

TOWN OF STERLING  
BOARD OF SELECTMEN  
July 26, 2017

<p>MEETING:</p>	<p>Chairman Cranson called the Board of Selectmen meeting to order at 6:30 pm. Roll Call: Selectman Lane - present. Selectman Kilcoyne – Present. Chairman Cranson - Present.</p>
<p>Minutes</p>	<p>Selectman Kilcoyne moved to approve the minutes of July 12, 2017, as written. Selectman Lane 2<sup>nd</sup>. Chairman Cranson – Aye. Selectman Lane – Aye. Selectman Kilcoyne – Aye. Motion carried.</p>
<p>Public Session</p>	<p>David Pineo spoke on behalf of the 8 Point Sportsmen Club. The Administrator's office had received a complaint about loud music on July 15<sup>th</sup> from the club. Mr. Pineo reported that each year the Club is rented out to host a multi-year reunion for Wachusett Regional. The band was outside for this function. However, the band stopped around 9:00. The complainant did not attend the meeting.</p>
<p>Agricultural Committee Update</p>	<p>Robert Nickerson represented the Agricultural Commission. He explained that the Agricultural Commission helped establish the Right to Farm Bylaw for the Town of Sterling and is instrumental in helping land owners apply for Agricultural Preservation Restriction status for their property through the State, which prevents the land from ever being developed. The Commission consists of 7 full members and 3 alternates. Currently there is a full time position available and they encourage volunteers to apply. At a future Town Meeting the Commission wishes to change the definition of a quorum for their commission so that the quorum would depend upon number of members at a meeting rather than a quorum of the 7 members. This commission belongs to the Central Massachusetts Association of Agricultural Commissions which assists all members in establishing best practices and keeps all aware of legislation that concerns them. As a Commission, they intend to;</p> <ul style="list-style-type: none"><li>• Make Right to Farm brochures available to the public</li><li>• Post the required Right to Farm Declaration annually in the paper</li><li>• Provide information through lectures</li><li>• Update the brochures</li><li>• Help establish gardens at the Senior Center (looking for someone to “drive” this project)</li><li>• Continue to mediate neighbor issues when farm practices are involved</li></ul> <p>Currently the Commission needs no assistance from the Board of Selectmen. The Board thanked Mr. Nickerson and the Commission for their service.</p>
<p>Open Space Update</p>	<p>Peder Pederson and Marion Larson represented the Open Space Committee before the Board. Mr. Pederson reported that the Committee continues to update the Open Space Plan and to develop and maintain trails within Sterling. Brochures, which include maps, are available for the following trails;</p> <ul style="list-style-type: none"><li>• Butterick Nature Trail</li><li>• The Sterling Section of the Mass Central Rail Trail</li><li>• Heywood Reservoir Trail</li><li>• Stillwater Basin Trail</li><li>• Lynde Basins Trail</li><li>• Hog Hill Trail</li><li>• Gaylord Trail at Hardscrabble Road</li></ul> <p>This information is also available on the Town web-site. The OSIC enlists the assistance of the MRPC to create and record the “Open Space Plan” for the Town. This</p>

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plan is an integral part of the Town's Master Plan, as well as a requirement for some grant applications. The OSIC plans to implement informational meetings in the future, to elicit feedback from the public and to continue to champion for open space and trail recreation.

Designer Selection Procedure

Mr. Perry reported that Chapter 149 of Procurement requires that the Board formally accept the Designer Selection Procedure. After discussion, Selectman Lane moved to accept the Designer Selection Procedure as written. Selectman Kilcoyne – 2<sup>nd</sup>. Chairman Cranson – Aye. Selectman Lane – Aye. Selectman Kilcoyne – Aye. Motion carried.

1835 Town Hall Ceiling

The Town received one bid for the demolition of the ceiling in the 1835 Town Hall Building. That bid was substantially more than was budgeted. Robert Jones will contact local companies to inquire as to why they did not bid on the project. He will also contact the only bidder and try to negotiate the price. Selectman Lane recommended that this discussion be tabled until further research can be done to determine the best course of action and appropriate price range.

Town Counsel update and re-appointment

Attorney Greg Corbo and Attorney Brian Maser represented KP Law. This firm currently provides legal service for the Town. They reported that the cost of legal services this year was higher than last year due to;

- Increased spending for labor and employment contract issues
- Extensive Pre-Town Meeting efforts, which result in a smooth running meeting
- Real estate issues
  - Hall Ave.
  - Hardscrabble Road
  - Litigation on the Mudgett Orchard property

For the most part, the Town is very satisfied with the service provided by KP Law. However, the Board reminded Attorney Corbo that communication between the Firm and the BOS must be exemplary. Also, the Board will attempt, in the future, to make pointed requests of the firm, which indicate the desired "end result". This type of question is more apt to elicit solid advice as to the direction in which the Town should proceed, rather than multiple options available. Selectman Lane moved to re-appoint KP Law as Town Counsel for the next 3 years. Selectman Kilcoyne – 2<sup>nd</sup>. Chairman Cranson – Aye. Selectman Lane – Aye. Selectman Kilcoyne – Aye. Motion carried.

Hardscrabble Deed

After discussion, Selectman Lane requested that the titles on the signatory page on the Hardscrabble Deed be changed to represent current positions on the Board;

Maureen Cranson – Chair

Rich Lane – Vice Chair

John Kilcoyne – Clerk

After further discussion, the Board members signed the Quitclaim Deed for lot #1 on Hardscrabble Road and the Town Clerk, Dawn Michanowicz notarized those signatures. With this final step, the attorneys will release the funds to the Town of Sterling for the sale of the property.

