

Special Town Meeting
February 24, 2009

**SPECIAL TOWN MEETING
WARRANT
FEBRUARY 24, 2009
7:00 PM**

**ARTICLE 47
TOWN HALL & CENTER OFFICE BUILDING RENOVATION
(2/3 Vote Required)**

To see if the Town will vote to appropriate the sum of ONE MILLION FIVE HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS (\$1,580,000.00) or some other amount, to pay additional costs of remodeling, reconstructing and making extraordinary repairs to the Town Hall and the Center School Building, including the payment of all costs incidental and related thereto, which amount shall be expended in addition to all other amounts previously appropriated for this purpose, to determine whether such appropriation shall be raised by taxation, by transfer from available funds, by borrowing pursuant to the Community Preservation Act or any other authority or by any other lawful means; or take any action in relation thereto.

Sponsor: Board of Selectmen, Town Administrator

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the sum of SEVEN HUNDRED EIGHTY SIX THOUSAND THREE HUNDRED TEN AND 00/100 DOLLARS (\$786,310.00) be hereby appropriated to pay additional costs of remodeling, reconstructing and making extraordinary repairs to the Town Hall and Center School Building, including the payment of all costs incidental and related thereto which amount shall be expended in addition to all other amounts previously appropriated for this purpose, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow (i) \$240,512 under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and (ii) \$545,798 under and pursuant to Chapter 44B of the General Laws (Community Preservation Act), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Voted 8-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the sum of ONE MILLION FIVE HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS (\$1,580,000.00) be hereby appropriated to pay additional costs of remodeling, reconstructing and making extraordinary repairs to the Town Hall and Center School Building, including the payment of all costs incidental and related thereto which amount shall be expended in addition to all other amounts previously appropriated for this purpose, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow (i) \$788,000 under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other

Special Town Meeting
February 24, 2009

enabling authority, and to issue bonds or notes of the Town therefor; and (ii) \$792,000 under and pursuant to Chapter 44B of the General Laws (Community Preservation Act), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Voted 4-1.

Summary – This article is to undertake the renovation of the Town Hall and Center School Building. In 2002, the Town Meeting appropriated funds to conduct architectural and engineering studies for the re-use of the Center School Office Building and the Town Hall. In 2007, the Town Meeting voted to appropriate \$4,320,000 and in the Fall of 2007 the Town hired Netco to serve as the Owner’s Project Manager. The Architect was selected in early 2008 and began review of the buildings, town needs and structural analysis. The structural analysis showed issues with both the Town Hall and Center Office Building.

The Town Hall was originally a one-story building with two sets of structural supports approximately one-third in from the sides of the building. When the second story was added the supports for the second story were put in the middle of the building with no supporting structure underneath the framing to support the second floor. As a result the framing of the Town Hall building is now failing in the center of the building resulting in a need to remove the first floor walls, flooring and framing and to install shoring to hold up the second floor while the framing and first floors are reconstructed.

The Center Office Building has a granite foundation with notches in the foundation for the first floor framing (beams are inserted into the notches). Approximately 3 feet in from where the beams are inserted into the notches is rotted from excessive moisture in the building. Additional weight in the building could cause the first floor to collapse into the basement and/or total structural failure.

Additionally, to meet building, accessibility and fire code issues other costs that were not included in the original estimate include: Owner’s Project Manager (this became a requirement after the original estimate); both buildings have elevator/secondary access in additions; both buildings will have fire suppression sprinkler systems and the roof on the Town Hall needs to be completely replaced approximately six feet in from the sides due to rot.

In the article approved by Town Meeting in 2007 it was estimated that the cost of the project for the average single family home in Sturbridge would be \$73.46 per year. Under the current additional amount, the estimate is \$78.70 per year or an increase of \$5.24 per year to the average single family home.

