

TOWN OF STERLING
BOARD OF SELECTMEN
October 22, 2014

MEETING:	Roll Call: Selectman Cutler - Present. Chairman Patacchiola – Present. Selectman Kilcoyne – Present. At 7:02 pm, Chairman Patacchiola called the meeting to order.
Minutes:	<p>VOTE: Selectman Kilcoyne moved to accept the Board of Selectmen Minutes for October 8, 2014. Selectman Cutler 2nd. Selectman Cutler- Aye Selectman Kilcoyne - Aye Chairman Patacchiola – Aye. Motion Carried.</p> <p>Chairman Patacchiola requested that he be allowed to alter the minutes of the September 29th meeting to reflect the proceeding in greater detail. The board was encouraged by the Executive Assistant to alter the minutes as they saw fit and that she would gladly make changes before submitting the minutes for approval, at the next meeting.</p>
Architect Contract	The Senior Center Building Committee has negotiated a contract with Turowski 2 Architecture, from Marion Massachusetts. Peter Turowski was at the Select Board meeting to encourage the Department Heads to consider the possible uses of the proposed community room in the Senior Center, stating that it was important to establish secondary usage within the next 60 days. A department head meeting will be held to ascertain the needs of all departments. Mr. Turowski was reminded that the Town of Sterling wishes to be as cost effective as possible. VOTE: Selectman Kilcoyne moved to ratify the contract with Turowski 2. Selectman Cutler 2nd. Selectman Cutler- Aye Selectman Kilcoyne - Aye Chairman Patacchiola – Aye. Motion Carried.
Police Report	<p>The following are some brief highlights as to some of the activities of the Police chief and the Police department for the month of September 2014.</p> <p><u>Personnel, Training and Equipment</u></p> <ul style="list-style-type: none">• Sgt Pomeroy attended a Sergeants Leadership Class• Detective Johnson attended Fire Investigation School• Chief attended Traffic Incident Management Class• Firearms' training was completed for the department. High shooter this year goes to Officer Tim Plouffe.• Received a \$10,000 training grant to be used to train Emergency dispatch personnel.• New cruiser was delivered and placed in service. All wheel drive Ford Explorer replaces Dodge. <p><u>Community Interaction:</u></p> <ul style="list-style-type: none">• Worked the Sterling Fair. No major incidents. Appreciate the efforts of the fair committee, Flagg RV and The Sterling Country Club.• Police Department received a call for a lost or missing wallet containing \$1,300. The following day, the person called back to report that the wallet had been placed in her mailbox, intact.• Continuing public safety meetings with the Superintendent of Schools and all police and fire chiefs in the Wachusett School System. <p><u>General Police Business:</u></p> <ul style="list-style-type: none">• Press release regarding a house break and subsequent arrest of an individual.• Letter of commendation to the personnel involved in housebreak incident for Dispatcher Debra MacArthur, Detective David Johnson and Sergeant Craig Pomeroy.• Eight arrests during the month. One breaking and entering, two protective custody, two domestic incidents, three traffic related arrests.• Forty-four (44) traffic stops and twelve (12) citations. Eight crashes during the month. None at

Fire Department
Quarterly Report

Leominster and Chocksett.

Selectman Cutler asked that the officers be more diligent at the stop sign on bridge street. He reported his concern that too many people are not adhering to the stop sign, prior to entering the state highway (rte 12).

The following are some brief highlights as to some of the activities of the fire chief and the fire department over the last three months of 2014.

July:

- Engine 2 was taken out of service and sent out for repairs
- New firefighter recruits completed their training program

August:

- Met with a Massachusetts Emergency Management Agency Rep to update our Tier II Hazardous Materials reporting database on the state system
- Received DCR Volunteer Fire Assistance Grant award – \$3,000 (50% to be reimbursed by DCR)
- Firefighter Recruit Graduation was held at the Chocksett School Auditorium on 8/22
- Met with the school principal to review and update the school safety plan
- Engine 2 was placed back in-service
- Area police and fire chiefs met with regional school Superintendent to discuss safety and conducted the first school fire drill for the 2014/2015 school year

September:

- Provided Fire, EMS and C.E.R.T. coverage for the annual Town Fair
- EMT's begin providing coverage for Pop Warner Football game through November
- Jim Emerton and Chief Hurlbut attended the Quarterly Emergency Management meeting in Worcester
- Received an Emergency Management Planning Grant from MEMA for \$4,435
- Received a Citizen Corps Grant from MEMA to support C.E.R.T. for \$1,100
- Lt. Kokernak completed a Fire Investigation Course at the Fire Academy with Detective Johnson
- Conducted a second fire drill and evacuation drill at the Houghton and Chocksett Schools
- Annual ladder and pump testing was completed on the aerial ladder and all ground ladders
- Bid specifications were released for the new Rescue/Pumper. Bids open on October 30th
- Pan AM Railroad held a kick-off safety meeting at the DCR facility in West Boylston

Incidents for Period:	Jul.:	106	(27 Fire / 79 Medical)
	Aug:	111	(33 Fire / 78 Medical)
	Sep.:	<u>111</u>	(33 Fire / 78 Medical)
	Period Total:	328	
	Annual Total:	868	

Major Incidents for Period: During this period we responded mutual aid to a 3-alarm house fire in Lancaster, a 2-alarm house fire in Holden, two 1-alarm fires in West Boylston and a 1-alarm fire in Clinton. We responded to 3 major accidents on Leominster Road, I190 and Clinton Road.

Fire Training for Period:	Jul.:	Technical Rescue operations
EMS Training for Period:	Aug:	Driver Recertification & Brush operations Morbidity & Mortality Review
	July:	Stretcher & Stair Chair operations
	Sept.:	Ladder Operations

On Friday November 7, 2014 the Sterling Fire Department will be hosting a retirement party for: **Edward C. McNamara (34 Years of service) and Richard C. Traina (24 Years of service)**. The public is invited to attend.

Appointments

Veterans Service Officer – Gerald Bourque

Mr. Bourque has been recommended for appointment to the position of Veteran Service Officer. He has been appointed as the Veteran Service Officer for West Boylston and Lancaster, as well. The Town Administrator stated that an intermunicipal agreement may come to fruition in the future but for now Mr. Bourque would be employed by all three towns, separately. Mr. Bourque stated that he intends to spend approximately 7 hours per week on the job for Sterling veterans. It was suggested that the Veterans Service Officer present quarterly reports to the Board of Selectmen. **VOTE:** Selectman Cutler moved that the Board appoint Gerard W. Bourque to the position of Veteran's Service Officer. The 1 year term will expire June 30, 2015. Selectman Kilcoyne 2nd. Chairman Patacchiola – Aye Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Motion carried.

Recreation Director – Kristen Dietel

The Recreation Department received 30 applications. They interviewed the top 5 candidates and narrowed the search to 3 finalists. When contacted for a second interview two of the 3 candidates refused the salary that was offered and declined the opportunity of a second interview. The 3rd candidate, Kristen Dietel has been acting as the Interim Recreation Director prior to appointment of a Director. The Recreation Committee chair, Joanne Cummings assured the Board that the Recreation Committee has no compunction in recommending Kristen for the position. **VOTE:** Selectman Kilcoyne moved that the Board appoint Kristen Dietel to the position of Recreation Director. The 3 year term will expire June 30, 2017. Selectman Cutler 2nd. Chairman Patacchiola – Aye Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Motion carried. The Board understands that the Assistant position may need to be filled in the not too distant future and the Department will be considered when a used truck or van can be made available for the purpose of transporting equipment.

Member of the Zoning Board of Appeals – Jerry Siver

Mr. Siver is currently serving on the ZBA as an alternate. After discussion: **VOTE:** Selectman Kilcoyne moved that the Board appoint Jerry Siver to the position of **member** of the Zoning Board of Appeals. The term will expire June 30, 2016. Selectman Cutler 2nd. Chairman Patacchiola – Aye Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Motion carried. The public was reminded that the alternate position to the ZBA is now available.

