

TOWN OF STERLING  
BOARD OF SELECTMEN  
April 9, 2015

MEETING:

Chairman Patacchiola called the meeting to order at 6:30. Roll Call: Chairman Patacchiola – Present. Selectman Cutler - Present. Selectman Kilcoyne – Selectman Kilcoyne – Absent. (Selectman Kilcoyne arrived at 6:31)

Joint meeting

At 6:35 the joint meeting between the Board of Health and the Board of Selectmen was called to order in room 205. Present were: Gary Menin (BOH), Allen Hoffman (BOH), Attorney Gregg Corbo (Town Counsel), Chairman Patacchiola, Selectman Cutler and Selectman Kilcoyne. The meeting was called to jointly discuss lead paint contamination from the building owned by Gary Griffin, at 33 Main Street.

The Board of Health maintained that they have not acted on this because as a "judgment call", on their behalf, they felt that the available data, regarding the building at 33 Main Street, did not substantiate a health hazard. Attorney Corbo, advised the Board of Health that according to MGL 111 Chapter 122 they have the authority to declare the property a "nuisance" and as such to insist that the owner abate the nuisance (In this case to direct the owner to de-lead and paint the building). VOTE: Chairman Patacchiola moved that the Boards jointly vote to exercise the power vested in the Board of Health, pursuant to Mass General Law Chapter 11 Section 122 and to exercise the power vested in the Board of Selectman, pursuant to Chapter 139 section 1, whereby notice will be given to the property owner (Gary Griffin) that action must be taken, in the form of painting the building, by July 1, 2015." Selectman Kilcoyne 2<sup>nd</sup>.

Discussion ensued. Chairman Patacchiola explained that the Boards must take two separate votes on the same motion. Chairman Hoffman stated that the Board of Health would have to make their own motion, in order to vote. However, since their agenda didn't specifically state that they would be taking action, the Board of Health did not make a motion. Ultimately the Boards agreed to pursue the option of having Mr. Griffin meet with the Town Administrator on Monday, April 13 in order to discuss a plan of action and to get a commitment in writing. Chairman Patacchiola retracted the motion that had been made. Selectman Kilcoyne retracted his 2<sup>nd</sup> on the motion. The Board of Health will meet jointly with the Board of Selectmen on April 22 to discuss the course of action that has been agreed upon by Mr. Griffin.

At 7:25 Chairman Patacchiola called a recess in order to reconvene in room 201.

At 7:37 the Board of Selectmen's public meeting reconvened.

Minutes:

VOTE: Selectman Cutler moved to approve the executive minutes from March 25<sup>th</sup>, 2015. Minutes not to be released until the matter has been settled. Selectman Kilcoyne 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.

VOTE: Selectman Cutler moved to approve the public session minutes from March 25<sup>th</sup>, 2015. Selectman Kilcoyne 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.

Re-vote  
Insurance Change

Chairman Patacchiola moved to approve the IAC's recommendation to change the Town's insurance carrier to Fallon. Selectman Kilcoyne 2<sup>nd</sup>. Chairman Patacchiola – Aye. Selectman Kilcoyne – Aye. Selectman Cutler – Abstained. Motion carried. Selectman Cutler, who carries the Town Insurance, had voted on this issue at the last meeting. The Attorney General's Office was notified regarding this vote and they made no determination. However, it was suggested that the Board revote this issue to quell any debate that might arise concerning conflict of interest.

## Selectmen's Meeting Minutes

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### Open Meeting Law Complaint

Attorney Gregg Corbo reported that Claire Stidsen filed another Open Meeting Law Complaint. This complaint alleges:

1. That her prior OML was not Acknowledged within the time constraints imposed by the law. Attorney Corbo reported that the law, requiring acknowledgment within 14 days, does not include weekends or holidays. Therefore, due to a holiday and weekends, the complaint was, in fact, acknowledged on the 14<sup>th</sup> day. Therefore, it is the opinion of Town Counsel that no violation occurred.

2. That she received a response, to her prior OML, from Town Counsel rather than the Select Board. Attorney Corbo stated that the Board followed the procedure set forth in the OML policy, voted by the Board on February 26, 2014. Since this policy was followed, Town Counsel is of the opinion that no violation occurred.

VOTE: Chairman Patacchiola moved that the Board acknowledge the Open Meeting Law complaint and to authorize Attorney Corbo to respond to this complaint. Selectman Cutler 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye, Chairman Patacchiola – Aye. Motion Carried.

### 22q Awareness Day

Chairman Patacchiola moved to proclaim May 17, 2015 as 22q Zoo Day. Selectman Cutler 2<sup>nd</sup>. Selectman Kilcoyne – Aye. Selectman Cutler – Aye, Chairman Patacchiola – Aye. Motion Carried. There will be an event to increase awareness of this illness, at the Davis Farm from 10:00 – 4:00 on May 17, 2015.

### Police Report

The following are some brief highlights as to some activities of the Police Chief and the Police Department for the month of March 2015.

