

TOWN OF STERLING
BOARD OF SELECTMEN
February 26, 2014

MEETING

Selectman Furmaniuk called the meeting to order at 7:01. Roll Call: Chairman Furmaniuk – Present. Selectman Cutler - Present. Selectman Patacchiola – Present. Chairman Furmaniuk moved a motion that the Board enter into executive session, pursuant to purpose 1, to discuss complaints brought against a public officer, namely four Open Meeting Law Complaints brought against the Board of Selectmen on January 10, 2014, February 2, 2014, and February 14, 2014. Selectman Cutler 2nd. VOTE: Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. The Board entered in to Executive session.

The Board returned to public session at 7:21.

VOTE: Selectman Patacchiola moved a motion to approve the minutes of February 12, 2014. Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried.

Open Meeting Law
Discussion

Gregg Corbo, Esq. discussed the Open Meeting Law complaints that had been filed with the Attorney General's office on January 10, 2014, February 2, 2014, and February 14, 2014. The first two complaints were concerned with remote participation procedures and the announcement concerning those who wish to record the public portion of the meetings. On February 12, 2014 the Board ratified the action taken on these complaints by Town Counsel. As a result of this vote, two more complaints were filed. Town Counsel advised the Select Board that the best way to eliminate issues, regarding timeliness of response, would be to accept the draft policy that he has submitted for approval. **VOTE:** Selectman Patacchiola moved a motion to adopt the policy (attachment A). Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried.

Town Counsel stated that the February 2, 2014 Open Meeting Law complaint alleged that the Board violated the law with respect to the manner in which they responded to the previous Open Meeting Law complaint. However, it is Attorney Corbo's professional opinion that the adoption of the policy (Attachment A) cures that issue. **VOTE:** Selectman Patacchiola moved a motion to acknowledge the Open Meeting Law complaint of February 2, 2014 and to authorize Town Counsel with the assistance of the Town Administrator to formally respond to the Attorney General. Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried. Further, Town Counsel recommended a "cure" for the Open Meeting Law complaint, that was filed on February 12, 2014 concerning the fact that the discussion/ratification of response to Attorney General, regarding January 10th complaint, was improperly posted. The remedy - to discuss again and revote the ratification of the response at this properly posted meeting. The issue was discussed earlier in this and Town Counsel additionally recommended that the vote be retaken. **VOTE:** Selectman Patacchiola moved a motion to acknowledge the receipt of the Open Meeting Law complaint of February 2, 2014 and to authorize Town Counsel, with the assistance of the Town Administrator, to formally

respond to the Attorney General. Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried. **VOTE:** Selectman Patacchiola moved a motion to ratify the Town Counsel's response to the Attorney General, regarding the Open Meeting Law complaint of January 10, 2014. Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried.

VOTE: Selectman Patacchiola moved a motion to acknowledge the receipt of the February 14, 2014 Open Meeting Law complaint and to authorize Town Counsel to work with the Town Administrator to respond. Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried.

School Committee Update:

Lance Harris, Chairman of the School Committee addressed the Board. He reported the following:

A new Superintendent has been appointed. Darryll McCall was previously the Assistant Superintendent. The employment contract was signed on February 1, 2014.

The proposed budget for fiscal 2015 is now available. There is a proposed overall increase of the proposed budget of 1.4%, in order to offer level services. Sterling's portion of the proposed assessment is 9.7 million dollars, which is a 3% increase over last year. Specifics will become available in the near future.

Two seats on the School committee will be available. If interested, papers must be returned to the Town Clerk by March 24, 2014.

Mr. Harris was asked about school population. He reported that the population has decreased slightly. He was also asked if the current size of the school committee will be decreased. He stated that it is his belief that the subject of the size of the committee will be further addressed by 2016.

Minuteman Bike Race:

The request for the approval of the Minuteman Bike Race, through Sterling in May of 2014, was denied at the February 12th Board of Selectmen's meeting. Acquiescing to requests to reconsider the decision, the board heard feedback from townspeople regarding the race. After discussion, the chairman strongly suggested to the proponents of the race that they return next year to request approval of the race in 2015. In the meanwhile, he hopes they will work with the Police Department to find remedies for issues that culminated in the previous vote to disallow the race to take place this year.

Wekepeke Update:

Catherine Harragian and Maryanne MacLeod addressed the Board with their concerns regarding Article 51 of last year's Town Meeting. The Board assured them that the board had met with representatives and senators regarding the issue of the Wekepeke waters. It was strongly suggested that it would be in the best interest of both the Town of Sterling and the Town of Clinton to settle the issue amicably. Town Administrator, Jeff Ritter has been in communication with the CClinton Town Administrator. Administrator Ward informed Mr. Ritter that Nestle is no longer interested in the Wekepeke as a bottled water source. The Board stated that there may be a possibility in the future that Sterling might be interested in purchasing the land from Clinton. The course of action;

- Legislative action will be deferred
- Mr. Ritter will continue conversations with Clinton

- State Legislators will be notified that both towns are conversing toward an amicable solution
- The Town Administrator will follow up on the Payment in Lieu of Taxes invoice that was issued to the Town of Clinton, regarding the usage of water by the Town of Clinton

Snow and Ice
Deficit Spending:

After discussion: **VOTE:** Chairman Furmaniuk moved a motion to approve deficit spending by the DPW for snow and ice removal. Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried.