Bay State Cycle Event

Tom Stevens, race director of the November 29 & 30 Bay State Cyclecross event, addressed the Board. This event would be held on the grounds of the Sterling Houghton/Chocksett School. Mr. Stevens reported that this event has been held at that location since 1995 without substantial issues and the school approves of this event. The race will be properly insured. All aspects have been coordinated with the Fire and Police Departments and there will be doctors on site, in case of injury. After discussion: **VOTE:** Chairman Patacchiola moved that the Board approve the Cyclecross event, on the school grounds, for November 29th and 30th. Selectman Kilcoyne 2nd. Chairman Patacchiola – Aye Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Motion carried.

Use of Town Property for Model Airplane Club

Having scouted the landfill area to determine if the site may be suitable for the model airplane club, Mr. Al Dean and Mr. John Carbone returned to the Select board. They requested that the club be allowed to have access and use of the area until January 1, 2015 in order to ascertain whether all conditions are favorable. After discussion: **VOTE:** Selectman Kilcoyne moved that the Board approve the request to use of the landfill area by the AMA Chapter 5105, model airplane club. Selectman Cutler 2nd. Chairman Patacchiola – Aye Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Motion carried.

Lead Paint By-law

Town council has reviewed the proposed by law that would give the Town of Sterling, legal recourse, in the event that a building's exterior is determined to be a public hazard, due to lead paint exfoliation upon public property. It would require property owners to remediate the public health issue. However,

1835 Town Hall

the town counsel has advised the Town Administrator that he perceives the current public nuisance law as adequate to alleviate the current problem of lead paint on the public sidewalk. The Board requests that the Town Administrator forward the Town Counsel's email to the Board of Health, so that they may consider taking action in this case. Also a draft of the proposed by-law will be sent to the Planning Board for consideration and approval for possible inclusion in the spring Town Meeting.

Vern Gaw, Chairman of the 1835 Town Hall Committee and Tom Rutherford were in attendance. After discussion the following points were determined by the Board:

- The 1835 Town Hall Committee will continue to serve the community in an advisory capacity to the Board of Selectmen.
- Any and all major repairs/maintenance will be carried out under the jurisdiction of the Select Board, through the Town's Building Facilities Technician, Tom Rutherford. (Mr. Rutherford will try to be sensitive to the historical significance of the building)
- Mr. Rutherford will facilitate a new roof on the 1835 Town Hall building. He will also see that the south side of the building is painted.
- The 1835 Town Hall Committee will continue to use the appropriated Town Meeting money to provide maintenance and upkeep to the interior of the building i.e.: carpeting and interior paint.
- The Board of Selectmen will be kept apprised of all maintenance and upkeep being provided through the 1835 Town Hall Committee.

Business and
Correspondence

Mr. Gaw asked the Board consider a sprinkler system for the 1835 Town Hall, in the not too distant future.

Warrants for Special Town Meetings

After discussion, **VOTE:** Selectman Cutler moved to sign the warrant for Light Department's Special Town Meeting, for November 12th. (See attached) Selectman Kilcoyne 2nd. Chairman Patacchiola – Aye Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Motion carried.

After discussion, **VOTE:** Chairman Patacchiola moved to sign the warrant for the general Town Meeting for November 12th. (See attached) Selectman Cutler 2nd. Chairman Patacchiola – Aye Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Motion carried.

Town
Administrator
Update

Legal Expense Review

The Town Administrator reported that over the last two years, the legal expenses regarding negotiations and personnel issues added up to approximately one half of the total legal expenditures. (approx. \$64,000.00) The Board requested that the Town Administrator develop a plan/course of action to reorganize Human Resource Function and/or efficiency, in order to trim the budget. The Town Administrator will report back to the Board.

Sterling Lancaster Cable Television

Sterling Lancaster Cable Television's contract with the Town expires at the end of the month. The original agreement was signed in 2009. SLCT reports that the new agreement contains no substantial changes. The Board will read/consider the new agreement for a future meeting. **VOTE:** Chairman Patacchiola moved that the Sterling Lancaster Cable Television be granted a 30 day extension on the original agreement. Selectman Cutler 2nd. Chairman Patacchiola – Aye Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Motion carried. Selectman Cutler voiced the opinion that more Board meetings should be televised in the future.