One day Licenses – Clearview Farm

After discussion Selectman Lane moved to approve the one day alcohol requests for Clearview Farm for music events on Sept. 16, Sept. 23, Sept. 30, Oct. 7, Oct 14, and Oct. 15, 2017 from 12 – 6 pm. Selectman Kilcoyne 2nd. Chairman Cranson – Aye. Selectman Lane – Aye. Selectman Kilcoyne – Abstained. Motion carried.

Assistant Town Clerk vacancy

The Board discussed how they would like to fill the Assistant position within the Clerk's office. The Clerk, Ms. Michanowicz interviewed a substantial number of applicants and would ultimately like to hire a full time person, as well as a part time person for the office staff. However, after discussion, the Board determined

that they would prefer to have two flexible, part time staff members, to provide coverage and assistance within that office. Therefore, the Town Clerk and the Administrator will reconsider the applicants and then determine the applicant's willingness to be employed as flexible, part time staff. The Town Administrator will report back to the Board.

Update 33 Main

Mr. Gary Griffin updated the Board on the progress at 33 Main Street. Mr. Griffin reported that although he has partially conformed to the order placed upon him to make repairs to the building, he is currently unable to move forward, due to financial constraints. He reports that the order has prevented him from receiving a bank loan to fund the project and that the order also has dissuaded prospective buyers from purchasing the property. However, Mr. Griffin stated again that if he is financially able by fall to make further repairs, he will do so.

The Board requested that Mr. Griffin produce a letter of refusal from the bank, stating that they are unwilling to grant him a loan, due to the order placed upon the property. OR.. He should bring a prospective buyer before the board stating that he/she, the buyer, would be willing to purchase the property, if the Board would lift their order upon it. Under these circumstances, the Board would consider rescinding their order. Otherwise, the Board expects Mr. Griffin to comply with the order in due haste.

Accept Donation

Tom Rutherford, Facilities Manager, approached Kitchen Associates and was rewarded for his efforts with the offer of a donation of cabinets and counters, to be installed in the basement kitchen area of the Butterick Building. After discussion and sincere public appreciation, Selectman Kilcoyne moved to accept the donation of cabinets and counters from Kitchen Associates with a list price of \$10,453.00 and to spend \$1550.00 for installation services. Selectman Lane – 2<sup>nd</sup>. Chairman Cranson – Aye. Selectman Lane – Aye. Selectman Kilcoyne – Aye. Motion carried.

TA Report

**Police Union Contract;**

After two years of negotiations over the expired contract and multiple mediation attempts, the Town and the Union met for several hours this week, in advance of the scheduled Arbitration hearing. While prepared for the Arbitration, the Town worked hard to reach a settlement. With the Arbitrator waiting in an adjoining room, fair terms were reached that can settle the contract and provide a one-year extension, avoiding re-opening negotiations in another 6-7 months. A MOU was drafted and the Board will discuss the terms in more detail during the executive session. Pending the Select Board's decision tonight, the Union is planning a ratification meeting on Friday, July 28. Final approval of the funding of this contact is subject to Town Meeting approval.

**Schools:**

The Schools will conduct a joint town/school inspection of the Chocksett and Houghton schools on Thursday July 27 at 9:00, the Town Administrator, Sterling's Building Commissioner and Facilities Manager will attend.

**Treasurer:**

Vicki Smith is settling in nicely to her position as Treasure Collector.

**IT:**

The Town Administrator thanked Chairman Cranson for handling some issues, while the TA was vacationing. The Town Clerk's computer has been mostly non-functional. Guardian has replaced the hardware and updated multiple applications. They have found multiple instances of degraded network performance. Guardian has switched multiple desktop PCs to a Giga switch. More work is required, including additional wiring.

**Facilities:**

A local painter will paint the outside, upper level windows of the Butterick building on July 28th.

In anticipation of moving the Recreation Department, the refurbishing of the Butterick Building basement has commenced.

**Sterling Fair:**

The Town Administrator's office continues to work toward getting the approval of the Ciborowski Trust to use the land at the Sterling Airport to hold the Sterling Fair in September. Hopefully, all required documentation will become available soon, so that this critically important issue can be addressed.

Executive session

At 8:56 pm Selectman Lane moved to convene in Executive session, following a short recess. The executive session will address Exemption #3 –MGL c.30A Sec.21 (a) to conduct strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body - regarding the Police Union contract and to then reconvene in public session at the conclusion of the executive session to adjourn. Selectman Lane 2<sup>nd</sup>. Selectwoman Cranson – Aye. Selectman Lane – Aye. Chairman Kilcoyne - Aye. Motion carried.

Adjourn

At 10:19 the Board reconvened in Public session.  
Chairman Cranson announced that, while in session, the Board had signed the Memorandums of Understanding for both the Police Contract and for a one year extension of that contract.  
At 10:20 Selectman Lane moved to adjourn. Selectwoman Kilcoyne 2<sup>nd</sup>. Chairman Cranson – Aye. Selectman Lane – Aye. Selectman Kilcoyne - Aye. Motion carried.

Materials: minutes, cabinet proposal, TC Assistant Resume, One day license applications, Hardscrabble Deed, Designer Selection Procedures, minutes, open space documents