

TOWN OF STERLING
BOARD OF SELECTMEN
November 20, 2013

MEETING

Chairman Furmaniuk called the meeting to order at 6:30 pm. Roll call established that Selectman Furmaniuk, Selectman Cutler and Selectman Patacchiola were all present.

At 6:32 pm Chairman Furmaniuk declared that the Board would be convening into executive session for the purpose of discussing strategy with respect to litigation, regarding the proposed slots parlor, under Chapter 30A Section 21 (A) Reason # 3. The Chairman further declared that a discussion in open session may have a detrimental impact on the Town's bargaining position with Cordish. He then announced that the Board would be reconvening in open session at the conclusion of the executive session.

VOTE: Selectman Patacchiola moved the motion that the Board convene in executive session for the purpose of discussing strategy with respect to litigation under Chapter 30A Section 21 (A) Reason # 3, and that the Board would reconvene in open session at the conclusion of the Executive Session. Selectman Cutler 2nd the motion. Roll Call **VOTE:** Chairman Furmaniuk – Aye. Selectman Cutler – Aye. Selectman Patacchiola – Aye. The Board convened in Executive session at 6:32 pm and reconvened in Public session at 7:12 pm.

**October Police
Report:**

Chief Gary Chamberland presented his monthly report for October of 2013. Included in the report was the following:

- Submitted recommendation for promotion to sergeant.
- Det Johnson completed MA Online Prescription Monitoring Program
- The following civilian employees completed CPR/AED training: Debra Macarthur, Michelle Braconnier, Beatrice Serewicz, Michelle Chevaire.
- Dispatchers are continuing training in Excited Delirium, first responder and testifying in court.
- Received approval on the grant to upgrade the radio system.
- Public Safety Day was held at the fire station.
- Worked with DOT on striping route 12.
- Conducted an evacuation drill at the school.
- Conducted a lock down drill at the school
- Kicking off the 2013 Toys for Tots Campaign. Unwrapped toys are being accepted at the Sterling Police Station and will be delivered to the Marine Corps on the 15th of December.

General Police Business:

- Officer Ferguson who has been designated as towing liaison officer has met with our town companies and completed his administrative inspections.
- Continued meetings with DOT regarding Route 12.
- There were eleven traffic crashes during the month.
Three at Chocksett and Leominster, one was serious but w/o injuries.
- We have had at least three car vs. deer collisions this month
- There were six arrests during the month
- There were 62 traffic stops, 17 citations issued 13 of those issued along the route 12 corridor.