Chapter 70 Review

State Representative, Kim Ferguson has been appointed to the Chapter 70 Foundation Review Committee. There are a total of 21 members. Ms. Ferguson assured the Town Administrator that the

Regional Schools are a key point in their discussions. There will be 6 state-wide public hearings and Ms Ferguson has stated that one of the meetings will be held in Holden. When the date becomes available, concerning this meeting, the public and the School Committee members will be informed so that they can take an active role in supporting the needs of the Wachusett Regional School system.

Tax Title sales

The Town Administrator stated that the Town of Sterling approved a by law in 1975 that allows Tax Title sales. The Board reiterated that they would like to be apprised of the properties that are being considered for this alternative. The Treasurer will present this information at a future meeting.

Office Supplies Procurement

The Town Administrator will meet with the representatives of STAPLES on October 30th to negotiate the procurement of office supplies at a substantial savings.

All Boards Meeting

The personnel Board has requested the ALL Boards meet on October 29th to receive and consider the Employee handbook.

Auditor

An RFP was sent out for a new Auditor and the candidates were narrowed down to 2 candidates. Those candidates were interviewed by the Town Administrator and Selectman Kilcoyne with the input from Mr. Kilcoyne's associate, Todd Solar. The team unanimously recommends the firm of Roselli, Clark and Associates of Woburn MA. The Board will consider their official appointment at a future meeting. The Board extended a special thanks to Mr. Solar for his professional feedback in this process.

Senior Center Building Committee Update

Tree removal on the Senior Center Building site will begin as soon as possible. Bids for this work will be considered and the job will be awarded to the company that proposes the lowest possible cost.

Spring Town Meeting Date

After discussion, the Board requested that the Town Administrator advise them of the traditional date/time for Town Meeting. This issue will be discussed and voted upon at the next meeting.

DPW Worker Returns

Charles Brown has signed the "Last Chance Agreement" with the DPW and has been reinstated to his position on the Water Department.

Susan Harragin, 10 Maple St.

Ms Harragin requested that the Board of Selectmen advocate for a Town Master Plan. It was explained to her that the Master Plan is the jurisdiction of the Planning Board and she was encouraged to bring the matter to them at her earliest convenience.

Charla Kroll, 86 Chace Hill Road

Ms Kroll reiterated her displeasure and concern over the determination, made by the Zoning Enforcement Officer, regarding the Favreau property on Chace Hill Road. Ms Kroll was advised by the Board that, unfortunately, since the statute of limitations has expired on this issue, the next step for her to take would be to take her complaint to land court.

VOTE: Chairman Patacchiola moved to adjourn at 10:14pm. Selectman Kilcoyne 2nd. Selectman Cutler-Aye Selectman Kilcoyne - Aye Chairman Patacchiola – Aye. Motion Carried

Public Session

Adjourn

Selectmen's Meeting Minutes
October 22, 2014

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WARRANT

for

SPECIAL TOWN MEETING on Wednesday Nov. 12, 2014 at 7pm

To either of the Constables of the **Town of Sterling:**

GREETINGS: In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the Special Town Meeting at: **CHOCKETT SCHOOL GYM - 40 Boutelle Road on Nov. 12, 2014** from 7pm to approximately 8pm for the purpose of voting said Town Meeting as follows:

Article 1: Creation of a Sterling Municipal Light and Gas Department

To see if the town will vote to authorize the creation and operation of a municipal gas plant as allowed by Massachusetts General Laws, Chapter 164, sec.36, and place such municipal gas plant under the authority of the Sterling Municipal Light Department Board. Upon such authorization, the municipal gas plant shall be combined with the Sterling Municipal Light Department to form the Sterling Municipal Light & Gas Department, which shall do business as "Energy Sterling".

Submitted by: Sterling Municipal Light Department Board

Recommendation: The Sterling Municipal Light Department Board recommends this article.

Summary: The SMLD has been exploring the possibility of bringing natural gas to the town of Sterling. The first formal step in this process is to be legally designated as the utility of record and franchise holder for gas distribution within the town. This process involves having town voters approve the above article at two (2) separate Special Town Meetings (STM) held at least two (2) months apart, but not more than thirteen months (13) apart. The first STM was held on December 16, 2013, and the article passed with an 87% vote in favor.

