

**TOWN OF STURBRIDGE
ANNUAL TOWN MEETING WARRANT**



**TANTASQUA REGIONAL HIGH SCHOOL
MONDAY, JUNE 6, 2011 @ 7:00 P.M.**

**ARTICLE 1
TOWN REPORTS**

To hear the reports of the several Boards and Town Officials and any other Committee that may be ready; or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

VOTE OF THE TOWN MEETING:

Summary – This article is the acceptance of all reports as included in the Annual Town Report. The Town Meeting usually defers the actual reading of the reports as they are provided in a printed format.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 2
COMMUNITY PRESERVATION COMMITTEE REPORT**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2012; and further to reserve for future appropriation amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of a money for the creation, preservation and support of community housing, or take any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

**RECOMMENDATION OF THE COMMUNITY PRESERVATION
COMMITTEE:**

That the Town vote to approve the article as written. Voted 5 – 0.

Summary – The CPA Committee is required to submit a report to Town Meeting on the proposed use of CPA Funds. The CPA Committee Report is an appendix to this Finance Committee Handbook.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 3
TOWN BUDGET**

To see if the Town will vote to raise and appropriate a sum of money as may be necessary to pay the Town charges for the fiscal year beginning July 1, 2011 and vote to fix salary and compensation of all elected officials of the Town in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 108, effective July 1, 2011; or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0.

Summary – This article is for the approval of the Town and School operating budgets for Fiscal Year 2012. The budgets are categorized using the Uniform Massachusetts Accounting System (UMAS). Sturbridge votes on these appropriations by line item.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 4
COMMUNITY PRESERVATION – ADMINISTRATION**

To see if the Town will vote to appropriate from the Community Preservation Fund, Undesignated Fund Balance, the sum of FIFTEEN THOUSAND AND 00/100 DOLLARS (\$15,000.00) to be allocated for the purpose of operating and administrative expenses in FY 2012 for the Community Preservation Committee (CPC); or take any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0.

Summary – These funds would be used to cover operating and administrative expenses for the Community Preservation Committee, including legal expenses, appraisal reports, general office supplies and other general administrative expenses.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 5

COMMUNITY PRESERVATION – HISTORIC (TILLYER PAPERS)

To see if the Town will vote to appropriate from the Community Preservation Fund, Historic Fund Balance, the amount of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) to fund, for historic preservation purposes, the scanning, digitizing, reproduction and interpretation of 25% of the so-called Tillyer Papers, including all costs incidental or related thereto, or take any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0.

Summary – These funds will be used to scan, digitize, and interpret a significant portion of 4,000 donated documents related to the Town on CD-ROMs, with print replicas of a representative sampling. The project will benefit local schools, the Joshua Hyde Library, casual and professional students of New England's past, and help promote the Town through its nationally-known living history museum.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator.

ARTICLE 6

COMMUNITY PRESERVATION – MEMORIAL CONFERENCE ROOMS

To see if the Town will vote to appropriate from the Community Preservation Fund, Historic Fund Balance, the amount of THREE THOUSAND FIFTY AND 00/100 DOLLARS (\$3,050.00) to fund, for historic preservation purposes, the preservation and display of historic documents and photographs, including all costs incidental and related thereto, for the Platoon Sergeant Joseph "Rudy" Julian, Medal of Honor and the Minute Man / Patriots / Revolutionary War Conference Rooms, or take any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary – These funds would allow the preservation of historic documents and photographs, including the creation and installation of memorial signage and historical interpretive displays for the two second floor conference rooms in Town Hall. The rear conference room would honor of Plt. Sgt. Joseph “Rudy” Julian, Sturbridge’s only recipient of the Medal of Honor, while the front room would honor the legacy of the Town’s respondents to the call to arms on Patriot’s Day and the ensuing American Revolution.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 7
COMMUNITY PRESERVATION – TRAIL BRIDGES**

To see if the Town will vote to amend the vote taken under Article 62 of the April 28, 2008 Special Town Meeting, which article authorized an appropriation of \$20,000 for the purpose of designing and constructing two bridges to span brooks on the Camp Robinson Crusoe area of the land the Town purchased from Old Sturbridge Village, to provide that such funds may also be used for the design and construction of additional bridges in the Leadmine Mountain area; or take any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 1.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary – This article would expand the use of previously approved funds, specific to two bridges, for use in the design and construction of additional bridges in the Camp Robinson Crusoe / Leadmine Mountain area. The amount totals \$8,101.24.

VOTE OF THE TOWN MEETING: There was a substitute motion made to change the name “Leadmine Mountain”. It was seconded and defeated. The vote of the town meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 8
WATER DEPARTMENT**

To see if the Town will vote to raise and appropriate, through the fixing and collection of just and equitable prices and rates set by the Board of Selectmen (acting as Water Commissioners), the sum of NINE HUNDRED SEVENTY-FOUR THOUSAND FORTY-THREE AND 00/100 DOLLARS (\$974,043), and by transferring the sum of ONE HUNDRED EIGHTY-ONE THOUSAND TWENTY-FOUR AND 00/100 DOLLARS (\$181,024) from Water Reserve Fund Balance, for a total sum of ONE MILLION ONE HUNDRED FIFTY-FIVE THOUSAND SIXTY-SEVEN AND 00/100 DOLLARS (\$1,155,067), for the expenses of the Water Department as follows:

Contract Operations	\$	453,257.00
Electricity	\$	106,138.00
Chemicals, Testing and Propane	\$	12,480.00
DPW Director	\$	10,538.00

Meter Maintenance	\$	12,200.00
Billing Expense	\$	4,900.00
Legal/Administrative Expense	\$	10,000.00
Debt Service	\$	477,554.00
Miscellaneous Equipment	\$	19,250.00
Short-term Interest	\$	25,000.00
Capital Replacement	\$	23,750.00
Total:	\$	1,155,067.00

or take any action in relation thereto.

Sponsor: Board of Selectmen/DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0.

Summary – This budget represents an increase from the FY11 budget of \$399,301, or an increase of 53%. The majority of this increase is to debt service associated with the Rt. 131 water line installation and the Well #4 construction along with an increase in staffing of 0.5 FTE. The approval of this budget will result in an increase in the water rate from \$3.27 per 100 cubic feet to \$4.41 per 100 cubic feet. The rates also reflect the use of \$181,024 from the Water Fund Reserve to moderate the rate increase.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 9
SEWER DEPARTMENT**

To see if the Town will vote to raise and appropriate, through the fixing and collection of just and equitable prices and rates set by the Board of Selectmen (Acting as Sewer Commissioners), the sum of ONE MILLION NINE HUNDRED FIFTY-FOUR THOUSAND EIGHT HUNDRED FORTY-THREE AND 00/100 DOLLARS (\$1,954,843), and by transferring the sum of ONE HUNDRED EIGHTY-ONE THOUSAND TWENTY-FOUR AND 00/100 DOLLARS (\$181,024) from Sewer Reserve Fund Balance, for a total sum of TWO MILLION ONE HUNDRED THIRTY-FIVE THOUSAND EIGHT HUNDRED SIXTY-SEVEN AND 00/100 DOLLARS (\$2,135,867), for the expenses of the Sewer Department as follows:

Contract Operations	\$	376,038.00
Electricity	\$	306,000.00
Chemicals and Testing	\$	263,454.00
DPW Director	\$	10,538.00
Billing Expense	\$	4,900.00
Legal/Administrative Expense	\$	10,000.00
Debt Service	\$	705,704.00
Southbridge Fees	\$	150,000.00
Short-Term Interest	\$	25,000.00
Liquid Sludge Handling	\$	187,432.00
Miscellaneous Equipment	\$	44,301.00
Capital Replacement	\$	52,500.00
Total:	\$	2,135.867.00

or take any action in relation thereto.

Sponsor: Board of Selectmen/DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0 – 1.