ARTICLE 48
PRIOR YEAR'S BILLS (FY08 EXPENSES)
(9/10 Vote Required)

To see if the Town will vote to transfer from free cash and appropriate the sum of SEVEN THOUSAND ONE HUNDRED SIXTY NINE AND 71/100 DOLLARS (\$7,169.71) to the Unpaid Bills Account for FY08 #19002-57097 for the purpose of paying additional costs related to the Sturbridge Board of Health's review of the Southbridge Landfill; and FOUR HUNDRED SEVENTY SEVEN AND 44/100 DOLLARS (\$477.44) for a bill received for a new firefighter's physical that was sent to the individual employee and not the Town and were not received prior to June 30, 2008; or take any action in relation thereto.

Sponsor: Town Administrator

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – As part of the review of the Southbridge Landfill, two bills arrived after the end of the fiscal year and the Town has been holding these bills for a Special Town Meeting to consider. These two bills are for Woodard & Curran who provided engineering consulting for \$1,080.41 and McCarthy Reporting Services for transcripts of the hearings for \$6,089.30. The third item is a for a pre-employment physical in which the bill was sent directly to the employee and not the Town (the employee thought the Town had received a copy and paid until he received a follow-up bill. As these are prior year's bills, a 9/10ths vote is required.

ARTICLE 49
TREE WARDEN PURCHASE OF SERVICES

To see if the Town will vote to transfer from free cash and appropriate the sum of FOUR THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$4,500.00) to the Tree Warden Purchase of Services Account #12942-52000 for the purpose of replacing funds to clean up after the December 2008 Ice Storm; or take any action in relation thereto.

Sponsor: Tree Warden

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The Tree Warden has asked for funds to replenish his Tree Warden Purchase of Services Account after additional expenditures were required for the 12-11-08 ice storm. The original appropriation of \$9,000 has been fully expended.

**ARTICLE 50
ACCEPTANCE OF DONATED LAND
(2/3 Vote Required)**

To see if the Town will vote to accept a land donation of property for municipal purposes located at 1 Alto Street approximately $\frac{3}{4}$ of an acre as described in Book 4638, Page 322 at the Worcester Registry of Deeds; or take any action in relation thereto.

Sponsor: Town Administrator

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – This parcel of land is on a paper street but abuts other parcels the Town of Sturbridge has come to own in this area of town over the years. There is a potential of creating a single lot in the future and further the Housing Partnerships relationship with Habitat for Humanity with this land donation.

**ARTICLE 51
SUBMISSION FOR SPECIAL LEGISLATION**

To see if the Town will vote to authorize the Board of Selectmen to request special legislation that would permit the Selectmen to grant abatements on sewer betterment assessments after the six month appeal period provided for in MGL Ch. 80, § 5; or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

Special Town Meeting
February 24, 2009

That the Town vote to approve the article as written. Voted 9-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The Board of Selectmen were requested by a property owner to abate the sewer betterment assessment on one of two lots that were purchased to build one house as only one lot was buildable. The lots have been combined and the resident has sought to remove the betterment assessment from one of the lots. MGL Ch. 80, §5 provides a six month appeal period. It has been approximately 10 years since this project was completed.

**ARTICLE 52
MASTER PLAN**

To see if the Town will vote to transfer from free cash and appropriate the sum of SEVENTY FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00) to the Master Plan Account #11752-52009 for the purpose of updating the Master Plan from 1987; or take any action in relation thereto.

Sponsor: Town Planner/Town Administrator/Planning Board & Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The last Master Plan was completed in 1987 and is extremely outdated. Updating this plan would provide the basis for decision making in zoning and many other community development issues. It is several years overdue and funding it at this Special Town Meeting would give the Town the opportunity to get started on this project as soon as possible. The ZBA has also earmarked \$18,000 from funds available for planning purposes from the Crescent Gate project to be used for the Master Plan (for a total available of \$93,000). The estimates from consulting firms to undertake a Master Plan is \$70,000 to \$100,000.