A **YES** vote at this second meeting shows that the town is interested in having us move forward with the planning process. It also gives us the legal

right to negotiate contracts and terms that are in the best interests of the residents and businesses of Sterling. A yes vote **does not commit us** to following through with construction in the unlikely event that it is determined that the project is not financially or practically feasible.

During this complex planning and negotiation process, we will work with gas suppliers, legislators, regulators, vendors, customers, and financial partners to plan more detailed budgets, construction and operation plans, and project timelines.

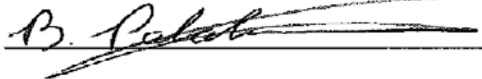
If it's determined that's the most beneficial option is to transfer the gas franchise rights to another entity either in part or in full, the Light Board will have the legal right to negotiate the most preferable terms for the people of Sterling.

A **NO** vote would indicate that residents of Sterling **do not want natural gas** throughout the town and would effectively end the SMLD's efforts to do so. If this article fails to pass, the process cannot be presented again for at least two years.

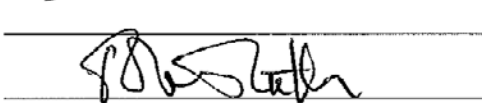
And you are directed to serve this Warrant by posting up attested copies thereof, one at each of the locations listed below at least fourteen (14) before the time for holding said meeting: Hereof fail not and make due return of this Warrant with your doings thereto to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this day of 22 October 2014 (date)

By the Sterling Board of Selectmen:



Brian J. Patacchiola, Chairman



John F. Kilcoyne

Robert F. Cutler

This signed Warrant will be posted on the Town Website by the Town Clerk. I hereby certify that I have posted the foregoing Warrant by hand at the following locations:

Butterick Municipal Building,
Conant Free Library,
Sterling Post Office,



**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF STERLING
SPECIAL TOWN MEETING
NOVEMBER 12, 2014**

WARRANT

**for
SPECIAL TOWN MEETING on Wednesday Nov. 12, 2014 at 8pm**

To either of the Constables of the **Town of Sterling:**

GREETINGS: In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the Special Town Meeting at: **CHOCKSETT SCHOOL GYM - 40 Boutelle Road on Nov. 12, 2014** from 8pm to approximately 10pm for the purpose of voting said Town Meeting as follows:

ARTICLE 1. Transfer Free Cash to Capital Investment Fund

To see if the Town will vote to transfer a sum of money from Free Cash to the Capital Investment Fund, as allowed by the bylaws of Sterling; or take any action relative thereto.

Submitted by: The Finance Committee

Recommendation: The Finance Committee and Capital Committee will report at the Special Town Meeting on this article.

Summary: This article transfers funds from an available fund, Free Cash, to the Capital Investment Fund.

ARTICLE 2. Increase Library Wages

To see if the Town will vote to transfer from available funds, the sum of \$1,420.00 to increase wages in the Conant Library wage line item account to

fully fund the Town of Sterling Compensation Plan voted at the May 3, 2014 Annual Town Meeting; or take any action relative thereto.

Submitted by: Library Trustees

Recommendation: The Finance Committee supports this article.

Summary: This article corrects an error in the Town of Sterling 2015 Budget, as voted at the May 3, 2014 Annual Town meeting, where the numbers for the "wages requested" and "wages approved" were transposed in the printed/adopted budget.

ARTICLE 3. Procure New Financial and Accounting Software and Computer Systems

To see if the Town will vote to transfer from available funds, a sum of money to pay for a new, integrated treasury, tax collection, and accounting software system, and to procure the technology hardware and local operating systems on which to operate this system; or take any action relative thereto.

Submitted by: Town Administrator/Board of Selectmen, Town Treasurer, Town Accountant.

Recommendation: The Finance Committee will report at Special Town Meeting on this article.

Summary: The current tax and fee collection system, treasury cash management system, and accounting system are at the end of their useful life, and will not be supported by the software vendor as of June 30, 2015. The town needs a modern, integrated software system to track expenditures, collections, and accounts in order to assure transparency and improved efficiency in financial operations.