Summary - This budget is an increase over the FY11 budget of \$939,884, or 78.6%. This increase is due primarily to debt service for the Waste Water Treatment Plant upgrade, electricity, chemicals and testing, and an increase in staffing of 0.5 FTE. The approval of this budget will result in an increase in the sewer rate from \$4.59 per 100 cubic feet to \$7.97 per 100 cubic feet. The rates also reflect the use of \$181,024 from the Sewer Fund Reserve to moderate the rate increase.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 10
SEWER PROJECT DEBT**

To see if the Town will vote to transfer:

- ONE HUNDRED EIGHTY-SEVEN THOUSAND SIX HUNDRED EIGHTY-ONE AND 00/100 DOLLARS (\$187,681.00) from the F/B Reserved for Phase II Betterment Account #28440-35825 to the Phase II Sewer Debt Account #28440-59100;
- NINETY-NINE THOUSAND THREE HUNDRED THIRTEEN AND 00/100 DOLLARS (\$99,313.00) from the F/B Reserved for Phase III Betterment Account #28440-35826 to the Phase III Sewer Debt Account #28440-59300;
- ONE HUNDRED TWELVE THOUSAND SEVEN HUNDRED NINE AND 00/100 DOLLARS (\$112,709.00) from the F/B Reserved for Cedar Lake Betterment Account #28440-35827 to the Cedar Lake Sewer Debt Account #28440-59200;
- ONE HUNDRED FIFTY ONE THOUSAND FOUR HUNDRED SEVENTY FIVE AND 00/100 DOLLARS (\$151,475.00) from the F/B Reserved for Big Alum Betterment Account #28440-35823 to the Big Alum Sewer Debt Account #28440-59220; and
- SIXTY ONE THOUSAND EIGHTY-EIGHT AND 00/100 (\$61,088.00) from the F/B Reserved for Woodside/Westwood Betterment Account #28440-35829 to the Woodside/Westwood Sewer Debt Account #28440-59230

for the purpose of paying the debt service due on these sewer projects for FY12, or take any action in relation thereto.

Sponsor: Finance Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – This warrant article appropriates the funds necessary to pay debt service on the several sewer projects the Town of Sturbridge has undertaken over the past decade. These debt service payments are repaid through betterment assessments from the property owners within the specific sewer projects and are not supported by either general property taxes or other sewer customers through the sewer rate.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 11
COMMUNITY PRESERVATION DEBT SERVICE**

To see if the Town will vote:

- to appropriate from the Community Preservation Fund – Reserved for Open Space, the sum of SIXTY-SIX THOUSAND THREE HUNDRED SIXTY AND 00/100 DOLLARS (\$66,360.00) for the purpose of paying the debt service for the Heins Farm Acquisition;
- to appropriate from the Community Preservation Fund – Undesignated Fund Balance, the sum of ONE HUNDRED FOURTEEN THOUSAND FOUR HUNDRED TWENTY FIVE AND 00/100 DOLLARS (\$114,425.00) for the purpose of paying the debt service for the OSV Land Acquisition;
- to appropriate from the Community Preservation Fund – Undesignated balance, the sum of ONE HUNDRED SEVENTEEN THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS (\$117,250.00) for the purpose of paying the debt service for the Stallion Hill/Holland Road Land Acquisition; and
- to appropriate from the Community Preservation Fund – Reserved for Historic Resources the sum of ONE HUNDRED FIFTEEN THOUSAND FOUR HUNDRED FORTY-SEVEN AND 00/100 DOLLARS (\$115,447.00) for the purpose of paying debt service on the Town Hall/Center Office renovation project; or take any action in relation thereto.

Sponsor: Finance Director and CPA Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary – This article provides the appropriation to pay from the Community Preservation Fund the costs associated with debt issuances for the acquisition of open space known as the Heins Farm, OSV parcels, Stallion Hill/Holland Road parcels and the renovation of the Town Hall and Center Office Building.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 12
REVOLVING FUNDS**

To see if the Town will vote to re-establish the following Revolving Funds as provided for in Massachusetts General Laws, Chapter 44, Section 53E½:

<u>Revolving Fund</u>	<u>Purpose</u>	<u>Funds to be Deposited From</u>	<u>Authorized to Expend</u>	<u>Maximum Expenditure</u>
Recreation	Tennis league, volleyball league, Concerts on the Common, Summer Recreation Program, teen recreation programs and Table Tennis Club	Program fees, donations, gifts, private sponsorship, facilities fees	Recreation Committee	\$20,000.00
HazMat Cleanup	To address hazardous materials spills and provide the Fire Department the means to bill insurance companies and refurbish supplies used in HazMat spills.	Insurance proceeds and other proceeds received by the HazMat Team for services	Fire Chief	\$10,000.00
Board of Health	Payment for staff required to service large events such as festivals and fairs, initial restaurant consultations and restaurant inspections beyond two per year and public health emergencies.	Temporary permits and licenses, fines levied by the BOH and fees for initial restaurant consultations and excess food service inspections up to \$7,000.	Board of Health	\$10,000.00
Senior Center	Payment to instructors, presenters, service providers, supplies for special programs and repairs	Program fees, private sponsorship, donations and participation fees	Council on Aging	\$10,000.00
Planning Department	GIS support services	Mapping services	Town Planner	\$10,000.00

Public Lands	Development and implementation of forestry management plans, trail development & maintenance, signage, trail maps, construction of foot bridges, purchase of supplies and development of access for public use, educational purposes and general maintenance of open space parcels owned by the Town.	Forestry management and donations.	Conservation Commission	\$20,000.00
Sturbridge Tourist Association	All and any costs associated with planning, promoting or implementing Sturbridge tourist related events; a portion of the operating costs associated with the Tourist Information Center.	Grants for tourism, revenue generated through tourist events and promotions; program fees and donations.	Sturbridge Tourist Association	\$20,000.00

Or take any action in relation thereto.

Sponsors: Recreation Committee, Fire Department, Board of Health, Council on Aging, Town Planner and Conservation Commission, Sturbridge Tourist Association

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – This article re-establishes and provides spending authority for the Town’s Revolving Funds. The annual accounting and balance of the revolving funds is included as an appendix to the Finance Committee’s Report.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 13

BOARD OF HEALTH – PAY-AS-YOU-THROW PROGRAM

To see if the Town will vote pursuant to MGL Ch. 44, §53E½ to establish a revolving fund for the Board of Health Pay-As-You-Throw (PAYT) program.

Programs and purposes for which the revolving fund may be expended:

- All and any costs associated with the planning, promoting or implementing the PAYT Program.
- All and any costs associated with the operational expenses, equipment or supplies of the PAYT Program.

Department receipts which shall be credited to the revolving fund:

- Program fees including, but not limited to, receipts for Program bags, stickers or other fees that may be established from time to time by the Board of Health.
- Donations.

Authorization to expend from such fund:

- The Board of Health has the sole discretion to disperse funds for the purposes outlined herein.

Limit on the total amount which may be expended from such fund in the ensuing year:

- The Board of Health may expend any amount up to \$10,000 without further approval of Town Meeting.

Or take any action in relation thereto.

Sponsor: Board of Health

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0.

Summary – This article would establish a revolving fund for revenues received by the Board of Health through the PAYT Program. Revenues are primarily intended to fund the purchase of bags and supplies or equipment necessary to operate the Program. The article also designates spending limitations on the funds.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator. However, it was not unanimous.

ARTICLE 14

STURBRIDGE TOURIST ASSOCIATION

To see if the Town will transfer and appropriate from the Hotel/Motel Special Account to the Sturbridge Tourist Association Account sum of ONE HUNDRED FIVE THOUSAND TWO HUNDRED FORTY-TWO AND 67/100 DOLLARS (\$105,242.67) for the following items:

Administration (telephone, postage, internet)	\$	2,000.00
Advertising, Printing, Promotion & Production	\$	39,335.46
Special Events	\$	26,223.64
Marketing	\$	22,919.87
General Grounds/Maintenance	\$	6,504.29
Community Support	\$	8,259.41
Total	\$	<u>105,242.67</u>

Or take any action in relation thereto.

Sponsor: Sturbridge Tourist Association

RECOMMENDATION OF THE FINANCE COMMITTEE:

To see if the Town will transfer and appropriate from the Hotel/Motel Special Account to the Sturbridge Tourist Association Account sum of ONE HUNDRED FIVE THOUSAND TWO HUNDRED FORTY-TWO AND 67/100 DOLLARS (\$105,242.67) for the following items:

Advertising	\$	42,000.00
Community Support	\$	10,242.67
Marketing	\$	6,000.00
Route 20 Bathrooms	\$	7,000.00
Special Events	\$	40,000.00
Total	\$	<u>105,242.67</u>

Or take any action in relation thereto. Voted 4 – 1 – 1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

Recommendation to be provided at Town Meeting.

Summary – The revenues come from a 6% hotel/motel tax which is split with 67.5% going to the General Fund, 16.25% used for funding the Sturbridge Tourist Association and 16.25% used for the Betterment Committee. This budget is for marketing the community for tourism.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as recommended by the finance committee as declared by the Moderator.