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TAX Classification Hearing	<p>Harald Scheid, Tax Assessor, addressed the Board. Mr. Scheid reported that the consensus of the Assessors Board was to continue to use the single tax rate as opposed to the split tax rate, for the year 2014. After discussion, VOTE: Selectman Patacchiola moved the motion that the Board of Selectmen adopt a residential shift factor of 1.00000, thereby maintaining the relative shares of overall tax burden borne by the residential property owners in past years. Selectman Cutler 2nd. All in favor.</p> <p>Mr. Scheid, stated that the tax rate will be set at 16.93. This translates to an average additional \$144.00 per average household.</p>
Gov. Study Recommendation	<p>After discussion: VOTE: Selectman Patacchiola moved the motion to add the Special Legislation – Form of Government to the Annual Town Meeting warrant, as written. Selectman Cutler 2nd. All in favor.</p> <p>See article attached.</p>
Discuss/Vote Town Counsel	<p>The three firms under consideration were Kopelman and Paige, Robert Hennigan and the current firm, Collins and Weinberg. The consensus of the Board was that Collins and Weinberg have done an admirable job for Sterling for the many years that they have served. However, after discussion VOTE: Selectman Patacchiola moved the motion to contract with Kopelman and Paige for a period of two years, to begin as of January 1, 2014. Chairman Furmaniuk 2nd. Selectman Patacchiola – Aye. Chairman Furmaniuk – Aye. Selectman Cutler – Opposed.</p>
Discuss/Vote Town Administrator	<p>The Board interviewed the three finalists for Town Administrator, Michael Szlosek, Jeff Ritter and Carter Terenzini. The Board asked questions that had arisen during their own background checks of the finalists. Since Selectman Cutler had been absent during the initial interviews, it was his opportunity to meet the candidates in person and to be part of the interview process. After, speaking with each candidate, the consensus of the Board was that they would like more time to individually delve into the candidate's backgrounds. Therefore, the Board will make their final decision at the December 4th meeting.</p>
Update on Slots Parlor	<p>Chairman Furmaniuk stated the following:</p> <p>The Town has filed a petition with the State Gaming Commission to be declared a "Surrounding Community".</p> <p>The Town is continuing to negotiate terms of an agreement with Cordish to compensate the Town for anticipated negative impact upon the Town, regarding traffic and safety.</p> <p>Stan Weinberg, Town Counsel, met with the State Gaming Commission this week in Boston. Tomorrow, November 21, the State Gaming Commission will make a determination, regarding the Town's petition to be declared a surrounding community.</p> <p>A Public Hearing, regarding the slots parlor issue, will be held on December 3rd at the Leominster City Hall from 4-6 pm. All citizens and town officials are invited to attend.</p>
Date for Special Town Meeting	<p>Mr. Michael Rivers and Light Department Supervisor, Sean Hamilton addressed the Board of Selectmen, concerning a citizens petition, to call a Special Town Meeting to create and operate a Municipal Gas Plant. The Town Clerk's office certified the required 200 signatures, last week. Since the signatures were certified, the Board of Selectmen were legally bound to set up a time and place for a Special Town Meeting within 45 days. VOTE: Selectman Patacchiola moved a motion to hold a Special Town Meeting, for the purpose of voting upon the above stated petition, on Monday, December 16 at 7:00pm at the Chocksett School gymnasium and to open the warrant for this Special Town Meeting. Selectman Cutler 2nd. All in favor.</p> <p>After discussion: VOTE: Selectman Patacchiola moved a motion to close the warrant for the Special Town Meeting to be held on Monday, December 16 at 7:00pm at the Chocksett</p>

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	School gymnasium. Selectman Cutler 2 nd . All in favor.
Discuss Support of Town Fair	The Department of Public Works was unable to attend this meeting. Therefore, this agenda item will be discussed at a future meeting.
Town Administrator Update	In the interest of time, the issue of quarterly goals will be addressed at the next meeting. Chocksett Crossing Intersection will soon undergo a speed analysis in order to determine the appropriate speed for that area. The School District has invited a Selectman from each Town to the central office to witness the screening process for the finalists for School Superintendent.
Business and Correspondence	The consensus of the Board was that the most convenient dates for the January 2014 meetings are January 8 th and 22 nd . After discussion VOTE: Selectman Patacchiola made a motion to approve the disbursement of \$1,200.00 for a worthy applicant from the Neighbor to Neighbor Fund. Chairman Furmaniuk 2 nd . All in favor.
Public session	Dick Shepard, Town Moderator suggested that it might be helpful if the Select Board visit the towns where the finalists for Town Administrator are currently employed.
Adjourned:	Selectman Cutler moved a motion to adjourn at 9:52. Selectman Patacchiola 2 nd . All in favor.

ARTICLE 26. Special Legislation - Form of Government

To see if the Town will vote to petition the Massachusetts Legislature for special legislation to enact a so-called "special act" to establish a board of selectmen-town administrator form of government in the Town of Sterling, worded as follows:

STERLING, TOWN OF--FORM OF GOVERNMENT--ESTABLISHMENT

SECTION 1. The inhabitants of the town of Sterling, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the Town of Sterling.

SECTION 2. This act shall be cited and shall be known as the Sterling Governmental Act.

SECTION 3. The intent and purpose of this act is to secure for the voters of the Town of Sterling, through the adoption of this act, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and laws of the commonwealth, as fully and as though each such power were specifically and individually enumerated herein. To the extent that the provisions of this act modify or repeal existing general laws and special laws or the body of law which constitutes the town charter under Section 9 of Article LXXXIX of the Amendments to the Constitution, this act shall govern.

SECTION 4. The legislative powers of the town shall continue to be exercised by a town meeting open to all voters of the town.

SECTION 5. There shall be a board of selectmen consisting of three members elected by the voters for three year terms, so arranged that the term of office of one member shall expire each year.

