

BOARD OF SELECTMEN  
JANUARY 4, 2012 MINUTES  
7:00 PM  
BUTTERICK BUILDING

MEETING: Chairman Philpot called the meeting to order at 7:00 PM. Roll call established that Selectman Sushchyk, Furmaniuk and Chairman Philpot were all present.

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

AGENDA: Selectman Sushchyk made the motion to approve the agenda as submitted, 2<sup>nd</sup> by Selectman Furmaniuk. Chairman Philpot requested that the discussion of the 2D letter and Time and Attendance Policy draft #6 be removed from the agenda since he had included them after attending last week's meeting of the Personnel Board where they – Personnel Board – had mentioned wanting to discuss these issues but now were not ready to do so. He further asked that public session be added just before the Executive Session. Selectman Sushchyk made the motion to approve the changes, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

MINUTES: Selectman Sushchyk made the motion to approve the minutes of December 21, 2011, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.  
Selectman Sushchyk made the motion to approve the executive session minutes of December 21, 2011, not to be released until the issue is resolved, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

Chairman Philpot inquired about the minutes of November 9<sup>th</sup> regular meeting to which Selectman Furmaniuk stated he simply forgot to send them in. Mr. Furmaniuk stated he would send them right out so the Board could see/review his changes.

ADOPT AN ISLAND  
PROGRAM:

Chairman Philpot explained the "adopt an island" program suggested by Richard Maki and stated that he would like to implement the program in Sterling. Local companies would come forward and offer to maintain an island/town owned land in exchange for posting an advertising sign at that location. Selectman Sushchyk agreed that it was a nice idea but expressed his concern with the appearance of favoritism when choosing companies for the program. Philpot commented that other cities/towns with these programs use a simple "first come-first served" rule which has worked well. The Board agreed that the program was worth adopting. The Board discussed how to implement the program and Chairman Philpot agreed to draft the frame work and submit it to the Board at their next meeting. The Board asked that a letter be sent to the DPW Board asking them if they would have issues with adopting the program and if they could suggest locations within the town that would benefit from the program.

Chairman Philpot read an excerpt from a letter from Mr. Richard Maki expressing his displeasure with the appearance of the Butterick Bldg. Philpot went on to say he fully agreed with Mr. Maki and has been noticing the poor appearance of the building for some time: He had walked around the entire building with Mrs. Ackerman in August of 2010 to point it out to her. Mr. Timothy Hanrahan asked why the building grounds were not being kept up given this activity was listed in the job description of the Town Maintenance Technician. There was no immediate answer to this other than Mr. Sushchuk commenting "that we do not hire these people to be gardeners." Mr. Philpot suggested the Board might want to discuss this job in an upcoming meeting.

## APPOINTMENT

### PROCESS:

Selectman Furmaniuk reported that he submitted a rough draft on the appointment of candidates to the board's and committees with openings/vacancies via e-mail to both Board members. He reported that he had not received feedback from Chairman Philpot who responded by saying that he had not received the e-mail.

Chairman Philpot explained that there needs to be a process in place regarding the appointments that everyone can agree upon, especially for the joint appointments made by the Town Moderator, Finance Committee and the Board of Selectmen, as well as appointments made to elected boards that have to fill an unexpected vacancy until election time. Michael Pineo expressed his concern with the process, he stated that the past practice has worked for the committees he presently serves on and did not want to see the process complicated. It was explained that the process for appointments made by the Board of Selectmen would for the most part remain the same but the need for a written outline of procedures filling openings and vacancies to boards and committees would assist everyone concerned. Chairman Philpot asked that once the outline was finalized the procedures be sent to the elected boards for their review and input

## RENEWAL OF ANNUAL

### LIQUOR LICENSES:

Chairman Philpot read the list of the public Entertainment permits submitted for renewal; Chairman Sushchuk made the motion to approve the Entertainment licenses, 2<sup>nd</sup> by Selectman Furmaniuk. Chairman Philpot abstained to avoid a possible conflict of interest regarding the country club. Two in favor, one abstained.

Selectman Sushchuk made the motion to approve the Common Victualler licenses submitted, 2<sup>nd</sup> by Selectman Furmaniuk. Two in favor, Philpot abstained with respect to the Sterling C.C..

Selectman Sushchuk made the motion to approve the Auto Class I & 2 licenses submitted, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

Selectman Sushchuk made the motion to approve the Livery license submitted, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

Selectman Sushchuk made the motion to approve the Automatic Amusement licenses submitted, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

Selectman Sushchuk made the motion to approve the Inn Holder's license submitted, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

## POSSIBLE INCREASE IN

### FEES:

The Board reviewed the Municipal Lien Certificate fees for the surrounding towns of Sterling reported by the Treasurer/Collector's office. Selectman Sushchuk stated that the fee for MLC's has not been raised in over 20 years and agreed it was time. Ms. Ackerman reported that the cost to the town to complete a MLC request averaged out to a range of \$22 to \$29.00. Chairman Philpot inquired to the process used to determine the cost and Ms. Ackerman explained how the Treasurer/Collector had derived that cost. Selectman Sushchuk made a motion to increase the fee of \$25.00 to \$30.00 for a Municipal Lien Certificate, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

The Board reviewed the memo sent by the Town Clerk and agreed that they would like to see a more detailed comparison on the clerk's fees before they made any decision on increases. The Town Clerk will attend the next Board of Selectmen's meeting. Chairman Philpot expressed an interest in talking with the Town Clerk regarding dog licensing and the possibility of issuing dog licenses for 3 years instead of 1 year. The Board briefly discussed the pros and cons to the 3 year dog licenses and agreed to discuss it with the Town Clerk.