**ARTICLE 15
BETTERMENT COMMITTEE**

To see if the Town will vote to transfer and appropriate from the Hotel/Motel Special Account to the Betterment Account the sum ONE HUNDRED FIVE THOUSAND TWO HUNDRED FORTY-TWO AND 67/100 DOLLARS (\$105,242.67) for the following items:

Flower Barrels	\$	3,000.00
Bloom Committee Plantings	\$	2,300.00
Landscaping at Senior Center	\$	500.00
Paint and supplies at Senior Center	\$	250.00
Library Landscaping	\$	2,500.00
Initiate Gateway Signage Account	\$	1,761.93
Tree Maintenance	\$	6,800.00
Town Common Tree Maintenance	\$	3,500.00
Tree Planting	\$	1,500.00
Street Landscaping	\$	750.00
Shade Tree Gift Program	\$	3,000.00
Public Restroom Maintenance	\$	6,000.00
Town Common Gazebo Plantings	\$	2,950.00
Veterans Memorials at Town Hall	\$	2,000.00
Senior Center Window Inserts	\$	726.00
Dive / Rescue Team Equipment	\$	4,500.00
“Stair Pro” Stair Chair	\$	3,500.00
Live-Scan Fingerprint Syst. Maint.	\$	1,700.00
Special Event Overtime	\$	10,000.00
Hands-free radio equip, (3) for motorcycle	\$	2,000.00
AVL System for Police Cruisers	\$	3,600.00
Cedar Lake Water Treatment	\$	1,700.00
Replace Lighting at Basketball/Tennis Court	\$	6,500.00

Cedar Lake Storage Unit	\$ 3,000.00
Turner's Field Engineering Reconfiguration Plan	\$ 1,500.00
Turner's Field Infield Repairs	\$ 4,660.00
Summer Concert Series	\$ 4,000.00
Town Common Repair Light Pole	\$ 600.00
Town Common Star Replacement	\$ 175.00
Skating Rink (Replacement Liner)	\$ 1,216.76
Recreation Area Signage	\$ 681.00
Town Barn Girls Dugouts and Shade Cover	\$ 2,902.00
Town Barn Softball Replacement Benches	\$ 760.98
Trail Construction, Development and Maint.	\$ 5,000.00
Trails Committee – Shed Construction	\$ 2,409.00
Sidewalk Maintenance	\$ 7,300.00
Total	\$ 105,242.67

Or take any action in relation thereto.

Sponsor: Betterment Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0 – 1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0.

Summary – The revenues come from a 6% hotel/motel tax which is split with 67.5% going to the General Fund, 16.25% used for funding the Sturbridge Tourist Association and 16.25% used for the Betterment Committee. Betterment Committee funds are utilized for public safety, recreation and the beautification of the community. The Betterment Committee reviews all requests for project funding and submits the recommended spending.

VOTE OF THE TOWN MEETING: There was a substitute motion made by Craig Moran to change the amounts for multiple line items in order to have enough money to buy a new vehicle for the Fire Chief. The motion was seconded, but defeated. The vote of the town meeting was to approve the original article as written as declared by the Moderator.

**ARTICLE 16
CAPITAL IMPROVEMENT PLAN**

To see if the Town will vote to transfer from free cash and appropriate the sum of ONE HUNDRED EIGHTY-NINE THOUSAND SEVEN HUNDRED THIRTY-FIVE AND 00/100 DOLLARS (\$189,735.00) to the Capital Improvement Account for the purpose of funding the following items from the capital improvement plan to be undertaken for the Fiscal Year beginning July 1, 2011:

Police Cruiser	\$ 34,000.00
Fire Dept. Ambulance	\$ 44,640.00
Library Roof Repair	\$ 19,000.00
Public Safety Complex HVAC	\$ 56,295.00
Fleet 4WD Vehicle	\$ 25,000.00
PC Replacement Program (6)	\$ 10,800.00
Total	\$ 189,735.00

Or take any action in relation thereto.

Sponsor: Capital Planning Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as amended. Voted 6 – 0 – 1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – This budget funds a portion of the highest rated capital needs of the Town. The Town uses a ten-factor rating system where each capital request is rated between 0 and 100. The ten factors are: (1) public safety and health, (2) infrastructure needs, (3) quantity of use, (4) efficiency of services, (5) legal requirements, (6) public support, (7) personnel impacts, (8) service impacts, (9) budgetary constraints and (10) administrative needs. The Capital Plan as presented is consistent with the Comprehensive Fiscal Policies presented to the Selectmen and Finance Committee in 2005 to set goals and guidelines. Under this policy, capital expenditures rated as high priorities but costing under \$5,000 are included in department budgets; capital expenditures over \$5,000 and under \$100,000 are included in this article to be funded using free cash; and capital expenditures over \$100,000 are included and recommended as short-term borrowing articles.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 17
AMBULANCE STABILIZATION FUND
(2/3 Vote Required)**

To see if the Town will vote to raise and appropriate TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) to the Ambulance Stabilization Fund for the purpose of reserving funds for the future purchase of an ambulance; or take any action in relation thereto.

Sponsor: Fire Chief and Finance Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 5 – 0 – 1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – Each year, the Town encumbers \$20,000 to assist the town in replacing its ambulances on a seven year schedule. These funds will be set aside until a new ambulance is purchased. The current balance in this account is \$109,360.82.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 18
ESTABLISH OTHER POST-EMPLOYMENT BENEFITS
LIABILITY TRUST FUND**

To see if the Town will vote to accept MGL c. 32B, §20 to authorize the Town to create an Other Post-Employment Benefits Liability Trust Fund for the purpose of funding future financial obligations of the Town for health insurance and other post-employment benefits of retirees; or take any action in relation thereto.

Sponsor: Finance Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – Please see the explanation contained in the Report of the Finance Committee.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 19
CAPITALIZE OPEB TRUST FUND**

To see if the Town will vote to transfer from free cash and appropriate ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00) to the Other Post Employment Benefits Liability Trust Fund Account; or take any action in relation thereto.

Sponsor: Finance Director, Town Administrator

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – Please see the explanation contained in the Report of the Finance Committee.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 20
TANTASQUA REGIONAL JUNIOR HIGH SCHOOL ROOF**

To see if the Town will vote to approve the ONE MILLION ONE HUNDRED NINE THOUSAND THREE HUNDRED TWENTY-FOUR AND 00/100 (\$1,109,324) borrowing authorized by vote of the Tanstasqua Regional School District on March 16, 2011, for the purpose of paying costs of the roof replacement at the Tantasqua Regional Junior High School located at 320 Brookfield Rd., Fiskdale, Massachusetts, and for the payment of all costs incidental and related thereto; or take any action in relation thereto.

Sponsor: Tantasqua Regional School District

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – The total cost of the roof replacement is funded by a \$600,810 reimbursement from the MSBA, \$208,514 in school choice funds, and \$300,000 from the member towns. Sturbridge’s portion of the costs is estimated to be assessed at \$32,000 per year for the five year borrowing term.

VOTE OF THE TOWN MEETING: There was a substitute motion that read, “To withdraw the article per the Tantasqua Regional School Committee (as borrowing will not be needed due to lower than anticipated cost of project). This motion was seconded and carried. Therefore, the vote of the town meeting was that no action be taken on this article.

**ARTICLE 21
WATER DEPARTMENT CAPITAL REQUEST
SURPLUS EMERGENCY GENERATOR NEAR WELL #5**

To see if the Town will vote to transfer from the Water Fund Reserve and appropriate the sum of EIGHTY-THREE THOUSAND SEVEN HUNDRED AND SEVENTY-FIVE AND 00/100 DOLLARS (\$83,775.00) to install a surplus generator near Well #5 for emergency preparedness; or take any action in relation thereto.