In the event that the official population of Sterling increases to 10,000 or more inhabitants in any given year, the selectmen may propose to an Annual Town Meeting that the Board of Selectmen be increased from 3 to 5 members. Upon Town Meeting approval, there shall be 2 members added to the Board of Selectmen at the annual town election held the following fiscal year, one to serve a term of 2 years and one to serve a term of 3 years, and thereafter for the five members to serve staggered terms.

The executive powers of the town shall be vested in the board of selectmen. The board of selectmen shall have all of the powers and duties given to the boards of selectmen under the constitution and laws of the commonwealth and such additional powers and duties as may be authorized by this act, by bylaw or by other town meeting vote. The board of selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of its official acts to be maintained. The board of selectmen shall be the chief policy making board of the town and shall act by the issuance of policy statements and guidelines to be followed and implemented by all town agencies serving under the board.

The board of selectmen shall be the licensing authority of the town, except for such licenses which by statute are issued by other town officials, officers, or boards. The board shall have the power to make necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses and activities for which it issues licenses.

To aid the board of selectmen in the conduct of its official business and duties, the board of selectmen shall appoint a town administrator who shall serve at the pleasure of the board, subject to any severance provisions that may be included in an employment agreement entered into with the town administrator in accordance with the provisions of chapter 41, section 108N of the Massachusetts General Laws.

SECTION 6. The town administrator shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen. Pending the appointment of a town administrator or the filling of any vacancy, the board of selectmen shall appoint a suitable person to perform the duties of the office. In the event of temporary absence or disability of the town administrator, the board of selectmen may designate a qualified person to

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serve as acting town administrator and to perform the duties of the town administrator during such temporary absence or disability. The town administrator shall receive such compensation for services as the board of selectmen shall determine, but such compensation shall not exceed the amount appropriated therefor by the town.

SECTION 7. The town administrator shall be the chief administrative officer of the town, shall act as the agent for the board of selectmen and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town administrator is given responsibility under this act. The town administrator, under the policy direction of the board of selectmen, shall supervise, direct and be responsible for the efficient administration of all officers appointed by the board of selectmen and their respective departments and of all functions for which the town administrator is given responsibility, authority or control by this act, by bylaw, by town meeting vote or by vote of the board of selectmen. The town administrator shall have the power to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility which the office of town administrator is authorized to exercise under this act. All actions that are performed under such delegation shall be deemed to be the actions of the town administrator.

SECTION 8. Except as otherwise provided by this act, the board of selectmen shall appoint all department heads and officers, except employees who are elected or are under the supervision of elected officials, elected boards or elected commissions. Department Heads shall appoint all subordinates and employees within their departments, subject to the approval of the town administrator.

SECTION 9. Except as otherwise provided by this act, the board of selectmen may remove for cause all department heads and officers, subordinates and employees except employees who are elected or are under the supervision of elected officials, elected boards or elected commissions. Removals for cause shall be subject to due process requirements of federal, state or town laws and regulations or enforceable contract provisions.

SECTION 10. Annually, for the ensuing year, the board of selectmen in conjunction with the town administrator shall discuss and define the Board's goals and performance objectives for the proper operation and welfare of the town, in accordance with the policy objectives of the board. Said goals and objectives shall be reduced to writing.

SECTION 11. The town administrator shall:--

(a) prepare and submit, after consultation with all town departments, an annual operating budget for all town departments, to be reviewed by the finance committee; and a capital improvement plan for all town departments to be reviewed by the capital fund committee;

(b) insure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the board of selectmen as may be required;

(c) approve warrants for payments of town funds prepared by the town accountant;

(d) keep the board of selectmen and finance committee fully informed as to the financial condition of the town and to make recommendations to the board of selectmen and to other elected and appointed officials as the town administrator deems necessary or expedient in regard to such matters;

(e) prepare, annually, a financial forecast of town revenue, expenditures and the general financial condition of the town;

(f) develop and maintain a full and complete inventory of all property of the town, both real and personal;

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(g) be responsible for the efficient use, maintenance and repair of all town facilities, including oversight of all insurance policies for the same, except for those facilities under the jurisdiction of the school committee and the light department;