2014 Town Meeting
Date and Time:

Due to conflicts with early morning town events on May 3rd, 2014: **Vote:** Selectman Cutler moved a motion to a 4:00pm start time for the Annual Town meeting on Saturday, May 3rd. Selectman Patacchiola 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried.

Business and
Correspondence

Appoint 1835 Town Hall Member

The 1835 has a vacancy on their 7 member board. After discussion: **Vote:** Selectman Cutler moved a motion to appoint Danielle Ray to the 1835 Town Hall Committee. Selectman Patacchiola 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried. Ms. Ray will fulfill the term for Beth Stuerman. The term expires on June 30, 2014.

Appoint to Housing Authority

After discussion: **Vote:** Selectman Patacchiola moved a motion to appoint Karen Leclerc, on an interim basis, to the Housing Authority Commission. Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried. Ms. Leclerc will fulfill the term for Phillip Campbell. The term runs until the election in May 2015.

Appoint Registrar of Voters

After discussion: **Vote:** Selectman Patacchiola moved a motion to reappoint Sheila Hudson as Registrar of Voters. Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried. Ms. Hudson's term runs from March 16, 2014 to March 15, 2017.

Appoint to Economic Development Committee

After discussion: **Vote:** Selectman Cutler moved a motion to appoint Lindsay Lucarelli to the Economic Development Committee. Selectman Patacchiola 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried. Ms. Lucarelli serve out the term for Kevin Sanders. That term expires June 30, 2015.

Selectmen's Meeting Minutes
February 26, 2014

Town
Administrator's
Update:

- Chocksett Crossing: The Town Administrator has been in touch with Mr. Snow, MRPC project manager and Mr. Frost, the engineer in charge of the project. Mr. Ritter has been assured that the project is on the TIP sheet and scheduled for a start date of summer 2015. The public will be invited to a presentation in the near future.
- Annual Budget Meeting: Saturday, March 1 between the Department Heads and the Finance Committee. Hearings will begin at 9:00 am and end around 3:00 pm.
- Annual reports are due to the Town Clerk by March 7th.
- The Zoning Board of Appeals will hold a Public Hearing on Tuesday, March 11 at 6:35 pm regarding 21 multifamily homes on Maple Street.
- The Town Administrator wrote a letter to the Joint Committee of Public Services to ask their support in the Town's resolve, per affirmative vote at the Special Town Meeting on November 13, 2012, to rescind the Quinn Bill.

The Taste of Sterling will be held on Sunday, March 2, at the First Church, to benefit the Friends of the Sterling Seniors.

Adjourned:

Vote: Selectman Patacchiola moved a motion to adjourn at 8:51. Selectman Cutler 2nd. Selectman Patacchiola – Aye. Selectman Cutler – Aye. Chairman Furmaniuk – Aye. Motion carried.

Materials List: Proposed Open Meeting Law procedural policy, Letter to AGs office, letter of support for bike race by Jon Guild, Article 51 of ATM 2013, July 1 and July 31, 2013 minutes, email from DPW and Snow and Ice removal transaction details, appointment requests/recommendations for the 1835 Town Hall Committee, Housing authority, Registrar and EDC, email from Snow MRPC

EXHIBIT A

The Board of Selectmen of the Town of Sterling hereby adopts the following policy concerning the receipt and response to Open Meeting Law Complaints.

1. Upon receipt of an Open Meeting Law complaint by any Town official or employee, the complaint shall be date stamped by the recipient and a stamped copy shall be immediately sent to the Town Administrator.
2. The Town Administrator will forward a copy of the complaint to Town Counsel, along with the date of the subject body's next regularly scheduled meeting, if any. If no meeting is scheduled within fourteen business days of the complaint, the chair shall exercise reasonable efforts to schedule a meeting within that time frame.
3. Town Counsel will work with the Town Administrator and any other Town officials or employees to investigate the complaint and formulate a recommended course of action.
4. Town Counsel will provide a recommendation at least 72 hours prior to a meeting of the public body to be held within fourteen business days of the complaint. If no meeting is scheduled within that time frame, or if any other circumstances so require, Town Counsel may request a reasonable extension of time to respond.
5. At a duly noticed public meeting, the public body shall discuss and acknowledge receipt of the complaint and take such further action as it deems appropriate. Such action may include directing a member of the body or staff to work with Town Counsel to formulate a response.
6. The public body may meet in executive session to discuss its response to the complaint, provided that proper notice of the body's intent to enter executive session is made.
7. The response shall be sent to the Attorney General and the complainant, as required by law.