Sponsor: DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – These funds will allow reuse of a surplus generator from the Waste Water Treatment Plant by installing it at Well #5 which currently has no backup power. The generator will also provide backup power to Well #3. The funds are for installation of the generator, associated wiring, concrete pad and the purchase of a weather-proof enclosure for the unit.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 22
WATER DEPARTMENT CAPITAL REQUEST
WATER TREATMENT FACILITY AT WELL #1
(2/3 Vote Required)**

To see if the Town will vote that the sum of ONE MILLION SIX HUNDRED TWENTY THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$1,620,500.00) is hereby appropriated to pay costs of making water treatment facility upgrades at Well #1 as mandated by a Massachusetts Department of Environmental Protection Administrative Consent Order, and to pay all other costs incidental and related thereto; and that to raise the appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow the sum of \$1,620,500.00 under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to apply for, accept or expend any federal, state, or private grants or other assistance that may be available with respect to the project, and to issue bonds or notes of the Town therefor; and that the Board of Selectmen is authorized to enter into a loan agreement and any other agreements that may be necessary in the event all or part of the loan authorized hereby should be borrowed from the Massachusetts Water Pollution Abatement Trust, or the United States of America Department of Agriculture, or otherwise, or take any action in relation thereto.

Sponsor: DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

Summary – This article provides funds engineering and construction for improvements and expansion of the water treatment facility on Waterworks Road. The project is required by Mass. Dept. of Environmental Protection to mitigate any potential for contamination by surface water on Well #1. The plant has been designed to also treat water from Wells #3 and #5.

**ARTICLE 23
PROPOSED ZONING AMENDMENT
CHAPTER THREE: FLOODPLAIN DISTRICT
(2/3 Vote Required)**

To see if the Town will vote to amend Section 3.12 of the Town’s Zoning Bylaws in the following manner:

Delete the existing section 3.12 and replace that with the following language:

The general boundaries of the Flood Plain District includes all special flood hazard areas within the Town of Sturbridge designated as Zone A and AE, on the Worcester County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Sturbridge are panel numbers 25027C0745E, 25027C0761E, 25027C0762E, 25027C0763E, 25027C0764E, 25027C0766E, 25027C0767E, 25027C0768E, 25027C0769E, 25027C907E, 25027C0909E, 25027C0917E, 25027C0919E, 25027C0926E, 25027C0927E, 25027C0928E, 25027C0929E, 25027C0931E, 25027C0932E, 25027C0933E, 25027C0936E and 25027C0940E dated July 4, 2011. The exact boundaries of the District shall be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Director of Inspections, and the Conservation Commission.

and to amend the Town of Sturbridge – Overlay District Map accordingly, or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5 – 0.

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary: FEMA has been in the process of updating the Flood Insurance Rate Maps and Flood Insurance Study for approximately two years. The Town and residents were provided the opportunity to comment on preliminary maps and those maps were adjusted in some instances by FEMA. The final Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) for the Town will become effective on July 4, 2011. Communities that fail to enact (or update) necessary floodplain management regulations will be suspended from participation in the National Flood Insurance Program. This amendment is required to reference the final Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) for the Town of Sturbridge.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 24
PROPOSED ZONING AMENDMENT
CHAPTERS SEVEN, EIGHT, NINE, TEN, ELEVEN, AND THIRTEEN –
DESIGN REVIEW GUIDELINES
(2/3 Vote Required)**

To see if the Town will vote to amend Chapter 7, Chapter 8, Chapter 9, Chapter 10, Chapter 11, and Chapter 13 of the Town’s Zoning Bylaws in the following manner:

Section 7.03: Add the following language:

“In addition, applicants shall note the following:

- (a) Design Review is required for new structures, and exterior renovation or alteration of existing structures, in the Commercial District (C), as set forth in General Bylaws Section 1.30, et seq.
- (b) Per the Planning Board’s direction, Design Review shall take place prior to or concurrently with the Site Plan Review Process in the Town of Sturbridge, and shall inform that process.
- (c) Property owners and designers shall use the Design Review Guidelines when applying for and undergoing the Design Review Process, which may include architectural review and/or sign review.
- (d) Applicants are encouraged to discuss their projects with the Planning Department if they have any questions regarding the Design Review Guidelines.”

Section 8.03: Add the following language:

“In addition, applicants shall note the following:

- (a) Design Review is required for new structures, and exterior renovation or alteration of any existing structures in the Commercial Tourist District (CT), as set forth in General Bylaws Section 1.30, et seq.
- (b) Per the Planning Board’s direction, Design Review shall take place prior to or concurrently with the Site Plan Review Process in the Town of Sturbridge, and shall inform that process.
- (c) Property owners and designers shall use the Design Review Guidelines when applying for and undergoing the Design Review Process, which may include architectural review and/or sign review.
- (d) Applicants are encouraged to discuss their projects with the Planning Department if they have any questions regarding the Design Review Guidelines.

Section 9.03: Add the following language:

“In addition, applicants shall note the following:

- (a) Design Review is required for new structures, and exterior renovation or alteration of any existing structures in the General Industrial District (GI), as set forth in General Bylaws Section 1.30, et seq.

- (b) Per the Planning Board's direction, Design Review shall take place prior to or concurrently with the Site Plan Review Process in the Town of Sturbridge, and shall inform that process.
- (c) Property owners and designers shall use the Design Review Guidelines when applying for and undergoing the Design Review Process, which may include architectural review and/or sign review.
- (d) Applicants are encouraged to discuss their projects with the Planning Department if they have any questions regarding the Design Review Guidelines.

Section 10.03: Add the following language:

“In addition, applicants shall note the following:

- (a) Design Review is required for new structures, and exterior renovation or alteration of any existing structures in the Industrial Park District (IP), as set forth in General Bylaws Section 1.30, et seq.
- (b) Per the Planning Board's direction, Design Review shall take place prior to or concurrently with the Site Plan Review Process in the Town of Sturbridge, and shall inform that process.
- (c) Property owners and designers shall use the Design Review Guidelines when applying for and undergoing the Design Review Process, which may include architectural review and/or sign review.
- (d) Applicants are encouraged to discuss their projects with the Planning Department if they have any questions regarding the Design Review Guidelines.

Section 11.03: Add the following language:

“In addition, applicants shall note the following:

- (a) Design Review is required for new structures, and exterior renovation or alteration of any existing structures in the Commercial II District (C2), as set forth in General Bylaws Section 1.30, et seq.
- (b) Per the Planning Board's direction, Design Review shall take place prior to or concurrently with the Site Plan Review Process in the Town of Sturbridge, and shall inform that process.
- (c) Property owners and designers shall use the Design Review Guidelines when applying for and undergoing the Design Review Process, which may include architectural review and/or sign review.
- (d) Applicants are encouraged to discuss their projects with the Planning Department if they have any questions regarding the Design Review Guidelines.

Section 13.03: Add the following language:

“In addition, applicants shall note the following:

- (a) Design Review is required for new structures, and exterior renovation or alteration of any existing structures in the Historic Commercial District (HC), as set forth in General Bylaws Section 1.30, et seq.
- (b) Per the Planning Board's direction, Design Review shall take place prior to or concurrently with the Site Plan Review Process in the Town of Sturbridge, and shall inform that process.
- (c) Property owners and designers shall use the Design Review Guidelines when applying for and undergoing the Design Review Process, which may include architectural review and/or sign review.
- (d) Applicants are encouraged to discuss their projects with the Planning Department if they have any questions regarding the Design Review Guidelines.

or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5 – 0.

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary: The article would make specific reference to Design Review Guidelines within the Zoning Bylaws. These references would enhance compliance and clarify that development within the Commercial and Industrial Districts must comply with the guidelines.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 25
PROPOSED ZONING AMENDMENT
CHAPTER TWENTY – GENERAL REGULATIONS
(2/3 Vote Required)**

To see if the Town will vote to amend Chapter 20.21 and 20.22 of the Town’s Zoning Bylaws in the following manner:

Amend Section 20.21 to incorporate text currently found in Section 20.22, and add the underlined text and delete the strikethrough text, as follows:

20.21 OFF STREET PARKING AND LOADING SPACES

A. An off-street parking space shall have an area of not less than 10 by 20 per vehicle, handicapped spaces shall have an area of not less than 12 by 20 feet, truck parking spaces shall have an area of not less than 12 by 72 feet, unless a modification is approved by the Planning Board during the Site Plan Review process.

B. Parking areas shall be provided on the same lot or on another lot located in a zone in which the parking area is permitted within a radius of not more than 300 feet from the lot to which it is appurtenant. ~~(or 600 feet in the Commercial Tourist District)~~ Properties within the Commercial Tourist District shall not be required to comply with the 300 foot limitation, but may share parking anywhere within the District.