(h) attend all regular and special meetings of the board of selectmen, unless excused. The town administrator shall attend all sessions of the town meeting and answer all questions addressed to him / her which are related to the warrant articles and to matters under his general supervision;

(i) administer either directly or through a person or persons supervised by the town administrator, provisions of general or special laws, bylaws and other votes of the town meeting;

(j) coordinate activities of all town departments, officers, boards or commissions of the town and to facilitate interdepartmental communication among them. The town administrator shall investigate or inquire into the affairs of any town department or office under his supervision and make reports in regard to such matters to the board of selectmen, if he / she deems it necessary and expedient;

(k) administer personnel policies, practices, rules and regulations, and compensation plans for municipal employees except for employees of the light department; administer benefits and insurance programs, and any related matters, including all provisions of the personnel bylaws and all collective bargaining agreements subject to his / her jurisdiction;

(l) be responsible, with the board of selectmen, for the negotiation of all contracts with town employees over wages and other terms and conditions of employment, except employees of the light department; such contracts shall be subject to the approval of the board of selectmen. The town administrator shall resolve union grievances according to provisions of the union contracts with the town except for light department contracts. The town administrator may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of these duties;

(m) award, subject to the approval of the board of selectmen, all town contracts, with the exception of contracts involving elected departments, elected boards and elected commissions.

(n) be responsible for the purchase of all supplies, materials and equipment for all town departments with the exception of purchases involving elected departments, elected boards and elected commissions. He / she shall examine and inspect, or cause to be examined and inspected, the quality, quantity and condition of supplies, materials and equipment delivered to or received by any town agency. He / she may examine services performed for any town agency secured through the purchasing procedure. The town administrator shall serve as and perform all the duties of the chief procurement officer of the town;

(o) serve as liaison with regional, state and federal governmental organizations, local business and community leaders and the general public;

(p) serve as grants person for the town; to seek out, be responsible for the preparation of applications and administer any grants that shall become available to the town;

(q) supervise the department heads and other non-elected officials and personnel of the town that are under the jurisdiction of the board of selectmen. He / she shall evaluate the performance of all department heads annually. The town administrator shall establish procedures by which the department heads will evaluate the performance of their subordinates annually;

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(r) receive correspondence and answer routine daily inquiries. He / she shall set priorities among issues that demand the board of selectmen's attention. The town administrator shall organize the agenda for the board of selectmen's meetings and perform research on issues when necessary. He / she shall prepare selectmen for meetings with briefing memos, including a list of pertinent issues with supporting data;

(s) assemble town meeting articles and town warrants in concert with the town counsel. He / she shall present such articles on the town warrant to the appropriate town boards or committees for review and recommendation;

(t) compile the town report;

(u) review and make recommendations on the status of all license applications under the jurisdiction of the board of selectmen, and to make site inspections as necessary; and

(v) perform such duties as necessary, or as may be assigned by this act, bylaw, town meeting vote, or vote by the board of selectmen.

SECTION 12. The board of selectmen shall annually set performance goals for the town administrator for the upcoming year, and shall review and evaluate the performance of the town administrator on a formal basis once annually under the terms and conditions of this act. Said review and evaluation shall include, but not be limited to, the town administrator's progress and performance on meeting the annual goals and objectives as set forth at the previous annual review. During the first year of employment, the board of selectmen and the town administrator shall meet and set the town administrator's goals and objectives after six months. The board of selectmen shall provide the town administrator with a written evaluation report after each formal annual review and shall provide the town administrator with an opportunity to discuss his /her review with the board of selectmen in a workshop session and submit written comments relative thereto.

SECTION 13. The registered voters of the town of Sterling shall elect town officials in accordance with any applicable laws, bylaws, votes of the town, or interlocal agreement.

SECTION 14. All laws, bylaws, votes, rules and regulations, or any portion or portions thereof, whether enacted by authority of the town or any other authority, which are in force in the town of Sterling on the effective date of this act and which are not inconsistent with the provisions of this act shall continue to be in full force and effect until otherwise provided by other laws, bylaws, votes, rules and regulations, respectively. Nothing contained herein shall impair contractual rights established prior to the adoption of this act, or any amendment thereto ,

or take any action relative thereto.