded health insurance for two, possibly three, years.</p>
PSA	<p>PSA – Transportation to Worcester is now available through the Senior Center. Rides are \$8.00. Veterans ride free of charge.</p> <p>Master Plan meetings continue. All are welcome to attend.</p>
Adjourn	<p>At 8:57 pm, Selectman Cranson moved to adjourn the public session. Selectman Kilcoyne 2nd. Selectman Cranson - Aye. Selectman Kilcoyne – Aye. Chairman Lane– Aye. Motion carried.</p> <p>Materials: minutes, 1835 TH update, Right of First Refusal letter, one day alcohol request, TA Report, MART Contract, DLTA proposal, Greenways letter of support</p>