Delete the following text from Section 20.22:

An off-street parking space shall have an area of not less than 10 by 20 feet per vehicle, handicapped spaces shall have an area of not less than 12 by 20 feet, truck parking spaces shall have an area of not less than 12 by 72 feet. Parking areas shall be provided on the same lot or on another lot located in a zone in which the parking area is permitted within a radius of not more than 300 feet from the lot to which it is appurtenant **(or 600 feet in Commercial Tourist District)**, in accordance with the following schedule:

and replace it as follows:

20.22 PARKING SPACES REQUIRED

A. Properties within the Commercial Tourist District shall not be required to comply with the current parking requirements for the continued use of a property for the same or similar use that exists at the time of adoption of this section. A proposed change of use shall require review by the Planning Board and a determination of practical parking requirements for the proposed use given the constraints of the District. Factors such as shared parking, peak parking demands of uses at different times of the day or week, and actual projected parking needs shall be considered when determining practical parking requirements. The Town Planner, Zoning Enforcement Officer and DPW Director shall review such parking proposals and make recommendations to the Planning Board on the parking proposals. The intent of this section of the bylaw is to encourage the continued use and reuse of buildings within the Commercial Tourist District.

B. With the exception of properties located within the Commercial Tourist District as noted above, the following schedule or parking requirements shall apply:

or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to amend the article by removing the words:

“Amend Section 20.21 to incorporate text currently found in Section 20.22, and add the underlined text and delete the strikethrough text, as follows:

20.21 OFF STREET PARKING AND LOADING SPACES

A. An off-street parking space shall have an area of not less than 10 by 20 per vehicle, handicapped spaces shall have an area of not less than 12 by 20 feet, truck parking spaces shall have an area of not less than 12 by 72 feet, unless a modification is approved by the Planning Board during the Site Plan Review process.

B. Parking areas shall be provided on the same lot or on another lot located in a zone in which the parking area is permitted within a radius of not more than 300 feet from the lot to which it is appurtenant. ~~(or 600 feet in the Commercial Tourist District)~~ Properties within the Commercial Tourist District shall not be required to comply with the 300 foot limitation, but may share parking anywhere within the District.

and replace them with :

“Amend Section 20.21 by adding the following text:

20.21 OFF STREET PARKING AND LOADING SPACES

A. An off-street parking space shall have an area of not less than 10 by 20 per vehicle, handicapped spaces shall have an area of not less than 12 by 20 feet, truck parking spaces shall have an area of not less than 12 by 72 feet, unless a

modification is approved by the Planning Board during the Site Plan Review process.

B. Parking areas shall be provided on the same lot or on another lot located in a zone in which the parking area is permitted within a radius of not more than 300 feet from the lot to which it is appurtenant. Properties within the Commercial Tourist District shall not be required to comply with the 300 foot limitation, but may share parking anywhere within the District.”

And to otherwise approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5 – 0.

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary: The Planning Board recently completed a Commercial Tourist District Revitalization Study. The Planning Board is working to implement many of the recommendations noted in the plan. Two such recommendations are improvements be implemented to encourage walking between various shops and restaurants, and that re-use provisions be included in the zoning bylaw that facilitate re-use of existing structures by exempting those activities from certain requirements, notably parking requirements.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as amended by the finance committee as declared by the Moderator.

ARTICLE 26
ZONING BYLAW AMENDMENT – ZONING MAP (704 Main Street)
(2/3 Vote Required)

To see if the Town will vote to amend the Town of Sturbridge Zoning Map by changing a portion of the property (the front 4.5 ± acres) located at 704 Main Street from General Industrial to Suburban Residential as shown on the map attached in the Appendix. The land is also shown on the Assessors Map 23, Parcel 704.

or take any action in relation thereto.

Sponsor: Petitioned Article

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5 – 0.

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary: This article would amend the Zoning Map to change a portion of the property located at 704 Main Street from General Industrial to Suburban Residential.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 27
ZONING BYLAW AMENDMENT – ZONING MAP (5 Haynes Street)
(2/3 Vote Required)

To see if the Town will vote to amend the Town of Sturbridge Zoning Map by changing the property located at 5 Haynes Street from Suburban Residential District to Historic Commercial District as shown on the map attached in the Appendix. The property contains 1.357 ± acres and is shown on Assessors Map 29, Parcel 5.

or take any action in relation thereto.

Sponsor: Petitioned Article

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5 – 0.

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 4 – 1.

Summary: This article would amend the Zoning Map to change a portion of the property located at 5 Haynes Street from Suburban Residential District to Historic Commercial District.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written by a 2/3rds majority as declared by the Moderator.

ARTICLE 28
GENERAL BYLAW AMENDMENT
COMPOSITION OF STURBRIDGE TOURIST ASSOCIATION

To see if the Town will vote to delete Chapter 1.92 of the General Bylaws and replace said section as follows:

1.92 Creation and Establishment: There is hereby created and established a Sturbridge Tourist Association (STA) which shall consist of seven (7) voting members. Upon the effective date of this Bylaw, said seven (7) members shall replace the current members. After the initial terms of the new members, each member, except for the Board of Selectmen representative, and the Finance Committee, Planning Board, or Recreation Committee representative, shall be appointed for a three-year term. Except as noted below, the Town Administrator shall appoint all members, subject to the confirmation of the Board of Selectmen, as follows:

- One (1) member from the Board of Selectmen to be appointed by the Board of Selectmen annually.
- One (1) member from one of the following: Finance Committee, Planning Board, or Recreation Committee, to be appointed annually.
- Two (2) members, owners or their representatives, of a Hotel/Motel/Inn/B&B located within the geographic boundary of Sturbridge, one to be appointed for an initial term of one year, and one to be appointed for an initial term of two years.
- One (1) member, an owner or representative of a tourist related business (retail, restaurant or similar tourist related activity) located within the geographic boundary of Sturbridge, to be appointed for an initial term of three years.

In the event this seat remains open due to a lack of qualified applicants from the retail, restaurant, or similar tourist activity, the Town Administrator may choose to fill the seat with a member from among the owners of Hotel/Motel/Inn/B&Bs who operate a business located within the geographic boundary of Sturbridge.

- Two (2) Sturbridge residents at large, one to be appointed for an initial term of three years, and one to be appointed for an initial term of two years.

Or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0 – 1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary – This article would modify the composition of the STA by allowing the Board of Selectmen to designate one of its members to replace a seat currently allocated to a tourist related business, and to authorize the Town Administrator to appoint a member from either the Finance Committee, Planning Board or Recreation Committee to replace a seat currently allocated to a tourist related business. The article also adds a resident at-large seat from the current Hotel/Motel/Inn/B&B category.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator.

ARTICLE 29

GENERAL BYLAW AMENDMENT – SNOW AND ICE REMOVAL

To see if the Town will vote to amend Chapter 6 of the General Bylaws as follows:

- Section 6.51: delete the words “within twenty four (24)” and insert in its place the words “as soon as practicable but no later than forty-eight (48)”, and
- Add a new Section 6.53 “Waiver of Enforcement” to read:
 - (a) The Board of Selectmen, or the Town Administrator, following consultation with the Director of Public Works, may waive enforcement of this bylaw for sidewalks located within a state highway layout in the event of extraordinary conditions.
 - (b) Any waiver hereunder shall be promptly communicated through: (1) conspicuous placement of a notice on the homepage of the Town’s official Web site, (2) posting on the Town Clerk’s bulletin board in Town Hall, (3) distribution to local media outlets, (4) posting a notice on the cable television message board, and (5) posting on the emergency management sign board if available.”

Or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

To amend the article by removing the words “for sidewalks located within a state highway layout” from section (a) and to otherwise approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0.

Summary – This amendment would allow up to an additional 24 hours to clear sidewalks throughout the community before enforcement, and would also provide discretion to the Board of Selectmen or Town Administrator to waive enforcement for sidewalks within state highway layouts (e.g. Route 20 and Route 131) in extraordinary circumstances.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as amended by the finance committee as declared by the Moderator.

ARTICLE 30

GENERAL BYLAW AMENDMENT – DESIGN REVIEW COMMITTEE

To see if the Town will vote to amend Chapter 1.3 of the Town’s General Bylaws as follows:

Section 1.31: Delete the text in Section 1.31 and replace with the following:

“1.31 PURPOSE

The purpose of this Bylaw is for the regulation of the architectural, signage, and landscaping design in all non-residential Zoning Districts to preserve for the citizens of Sturbridge the natural and architectural qualities and historical assets that the town has developed throughout the years. The Design Review Committee shall serve as an advisor to the Building Inspector and in the cases of projects requiring Special Permits and/or Site Plan Approval shall serve as an advisor to the Planning Board and/or the Zoning Board of Appeals as may be appropriate.”

