

BOARD OF SELECTMEN  
MARCH 14, 2012  
MINUTES

- MEETING: Chairman Philpot called the meeting to order at 7:00 PM. Roll call established that Selectmen Furmaniuk, Sushchyk and Philpot were all present.  
As a point of order Amrith Kumar called a roll call of the Personnel Board in attendance and called his meeting to order.
- Chairman Philpot read the statement declaring the Sterling Lancaster Cable Television as the only official electronic copy of the meeting.
- AGENDA: Selectman Sushchyk made the motion to approve the agenda, amending the articles for discussion by removing article #34, roofing for the 1835 Town Hall. 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.
- MINUTES: Selectman Furmaniuk made the motion to approve the minutes of February 1, 2012, 2<sup>nd</sup> by Selectman Sushchyk. All in favor.  
Selectman Furmaniuk made the motion to approve the minutes of the executive session of February 1, 2012, not to be released until issue is resolved, 2<sup>nd</sup> by Selectman Sushchyk. All in favor.  
February 15, 2012 minutes will be held until Chairman Philpot has a chance to review and make changes if necessary.
- 7:05 PM After a discussion as to the whether or not the Board would be discussing the job performance of the Facilities Maintenance Technician it was determined that there would be none, Selectman Sushchyk made the motion to enter into executive session in accordance with MGL Ch30a §21A-1 to discuss the issue of discipline, to return to public session upon completion. 2<sup>nd</sup> by Selectman Furmaniuk.
- Mr. Kumar informed the Selectmen that the Personnel Board also posted an executive session and ask permission to join the Selectmen. Selectman Sushchyk asked if an opinion was received from Town Counsel on the subject and was informed that Counsel stated the Personnel Board should not participate in the executive session. Selectman Furmaniuk added that with the Personnel Board present there would be no appeal process available. Mr. Kumar informed the Board members that he was contacted by the Chairman, who questioned the Personnel Board with regards to which individual was authorized to represent the Personnel Board , and informed him that the town by-law does not authorize anyone but the Personnel Board to represent the board. Chairman Philpot apologized to Mr. Kumar who had suspected there may have been an Executive Session about him given the cryptic nature of Philpot's question about who is authorized to give advice on the Personnel By-laws. Philpot explained to Kumar that he (Philpot) could not divulge any privileged information and apologized to Mr. Kumar for the

confusion. Kumar accepted the apology. Mr. Philpot then stated that he preferred a representative of the Personnel Board be present during the Executive Session. Selectman Sushchyk and Furmaniuk disagreed. The Personnel Board recessed their meeting.

Roll to enter into Executive Session was made at 7:12 PM. Sushchyk aye, Furmaniuk aye and Philpot aye.

8:06 PM

TAKE POSITION ON

ARTICLES:

Article #10- Police Union Contract – The Selectmen will meet with James Kelley in the next few weeks to discuss the police union contract.

Mr. Kelley hopes to talk with the Board regarding Articles #11 and #12.

The Board will consider reporting at Town Meeting.

Article #18 – Amend/Add bylaw-Non Criminal Disposition – Selectman Sushchyk made the motion to support the article, 2<sup>nd</sup> by Furmaniuk. All in favor.

Article #23- Fund Vault Construction – The Board was informed that the committee was working on reducing the cost. Everyone agreed that they did not want to take a position on the article until the final numbers were in. Selectman Sushchyk made the motion to report at town meeting, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

Article #24 – Approve site and fund design for Senior Center- The Selectmen discussed the lack of an official vote on the designation of the site of the new Senior Center as presented to them by the Senior Site Committee. The Building Committee, in presenting their article did so with the understanding that the Site Committee had gotten approval of the site by the Selectmen and asked the Selectmen if they supported the new Senior Center site or not. The Selectmen stated that it was up to the Building Committee to demonstrate if the site location was acceptable. Selectman Sushchyk made the motion to report at town meeting, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

Article #20 – Fund Maintenance for 1835 Town Hall

Article#32 – Windows – replacement of windows for 1835 Town Hall

Article #33 – Masonry on 1835 Town Hall

Chairman Philpot asked what happened to the two other articles and was informed that the articles for roofing and septic were removed. He then questioned how the money was going to be spent that was already voted as well how much more money was going to be spent as he sees it constantly growing. The Board agreed that they needed to meet with Vern Gaw to get the approximate answers to his questions.