#### **Personnel, training and equipment:**

- Two officers who were out on extended sick leave returned to duty.
- Quarterly shift assignments were made.
- Officer Lane Pomeroy attended a Domestic Violence school.
- Chief attended a human trafficking seminar at Boylston academy.
- Kim Thebeau appointed matron.
- Officer Ferguson attended a Narcan Informational Seminar put on by the District Attorney.
- Letter of recognition sent to the department regarding action of Officer Scott Johnson.

#### **Community Interaction:**

- Department assisted the Promenade Walk.
- Animal control officer composed a news letter. Dogs must be licensed by April 15th.
- Attended regional school safety meeting.

#### **General Police Business:**

- General Order issued on matron/cell monitor call in for duty. (streamline process)
- General Order issued for facility security. (New access control system).
- Nine (9) arrests during the month. Two (2) domestic related, three (3) warrant arrests, two (2) traffic related, one (1) protective custody, one (1) disorderly conduct.
- Fourteen (17) crashes were investigated during the month, two at Chocksett and Leominster.
- Fifty-six (64) motor vehicle stops and thirty (35) citations issued.

### Visual Budget

The Virtual Budget website, currently being used in Arlington, MA, is a visual representation of a Municipality's budget, which is intended to make it easier for citizens to engage with the budget, in order to understand where their tax dollars are being spent. This program is available as an open source code. It would cost the Town of Sterling \$3000.00 to have this tool implemented and \$1000.00 for maintenance each year thereafter. VOTE: Chairman Patacchiola moved that the Town enter into a contractual agreement in order to implement the Visual Budget. Selectman Kilcoyne 2<sup>nd</sup>. Selectman

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|                             | Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola Aye. Motion carried.  |
| MRPC Contract               | After Discussion; VOTE: Selectman Cutler moved that Chairman Patacchiola be granted the authority to sign the MRPC Agreement that will enlist the assistance of the Montachusett Regional Planning Commission to review and analyze zoning along an area of Route 12 and develop recommendations for any changes for existing zones. Selectman Kilcoyne 2 <sup>nd</sup> . Selectman Cutler – Aye. Selectman Kilcoyne – Aye. Chairman Patacchiola - Aye. Motion carried.  |
| Warrant Articles            | <p>Charles Reaper appeared before the Board to explain the DPW's request on the Town Warrant for funds to purchase a new loader. He explained that the Town's oldest loader is a 2001 with 9100 hours of use. The warrant article that was submitted proposes that the 2001 loader be sold at auction and the Town purchase a new loader to replace it. Selectman Cutler voiced his reticence in this plan of action and suggested that the DPW loaders continue to be maintained, until they could no longer be economically repaired, before the Town purchases a new machine. He suggested that the DPW investigate the possibility of renting a machine, in the event that the primary machine is inoperable during peak time of need. After discussion. VOTE: Chairman Patacchiola moved that this article be included on the warrant, as it is written in the draft of the warrant and that the Board vote upon this at Town Meeting. Selectman Kilcoyne 2<sup>nd</sup>. Selectman Kilcoyne –Aye. Chairman Patacchiola - Aye. Selectman Cutler- Abstained. Motion carried.</p> <p>Chief Hurlbut appeared before the Board to explain the Fire Departments warrant article to hire and fund two additional fulltime Firefighter/Paramedic. He explained that when Jim Harper and Ed McNamara retired, it left a big gap in service. They had alternated weeknights on-call and every other weekend. These shifts are now open and it is not always possible to fill these shifts with volunteers. If this article is approved, Sterling will employ four, fulltime Firefighter/Paramedics that would work rotating shifts. This would provide "on-duty" service 24/7. Ultimately, it would address the service needs of the Town and meet the requirements for State Ambulance Licensure. After discussion. VOTE: Selectman Kilcoyne moved that this article be included on the warrant, as it is written in the draft of the warrant and that the Board vote upon this at Town Meeting. Chairman Cutler2<sup>nd</sup>. Selectman Kilcoyne –Aye. Chairman Patacchiola - Aye. Selectman Cutler- Abstained. Motion carried.</p> |
| Town Administrator's Report | <p>The Town Administrator has received a report from Moody's stating that the Bond rating for the Town is excellent. This will positively impact the Fire Truck and Senior Center bonds.</p> <p>The WBMason joint purchasing contract has been implemented for all departments. Reportedly this change will save approximately 30% in the cost of supplies.</p> <p>The Town Meeting Warrant is complete and ready to be sent to the printer as of tomorrow, April 10<sup>th</sup>.</p> <p>The auditor will be asked to attend the next meeting.</p> <p>The Board has been asked to attend the Eagle Scout ceremony on April 26<sup>th</sup> at 3:00pm.</p>   |
| Public Session              | No one asked to speak.   |
| Adjourn                     | At 8:44 Chairman Patacchiola moved to adjourn the meeting. Selectman Cutler 2 <sup>nd</sup> . Selectman Kilcoyne – Aye. Selectman Cutler – Aye. Chairman Patacchiola – Aye. Motion carried.  |

*materials list: minutes, OML Complaint, Police Report, Warrant articles 18 and 29, Fire Dept. Staffing request*