Section 1.33: Delete the text in Section 1.33 and replace with the following:

“1.33 ADMINISTRATION

The Town Administrator shall appoint a Design Review Committee consisting of five members; such appointments shall be subject to confirmation by a majority vote of the Board of Selectmen. The Board members shall be appointed for a three (3) year term, with one member’s term to expire in each of the three (3) years.”

Section 1.34: Add a new subsection (a) as follows and re-letter balance of paragraphs:

“(A) Proposed project is consistent with the Design Review Committee Handbook and Design Guidelines (adopted March 8, 2011 as may from time to time be amended).”

Or take any action in relation thereto.

Sponsor: Design Review Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0 – 1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0.

RECOMMENDATION OF THE DESIGN REVIEW COMMITTEE:

That the Town vote to approve the article as written. Voted 4 – 0.

Summary: This article would incorporate the newly revised Design Review Committee Handbook and Design Guidelines into the General Bylaws. This incorporation would enhance compliance and clarify that new development must comply with the guidelines.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator.

ARTICLE 31

GENERAL BYLAW AMENDMENT - FINANCE COMMITTEE MEMBERSHIP

To see if the Town will amend Chapter One, Section 1.21 of the General Bylaws by deleting the sentence: “No elected or appointed town officer or town employee shall be eligible to serve on said Committee,” and replacing it with the following: “No Town employee or special employee may serve on the Finance Committee during the term of such employment. At its initiative, the Finance Committee may nominate one or more of its members for appointment(s) to a specific committee, without such appointment(s) jeopardizing the status of nominee(s’) membership on the Finance Committee, if so appointed.”

Or take any action in relation thereto.

Sponsor: Finance Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary – This amendment clarifies how Finance Committee members would be eligible to serve on other boards and committees but retains the prohibition that Town employees or special municipal employees cannot serve on the Finance Committee.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 32

GENERAL BYLAW AMENDMENT – REMOVAL OF FINANCE COMMITTEE MEMBER

To see if the Town will amend Chapter One, Section 1.23 of the General Bylaws by modifying the following sentence, “If any member is absent from three consecutive regular meetings of said Committee, except in the case of illness, his position may, on vote of said Committee, be deemed vacant and filled as hereinafter provided” to remove the words “except in the case of illness” and change the word “three” to “six”; or take any action in relation thereto.

Sponsor: Finance Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – This amendment removes the illness exception but increases the threshold for removal due to absence from three consecutive regular meetings to six consecutive regular meetings.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator.

ARTICLE 33

GENERAL BYLAW AMENDMENT – CLARIFICATION OF LANGUAGE

To see if the Town will amend Chapter One, Section 1.25 of the General Bylaws by modifying the following sentence, “It shall be the duty of the Finance Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers, and committees of the Town as prepared by them (or by the Town Accountant) in such form and detail as may be prescribed by said Committee” to remove the words “Town Accountant” and replace them with the words “Finance Department”; or take any action in relation thereto.

Sponsor: Finance Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – This amendment clarifies that the Finance Department (which includes the Finance Director and Town Accountant) is responsible to provide the budget information for review by the Finance Committee.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 34

GENERAL BYLAW AMENDMENT

TOWN MEETING REQUIREMENTS – DATE AND LANGUAGE CLARIFICATION

To see if the Town will vote to amend Section 1.07 of the Town’s General Bylaws as follows:

- Section 1.07(a): Delete the words “15th of” before the word “April” and insert the number “15” after the word “April.”
- Section 1.07(b): Delete the number “15” after the word March and insert in place thereof the number “1”.
- Section 1.07(c): Delete the words “the 15th of” before the word “March” and insert the number “15” after the word “March.”

or take any action in relation thereto.

Sponsor: Town Administrator, Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0.

Summary – Currently, the deadline for submission of articles to the Town Administrator is the same day as the deadline for the Town Administrator to submit a warrant to the Board of Selectmen. This amendment would allow sufficient time to process all articles, write the warrant and deliver a complete document to the Board of Selectmen.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 35
GRANT OF EASEMENT – BURGESS SCHOOL

To see if the Town will vote to authorize the Board of Selectmen to grant an easement in favor of National Grid to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current, located in, through, under, over, across and upon those parcels of land situated on the northerly side of Main Street, a/k/a Route 20, and the easterly and westerly sides of Burgess School Road, and shown approximately on a plan entitled “National Grid: Town of Sturbridge, 45 Burgess School Road,” dated March 2, 2011, on file with the Town Clerk, or take any action in relation thereto.

Sponsor: Board of Selectmen, Burgess School Building Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0.

Summary – This article is required to install and maintain new electric utilities associated with the Burgess Elementary School Building Project.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 36
AUTHORIZE LEASE OF LANDFILL LAND – SOLAR POWER AGREEMENT

To see if the Town will vote to authorize the Board of Selectmen to lease all or any portion of the four (4) parcels of land described below, from time to time by one or more leases for a term not exceeding 30 years and for such consideration as the Board of Selectmen shall determine, for the purpose of installing and operating thereon a solar array for electric power generation and distribution, and to authorize the Board of Selectmen to grant such easements in, on, under and across over said parcels for utility and access purposes, as reasonably necessary to install and operate such a solar array, and further to authorize the Board of Selectmen to enter into a power purchase agreement with any lessee of such parcels to purchase all or a portion of the electricity production of the solar array and to enter into an agreement with the local utility to participate in the Net Metering program pursuant to the Acts of 2008, c. 169, §78, the so-called Green Communities Act, as the same may be amended, which parcels are described as follows

- Parcel 1 - 154 Breakneck Road - Map 50, Parcel 154 - 24.80 Acres
- Parcel 2 - 9 Cross Road - Map 47, Parcel 9 - 12.71 Acres
- Parcel 3 - 12 Cross Road - Map 47, Parcel 12 - 0.97 Acres
- Parcel 4 - 19 Cross Road - Map 47, Parcel 19 - 5.40 Acres

Such authority to expire on June 30, 2012, or take any action in relation thereto.

Sponsor: Board of Selectmen, Energy Advisory Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 0.

Summary – This article would allow the Board of Selectmen to negotiate a long-term lease of a portion of the landfill under terms and conditions that the Board of Selectmen would approve and authorize the Board to enter into a solar power purchase agreement. The intent is to provide low cost, clean power for the Town’s municipal operations for up to 30 years. The article does not force the Board of Selectmen to enter into any agreement and the authority to enter any such agreement will expire on June 30, 2012.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 37

AUTHORIZE SPECIAL ACT RELATIVE TO ELECTIONS

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any action in relation thereto.

An Act Relative to Elections in the Town of Sturbridge

SECTION 1. Notwithstanding the provisions of chapter 53 of the general laws, or of any general or special law to the contrary, no primary or caucus for the nomination of town officers shall be held in the town of Sturbridge. No ballot used at a regular or special town election for the election of town officers shall have printed thereon a party or political designation or mark and there shall not be appended to the name of a candidate for town office any political designation or mark.

SECTION 2. Except as otherwise provided in this act or the charter of the town of Sturbridge, as on file with the archivist of the commonwealth as required by section 12 of chapter 43B of the general laws, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall govern such elections in the town of Sturbridge.

SECTION 3. This act shall take effect upon passage.

Or take any action in relation thereto.

Sponsor: Town Clerk

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

Summary – This article would provide for non-partisan local elections. Political party caucuses would be eliminated for local elections and no party affiliation would be printed on any local election ballots.

**ARTICLE 38
MGL C. 59, SEC. 5K**

SENIOR MUNICIPAL SERVICE PROGRAM EXEMPTIONS

To see whether the town will vote to adjust the exemptions of its Senior Municipal Service Program, under the provisions of MGL c. 59, §5K, to allow an approved representative, for persons physically unable, to provide such services to the city or town; or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 0.

Summary – This article would allow the Board of Selectmen to modify local regulations for the Senior Municipal Service Program to allow a representative to provide services to the Town on behalf of an program participant who is physically unable to do so themselves.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 39
CITIZEN PETITION – CHARTER AMENDMENT
(2/3 Vote Required)**

To see if the town will vote to amend the Home Rule Charter for the town of Sturbridge, Massachusetts as follows: To amend Article 4 ELECTED OFFICIALS Section 4-3 Moderator; Term of office; Compensation; Powers and Duties. (D) Appointments – Delete the first sentence after Appointments- “The moderator shall appoint a nine member finance committee.” And replace it with the following sentence: “A nine member finance committee shall be appointed by majority vote of the moderator, the current Chairman of the finance committee and the most senior elected member of the Board of Assessors.” At the end of (D) add the following sentence which currently appears in Chapter 1, 1.22 of the Sturbridge General Bylaws: “Said Committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings.”