ARTICLE 4. Town Bylaw Amendment Banning Public Meetings on Election Day

To see if the Town will vote to amend Sterling General Bylaws, Chapter 180 Section 13, by inserting the words in italics (below), so that the bylaw will now read, "All town boards, commissions, committees, etc. are prohibited from holding public meetings on the day of *any election and* any Special or Annual Sterling Town Meeting later than one hour prior to the start of said Town Meeting except for meetings made necessary for consideration of matters before the Town Meeting and which are held at the time and place of said Town Meeting,." or take any action relative thereto.

Submitted by: Town Clerk

Recommendation: The Board of Selectmen recommends this article.

Summary: The Attorney General of the Commonwealth has recommended that Town's NOT hold public meetings on Election Day, in order to assure that voters are not excluded from the fullest possible participation in the democratic electoral process.

ARTICLE 5. Nitrogen Loading Permit Request

To see if the Town will vote to authorize the Board of Selectmen and the Conservation Commission to implement Grants of Title 5 Nitrogen Loading Restrictions and Easements on and over two parcels of land under the care and custody of the Town of Sterling Conservation Commission identified as follows: (1) a certain parcel of land located in the Town of Sterling, Worcester County, Massachusetts, constituting approximately 10.21 acres, being more particularly shown as Lot 2 on a plan of land in Sterling, Mass. prepared for Donald J. Blanchflower and Richard C. Blanchflower dated September, 1997 by David E. Ross Associates, Inc., Civil Engineers, a copy of which is recorded in the Worcester County Registry of Deeds at Plan Book 722, Plan No. 24, and (2) a certain parcel of land located in the Town of Sterling, Worcester County, Massachusetts, constituting approximately 17.22 acres, being more particularly shown as parcel B on a certain plan entitled "Plan of Land in Sterling, Mass owned by Stonegate Village LLC, scale 1"=60' prepared by Thomas Land Surveyors & Engineering Consultants" dated April 24, 2007, a copy of which is recorded in the Worcester County Registry of Deeds at Plan Book 862, Plan No. 54, for the purpose of implementing a Nitrogen Loading Facility Aggregation Plan approved by the Town of Sterling Board of Health and the Massachusetts Department of Environmental Protection on terms and conditions deemed to be in the best interest of the Town, and further to authorize the Board of Selectmen to file a Petition with the General Court under Article 97 of the Declaration of Rights to permit such grants for the above-identified conservation land and further to authorize Town Officials to take any action necessary to implement this Article; or take any action relative thereto.

Submitted by: Conservation Commission/Board of Selectmen


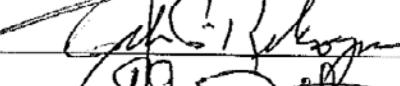
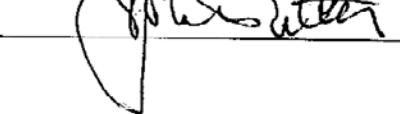
Recommendation: The Conservation Commission and the Board of Selectmen support this article.

Summary: This article creates a nitrogen loading permit for residents of Patriot's Way in order to bring them into compliance with Massachusetts DEP Title V septic requirements.

And you are directed to serve this Warrant by posting up attested copies thereof, one at each of the locations listed below at least fourteen (14) before the time for holding said meeting: Hereof fail not and make due return of this Warrant with your doings thereto to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this day of 22 October 2014 (date)

By the Sterling Board of Selectmen:

	Brian J. Patacchlola, Chairman
	John F. Kilcoyne
	Robert F. Cutler

This signed Warrant will be posted on the Town Website by the Town Clerk. I hereby certify that I have posted the foregoing Warrant by hand at the following locations:

Butterick Municipal Building,
Conant Free Library,
Sterling Post Office,
Sterling Police Station,
Sterling Municipal Light Building (annex-due to construction)
and the Department of Public Works building.

Method of service of Warrant	by CONSTABLE	on (date)
No later than October 29, 2014, per MGL Ch39:10.		

A true copy
attest: _____
Town Clerk