Selectman Sushchuk stated that he felt a building permit fee based on the cost of the project worked best as it appeared to be fair. Mr. Furmaniuk commented that he would like to better understand the matter and suggested the Building Inspector be invited to the next BOS meeting to clarify the issue. Chairman Philpot stated his preference for a permit fee that included a base cost for processing the paperwork in the office and then based on the size of the project i.e. square foot cost. He went on to site an example whereby the cost of a project could double by using high-end/expensive materials which had no impact on the inspection process. The Board agreed to meet with Mr. Brodeur at their next meeting.

## TOWN ADMINISTRATOR'S

### ANNOUNCEMENTS:

Ms. Ackerman reminded the Board that placeholder articles were due January 10<sup>th</sup>. Ms. Ackerman expressed her appreciation to Representative Kimberly Ferguson for writing a support letter to the Community Innovation Challenge Grant Program Manager, Tim Dodd, in favor of Sterling receiving a grant to further the Tri-Town Regional Community Program.

She updated the Board on the Hardscrabble purchase and informed them that the soil testing and procurement steps have been completed. The town is now waiting for the survey to be completed so that accurate appraisals can be done. Once the survey is completed the Board needs to enter into negotiations and purchase and sale process.

### PERSONNEL ISSUES:

Chairman Philpot read the correspondence from Mr. Kumar and the Personnel Board regarding various issues. The first issue discussed was the three complaints made in December alleging violations of the Open Meeting Law. Upon review of all the material available to the present Personnel Board and with guidance from Town Counsel the Personnel Board met in open session on December 27, 2011, deliberated and adopted a series of resolutions (see attached) with hopes of addressing the Open Meeting Law complaint to satisfy the complainant. Included in the many resolutions made, a motion

to hold in abeyance the “Workplace Conduct and Bullying Policy” was approved as well as the Personnel Board immediately reviewing the procedural issues relative to the ADA Policy, Drug-Free Workplace Policy, Employment Policy, Harassment Policy and the Job Posting Policy. The Personnel Board hoped that these tactical steps taken would satisfy the Office of the Attorney General. The Personnel Board will continue to work on the substantive and procedural issues relative to the adoption of policies. Selectman Furmaniuk agreed that a process needs to be followed in order to enact policies whether it is at a town meeting or a public hearing.

Chairman Philpot wanted to know who has the authority to do what and wanted the Selectman to have a vote in adopting policies in a public hearing, to include the Finance Committee on the recommendations made by the Personnel Board. He added that he would like to see an amendment to the town’s by-law at town meeting defining the exact purview of the Personnel Board.

The Board discussed the proposal in the letter dated December 30, 2011 which informed the Board of Selectmen of the posting of two vacancies for the Personnel Board and the Personnel Board’s intent to contact Ms. Lowe and Ms. Belair to see if they were still interested in the open positions. The Personnel Board asked the Appointing Authority (BOS, Finance Committee and Moderator) to accept the timeframe for filling the vacancies; all applications received 30 days from day of posting, January 5 to February 4, shortlist presented to the appointing authority no later than 45 days of posting and to conduct interviews and vote to fill the two positions. The Personnel Board also asked that the Selectmen recognize the Personnel Board reconstitution and the established officers. Selectman Sushchuk made the motion to accept the Personnel Board established officers and to post the open positions as detailed by the Personnel Board, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

#### BUSINESS AND

CORRESPONDENCE: Chairman Philpot stated the Board has received letters from Kevin Beaupre and Richard Maki expressing their interest in serving on the Senior Center Building Committee.

A letter of resignation from Edward Seidler, Sealer of Weights and Measures, was accepted by the Board with regret. Ms. Ackerman will post and advertise the position and contact Mr. Ronald W. Valinski recommended by Mr. Seidler in his resignation letter.

FUTURE AGENDA: The Board discussed the possible items up for discussion for the next agenda and Ms. Ackerman read a list she had accumulated for the January 18, 2012 meeting. Chairman Philpot asked how the budget process was going and if a meeting with the Finance Committee to discuss the FY13 Budget was in their best interest before the process was completed, to understand the basics and the strategic planning moving forward. Selectman Sushchuk stated that he was not interested in usurping the authority of the Finance Committee and the excellent job that they do. Larry Pape, Chairman of the Finance Committee, stated that in the past the committee was sorely lacking direction from the Board of Selectmen and the directives if any they would like to see the Finance accomplish within the budget. Chairman Philpot agreed with Mr. Pape and stated that

the reality is that clearly the Board is not in agreement on how to achieve their goals; i.e. the reduction of the town's budget. Selectman Sushchuk suggested that the department heads also attend such a meeting. The Board agreed that meeting with the Finance Committee would be beneficial and informative.

PUBLIC SESSION: Mr. Kumar informed the Board that the Personnel Board would be taking a second look at the 2D letter.

Michael Pineo addressed the lack of cleaning by the present cleaning company. He also commented on the security of the building and finding open windows.

9:03 PM

EXECUTIVE SESSION: Selectman Sushchuk made the motion to enter into Executive Session in accordance with MGL C30A §21A-6 Real Estate only to return to public session to adjourn. 2<sup>nd</sup> by Selectman Furmaniuk. Roll call; Sushchuk aye, Furmaniuk aye and Philpot aye. All in favor.

ADJOURNMENT: Selectman Sushchuk made the motion to adjourn at 9:46 PM, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

RESPECTFULLY SUBMITTED

RONALD A. FURMANIUK  
CLERK