Or take any action in relation thereto.

Sponsor: Citizen Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

That no action be taken on this article. Voted 6 – 0.

The Finance Committee recommends no action for three reasons: a) it removes the direct line of responsibility for the appointment of the Finance Committee; b) it creates cross appointments; and c) the Chair represents half the votes needed to appoint members of his/her own Committee, including the Chair himself/herself.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That no action be taken on the article. Voted 4 – 1.

Summary – This citizen petition would change the appointment of the Finance Committee membership from the Town Moderator to a majority vote of the Town Moderator, Finance Committee Chairman and most senior elected member of the Board of Assessors.

VOTE OF THE TOWN MEETING: Deputy Moderator William MacDonald stepped in to fill the Moderator’s duties for this one article. The vote of the town meeting was that no action be taken on this article.

**ARTICLE 40
CHARTER AMENDMENT – NUMBERING
(2/3 Vote Required)**

To see if the Town will vote to amend the Town Charter as follows:

Add a new Section 8-6 to read as follows: “The numbering of sections, subsections, paragraphs and subparagraphs in this Charter is deemed non-substantive and ministerial in nature, and the Town Clerk, after consultation with Town Counsel, may make appropriate revisions to the same solely for the purpose of ensuring consistent and appropriate sequencing of such numbering; provided, however, that the Town Clerk shall keep a record of all such revisions which record shall include the date and substance of all such revisions.”

or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

To amend the article by removing the words “Section 8-6” and replacing with the words “Section 8-7 Numbering of Charter Provisions” and to otherwise approve the article as written. Voted 8 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary - This article would allow the Town Clerk, in consultation with Town Counsel, to ensure proper numbering, formatting and sequencing of the Town Charter as may be revised from time to time. It would not allow for changes to any substantive language.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as recommended by the finance committee as declared by the Moderator.

**ARTICLE 41
CITIZEN PETITION – CHARTER AMENDMENT
(2/3 Vote Required)**

To see if the town will vote to amend the Home Rule Charter for the town of Sturbridge, Massachusetts as follows: To amend Article 6 Appointed Officials, Boards, Commissions and Employees; Section 6-1 Appointments by the Town Administrator. In the sections listing Office(s) and the section listing Boards and Commissions delete the lines which appear as follows:

<u>Office(s)</u>	<u>Term(s) of Office</u>
Town Counsel	1 year

<u>Boards and Commissions</u>	<u>Number of members</u>	<u>Term(s) of Office</u>
Planning Board	7	5 years
Design Review	5	3 years
Zoning Board of Appeals	2	3 years
Conservation Commission	5	3 years

Add a new section 6-6 as follows:

Section 6-6 Appointments by the Board of Selectmen

The Board of Selectmen shall appoint by majority vote of its members the following Office(s), boards and Commissions:

<u>Office(s)</u>	<u>Term(s) of Office</u>
Town Counsel	1 year

<u>Boards and Commissions</u>	<u>Number of members</u>	<u>Term(s) of Office</u>
Planning Board	7	5 years
Design Review	5	3 years
Zoning Board of Appeals	2	3 years
Conservation Commission	5	3 years

Appointments to all boards and commissions consisting of more than one member and where terms are greater than one year shall be made in a manner that all terms of all incumbents do not expire in the same year. Whenever possible, an equal number of members shall come to the end of their terms of office in each year.

Or take any action in relation thereto.

Sponsor: Citizen Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

That no action be taken on this article. Voted 6 – 0.

The Finance Committee recommends no action because it removes a system of checks-and-balances between the Town Administrator and Board of Selectmen. The current appointment method has worked successfully for almost three decades. Moreover, this proposal allows for the possibility that a three-person majority of the Board of Selectmen could reduce the diversity of opinions among important Boards and Committees within the Town. As the composition of the Selectmen changes, this proposed appointment authority may expose the structure of Town government to more short-term policy shifts rather than maintaining a more even-handed, long-term policy approach.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 2.

Summary – This citizen petition would move appointing authority for Town Counsel, Planning Board, Design Review, Zoning Board of Appeals and Conservation Commission from the Town Administrator, with confirmation by the Board of Selectmen, solely to the Board of Selectmen.

VOTE OF THE TOWN MEETING: The vote of the town meeting was that no action be taken on this article.

**ARTICLE 42
GENERAL BYLAW AMENDMENT**

To see if the town will vote to amend the General By-Laws for the Town of Sturbridge by deleting the last sentence of section 1.24 which now reads, “The Finance Committee’s recommendation shall be the main motion before any Town Meeting on all articles and budgets.” and replacing it with the following: “The Finance Committee’s recommendation shall be the main motion before any Town Meeting on all articles containing budgets or primarily financial issues but the Board of Selectmen’s recommendation shall be the main motion on all other articles.”

Or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That no action be taken on the article. Voted 7 – 0.

The Finance Committee recommends no action because it risks confusing the voters at Town Meeting. Currently, an individual who reads the warrant printed in the Finance Committee Report knows prior to the Town Meeting the recommendation to be acted upon is the one made by the Finance Committee. If this proposal is adopted, the Moderator will need to identify those articles where the main motion for certain articles is that of the Finance Committee as opposed to others where the main motion will be that of the Board of Selectmen. Moreover, the intent of this article can be accomplished by use of substitute motions.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That no action be taken on the article. Voted 5 – 0.

Summary – This article seeks to clarify the intent of the citizen petition that is Article 43. This article would provide that the Finance Committee makes the main motion for all articles containing budgets or primarily financial issues. The Board of Selectmen’s recommendation would be the main motion for all other matters for Town Meeting action. Currently, the Finance Committee’s motion serves as the main motion for all matters.

VOTE OF THE TOWN MEETING: The vote of the town meeting was that no action be taken on this article.

**ARTICLE 43
CITIZEN PETITION – GENERAL BYLAW AMENDMENT**

To see if the town will vote to amend the General By-Laws for the Town of Sturbridge by deleting the last sentence of section 1.24 which now reads, “The Finance Committee’s recommendation shall be the main motion before any Town Meeting on all articles and budgets.” and replacing it with the following: “The Finance Committee’s recommendation shall be the main motion before any Town Meeting on all budgets but the warrant submitted by the Selectmen shall be the main motion for all other matters.”

Or take any action in relation thereto.

Sponsor: Citizen Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

That no action be taken on this article. Voted 7 – 0.

Please see the rationale for the Finance Committee's vote of no action in Article 42.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That no action be taken on the article. Voted 5 – 0.

Summary – This citizen petition would provide that the Finance Committee makes the main motion for all budget matters but that the Board of Selectmen would make the main motion for all other matters for Town Meeting action. Currently, the Finance Committee's motion serves as the main motion for all matters.

VOTE OF THE TOWN MEETING: The vote of the town meeting was that no action be taken on this article.

ARTICLE 44

COMMUNITY PRESERVATION – TRAIL DEVELOPMENT

To see if the Town will vote to appropriate from the Community Preservation Fund undesignated fund balance in the amount of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) to fund, for the creation, rehabilitation and restoration of land acquired for recreational use purposes using CPA funds, the following projects as submitted by the Sturbridge Trails Committee in its FY2012 CPA budget request, including all costs incidental and related thereto: Leadmine Mountain, located at 10 Shattuck Road and Heins Farm Trails located at 200 Leadmine Road, respectively, for trail construction, design, permitting and related expenses; or take any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7 – 0 – 1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5 – 0.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 5 – 0.

Summary – These funds will fund design, permitting, development and construction of additional trails at Leadmine Mountain and Heins Farm.

VOTE OF THE TOWN MEETING: The vote of the town meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 45

GENERAL BYLAW AMENDMENT – CONFLICT-OF-INTEREST

To see if the town will vote to amend the General By-Laws for the Town of Sturbridge by adding a new Section 1.98 “Sturbridge Conflict of Interest Addendum” to read as follows:

“1.98 Sturbridge Conflict of Interest Addendum

The purpose and intent of this by-law is to remove from town government the risk, or appearance, of any conflict of interest or potential bias of any town Committee or Board in carrying out its respective duties and responsibilities. Town Committees and Boards continue to be bound by the statutory provisions of the Massachusetts Conflict of Interest

Law (Chapter 268A of the General Laws) as a matter of state law. The purpose and intent of this by-law is to function as an added element to further define/limit the participation of Sturbridge board/committee/commission members in matters before them involving immediate family members.