Selectman Sushchuk made the motion to support the article for the replacement windows, 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

After some discussion on the article to repair masonry in the 1835 Town Hall Mr. Philpot expressed concern that the Committee is putting itself in a risky position because they are asking for \$13,150 which is the amount offered in the only estimate they have received for the repairs. In response to Philpot's question about the procurement procedures Ms. Ackerman pointed out that two additional quotes will be needed. Philpot questioned what would happen if the other two quotes were higher e.g. \$19,000 - \$20,000 or much lower e.g. \$6,000 - \$7,000? Selectman Sushchuk then made the motion to support the article for the masonry work to be done at the 1835 Town Hall, not to exceed \$20,000 with a scope of work provided. 2<sup>nd</sup> by Selectman Furmaniuk. Sushchuk aye, Furmaniuk aye, Philpot nay.

Two in favor, one against.

#### SCHOLARSHIP

##### AWARDS:

The Board reviewed the available funds for the scholarships and discussed the amounts they would like to award. The Board reviewed and outlined the criteria for making the awards at a future meeting. Donna, please list the specific amounts as the Board discussed along with the criteria.

#### DEPT OF REVENUE

##### DLS WARNING

##### LETTER:

The Board reviewed a letter from Karen Chick, Town Accountant, informing them that she has completed 40% of the paperwork needed to file the Schedule A. Ms. Ackerman was able to inform the Board that of March 14, 2012 Ms. Chick improved upon the work completing 70%. Chairman Philpot asked how Sterling got behind after hiring of Mr. Kinsherf and paying him \$7,600 as a temporary accountant to make sure there was no back log.

A majority of the Board agreed the issue was being handled and the work would be completed, meeting the deadline for the submittal of Schedule A.

#### FARMERS

##### MARKET

##### SALE OF WINE:

Mr. Frank Zoll met with the Selectmen requesting permission to sell wine at the Farmers Market from May to October 2012. He reported that he has applied for the certificate from the state and will supply a copy of the certificate from the Department of Agricultural Resources as well as the ServSafe certificate if the Board approved the request. Mr. Michael Pineo, manager of the Sterling Farmers Market and Ann Starbard a member of the market, both submitted letters supporting Mr. Zoll. The Board of Selectmen agreed to allow the sale of wine with controlled sampling at the Farmers Market as permitted in the MGL. Chapter 138 §15F with a fee of \$50.00 for the permit. Mr. Philpot stated he thought this was a good idea but questioned whether or not a Policy might prevent consumption of alcohol on Town Property. After initial disagreement amongst the Board, Mr. Kumar (audience member) stated that the Town's Drug Free Workplace Policy did prevent it.

The Selectmen discussed the Drug Free Workplace Policy relating to the sale of wine on town property. Selectman Sushchuk made the motion to amend the Drug Free Workplace Policy to – *allow the sale and sampling of wine at the Sterling Farmers Market after work hours on town property from May to October at the Farmers Market on Friday afternoons - 2<sup>nd</sup>* by Selectman Furmaniuk. All in favor.

TOWN  
ADMINISTRATORS  
UPDATE:

Ms. Ackerman reminded the Board that the deadline for articles is March 19, 2012. Harald Schied, Sterling's Assessor, contacted Ms. Ackerman and suggested that the Selectmen meet with his board at one of their meetings. The Government Study Committee would like to meet with the Selectmen on April 25<sup>th</sup>. Ms. Ackerman informed the Board that the Weights and Measures equipment will be permanent loan to the Historical Commission.

Ken Lombardi will provide a summary of what was recommended by the Insurance Advisory Committee before town meeting.

Ms. Ackerman reminded the Board about the Regional Selectmen's meeting being held on April 3, 2012 in Holden.

ADJOURNMENT: Selectman Sushchuk made the motion to adjourn the meeting at 9:58 PM. 2<sup>nd</sup> by Selectman Furmaniuk. All in favor.

RESPECTFULLY SUBMITTED

RONALD A. FURMANIUK  
CLERK