- A. No member of any town Committee or Board may participate in the voting process of said Committee or Board when an immediate family member is before said Committee or Board for any type of action. Such prohibition shall apply whether the immediate family member is present in an individual capacity, as a member of another town Committee or Board, or as a member of a private organization. This prohibition shall apply whether the individual is physically present or otherwise.
- B. For purposes of this by-law the term “town Committee or Board” shall mean any committee or board in the town of Sturbridge whether it is deemed to be ad-hoc, temporary, permanent, advisory, statutory, elected, appointed, both elected and appointed, or otherwise described.
- C. For purposes of this by-law, the phrase “participate in the voting process” shall include making a motion, casting a vote, or participating in any deliberation and/or discussion.
- D. For purposes of this by-law, the term “immediate family member” shall include the spouse, parent, child, sibling, grandchild, or grandparent of a member of a town Committee or Board. Step relations are included.”

Or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on the article. Voted 6 – 2.

Although the Finance Committee recognizes the value inherent in this proposed article, we cannot recommend it in its current form. We believe it is in need of further study to understand how it can be implemented along with the related consequences of its adoption. The provisions of the State’s ethics laws cover a number of instances most board/committee/commission members may face. In addition, every board/committee/commission member is currently required to go through certification training on the State’s ethics laws.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4 – 1.

Summary – This article extends the state’s conflict of interest provisions to apply to all members of boards, committees or commissions regardless of whether any financial interest exists in the subject matter.

VOTE OF THE TOWN MEETING: There was a substitute motion made by the Board of Selectman which was seconded, but defeated. Therefore, the vote of the town meeting was that no action be taken on this article.

ARTICLE 46

GENERAL BYLAW AMENDMENT – TOWN OFFICIAL APPOINTMENTS

1 – To see if the town will vote to amend the General Bylaws Chapter One – Town Government, in sections 1.71, 1.82 and 1.92 where it states that specific appointments are made by “...the Town Administrator subject to the confirmation of the Board of Selectmen”. to say that appointments are made by “...the Town Administrator subject to the confirmation by the **majority vote** of the Board of Selectmen”.

Rationale: The amended language reflects the language in the Town Charter. The bylaws and Charter should use the same language as the language in the charter takes precedence over the Bylaws.

2 -To see if the town will vote as an amendment to the General Bylaws of the Town of Sturbridge, Chapter One to include a new section 1.08 titled “Appointments to Town Committees, Boards and Commissions”.

1. All openings on Town Committees, Boards and Commissions must be posted in Town Hall and on the official Town Website for a minimum of a 15 day open application period to solicit applications. The last day for which applications will be accepted must be clearly posted. The open application period may be repeated until the position is filled.
2. Candidates for openings must submit a written or electronic application on the Town of Sturbridge Committee Application form prior to the closing of the open application period or must have submitted a committee application form prior to the open application period for the town to retain on file as an indication of ongoing interest in a committee appointment. All applications placed on file will expire and become inactive 2 years after they are submitted.
3. All applications will be referred to the Town Clerk who will keep a copy and forward all active and eligible applications to the appropriate appointing body and confirming body (when confirmation by the Board of Selectmen is required) within 3 business days of the close of the open application period. All such applications shall become matters of public record held available for review in the Town Clerk's office. Applicants seeking confirmation of receipt of their applications may send the application by certified mail, deliver it by hand, or verify that their application has been placed in the application file in the Town Clerk's office.
4. For each opening the appointing authority must prepare a report of the three candidates judged most qualified for the opening (or fewer if there are not at least three applicants) and list the rationale for selecting the candidate that is chosen. When confirmation by the Board of Selectmen is required this material shall be submitted to the Board of Selectmen. Within 3 days after the appointment is made this report shall become a matter of public record held for review at the Town Clerk's office. The candidate chosen for the position will receive written or electronic notification of his appointment by the Town Clerk
5. All candidates who are not appointed to the open position will receive written or electronic notification of such by the Town Clerk within five business days after the appointment is made.

Rationale: The current process is not public and is left completely to the discretion of the appointing authority. An open and structured process is required in order to assure that appointments are made fairly and to enable the citizens of the town the ability to know the actions of each appointing authority.

Sponsor: Citizen Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

*1 – To see if the town will vote to amend the General Bylaws Chapter One – Town Government, in sections 1.71, 1.82 and 1.92 where it states that specific appointments are made by “...the Town Administrator subject to the confirmation of the Board of Selectmen”. to say that appointments are made by “...the Town Administrator subject to the confirmation by the **majority vote** of the Board of Selectmen”.*

2 – To see if the town will vote as an amendment to the General Bylaws of the Town of Sturbridge, Chapter One to include a new section 1.08 titled “Appointments to Town Committees, Boards and Commissions by Single Appointing Authorities”

- 1. All appointed openings on Town Committees, Boards and Commissions must be posted in the Town Hall, on the cable access channel and on the official Town Website for a minimum of a 15 day open application period or such*

lesser period as may be specified in the town charter to solicit applications. The last day for which applications will be accepted must be clearly posted. The open application period may be repeated until the position is filled.

2. *Candidates for openings must submit a written or electronic application on the Town of Sturbridge Committee Application form to the Town Administrator's office prior to the closing of the open application period or must have submitted a Town of Sturbridge Committee Application form prior to the open application period for the town to retain on file as an indication of ongoing interest in an appointment. All applications placed on file will expire and become inactive two years after they are submitted. Copies of all active applications shall become matters of public record held available for review in the Town Administrator's office.*
3. *Copies of all active applications will be promptly referred to the appropriate appointing authority and confirming authority (when confirmation by the Board of Selectmen is required). Applicants seeking confirmation of receipt of their applications may send the application by certified mail, deliver it by hand, or verify that their application has been placed in the application file in the Town Administrator's office.*
4. *For each opening the appointing authority must prepare a report listing the three candidates judged most qualified for the opening (or fewer if there are not at least three applicants) and present the rationale for selecting the candidate that is chosen. If no one is chosen, the open application period may be repeated until the position is filled. When confirmation by the Board of Selectmen is required this material shall be submitted to the Board of Selectmen. Within 10 business days after the appointment is made this report shall become a matter of public record held for review at the Town Administrator's office. When the appointing authority is the Board of Selectmen the records of the meeting(s) at which the appointment is discussed and made shall serve as the report. The candidate chosen for the position will receive written or electronic notification of his appointment by the appointing authority.*
5. *All candidates who are not appointed to the open position will receive written or electronic notification of such by the appointing authority within 10 business days after the appointment is made.*

Or take any action in relation thereto. Voted 4 – 2.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3 – 2.

<p><i>Summary – The addition of the words “by the majority vote” in Sections 1.71, 1.82 and 1.92 is intended to reflect the language in the Town Charter. The balance of the article sets forth a detailed procedure for handling appointments.</i></p>

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as recommended by the finance committee as declared by the Moderator.

ARTICLE 47

NON-BINDING REFERENDUM RE: TOWN HALL FRONT DOORS

To see if the town will vote to support an expenditure not-to-exceed \$10,000 to seek a variance from the Architectural Access Board regulations to open the front doors of the Town Hall for use by the general public if, according to Town Counsel, there is no more than a 50 percent likelihood that the Town will be successful in obtaining said variance, or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the town vote to support an expenditure not-to-exceed \$10,000.00 to seek a variance from the State of Massachusetts' Building Codes by the Architectural Access Board to open the front doors of the Town Hall for use by the general public. Voted 6 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

To place the article. Voted 5 – 0.

Summary – This is a non-binding question. Currently, the main doors to the Town Hall, which are compliant with the Americans with Disabilities Act (ADA) and the Mass. Architectural Access Board (AAB) regulations, are located in the back of the building where the parking lot is located. These doors are the only ones for use by the general public. In order to abide by the ADA and the AAB regulations promulgated thereunder, the front doors to the Town Hall can remain open only for Town employees and as a service entrance, unless a variance from the regulations is granted.

VOTE OF THE TOWN MEETING: The vote of the town meeting was to approve the article as written as declared by the Moderator.