**ARTICLE 53
EXPEDITED PERMITTING – CHAPTER 43D**

Special Town Meeting
February 24, 2009

To see if the Town will vote to accept the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006; 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 8-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The adoption of Chapter 43D is to establish a streamlined permitting process for priority development sites and makes the Town eligible for certain grant and other funding from the state for economic development. As part of the streamlined permitting, the Town would be required to:

- *Appoint a single municipal point of contact for streamlined permitting.*
- *Amend local rules, regulations, bylaws, etc. to comply with 180 day permit timeline.*
- *Determine and make available the requirements for each permit.*
- *Establish a procedure for identifying necessary permits for a project.*
- *Establish a procedure for determining completeness of the required submissions.*

The Town also must identify “priority development sites” which the following several articles to be voted are proposed to identify these sites.

**ARTICLE 54
PRIORITY DEVELOPMENT SITE #1**

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land at 51 Technology Park Road (Map 22, Parcel 51) as a Priority Development Site; or take any other action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

ARTICLE 55

PRIORITY DEVELOPMENT SITE #2

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land at 90 Charlton Road (Map 22, Parcel 90) as a Priority Development Site; or take any other action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

ARTICLE 56

PRIORITY DEVELOPMENT SITE #3

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land at 198 Charlton Road (Map 26, Parcel 198) as a Priority Development Site; or take any other action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

ARTICLE 57

PRIORITY DEVELOPMENT SITE #4

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land at 178 Main Street (Map 34, Parcel 178) as a Priority Development Site; or take any other action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

**ARTICLE 58
PRIORITY DEVELOPMENT SITE #5**

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land at 17 & 26 Kelly Road (Map 37, Parcel 17& 26) as a Priority Development Site; or take any other action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

**ARTICLE 59
PRIORITY DEVELOPMENT SITE #6**

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land at 660 Main Street (Map 23, Parcel 60) as a Priority Development Site; or take any other action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

**ARTICLE 60
TRANSFER OF LAND FROM THE SCHOOL DEPARTMENT TO GENERAL
MUNICIPAL USE
(2/3 Vote Required)**

Special Town Meeting
February 24, 2009

To see if the Town will vote to transfer approximately 35.7 acres of land located at 69 Route 84 more particularly described in Book 5036, Page 181 at the Worcester Registry of Deeds from the School Department to general municipal purposes; or take any action in relation thereto.

Sponsor: Town Administrator and Recreation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The Town had previously transferred this property from general municipal use to the School Department for a potential site for a future elementary school. Through the studies that have been done on Burgess and alternative sites that were investigated, it was determined that this property was not suitable for a school building and it is currently used for recreation fields and DPW storage. Therefore, the property should be classified as general municipal use and not under the School Department.

**ARTICLE 61
PUBLIC ACCOMMODATIONS INSPECTOR**

To see if the Town will vote to transfer from free cash and appropriate the sum of EIGHT HUNDRED NINETY THREE AND 00/100 DOLLARS (\$893.00) to the Public Accommodations Inspector Account #15202-53150; for the purpose of paying additional sums to the Public Accommodations Inspector; or take any other action in relation there to.

Sponsor: Board of Health

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6-3.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The Board of Health provided the following summary:

The Board of Health during the past year has voted to increase the permit fees charged restaurants, retail food establishments, hotels, motels, and tobacco sellers by a minimum of 25% beginning 1 January 2009. All these permits run from 1 January to 31 December of each year. In addition, we instituted new categories of fees; as well as penalties for late renewal, and excess inspections. These establishments are all inspected by our Public Accommodations Inspector. The \$893 requested represents an annualized 25% increase in the stipend paid to the Inspector for the balance of the Fiscal Year and is completely offset by monies already collected. Our Inspector works approximately half time to perform the required twice per year inspections of the establishments under his purview. He has relevant certifications, and 10+ years experience. On an hourly basis he is being paid less than \$12.00. This is significantly less than our Administrative Clerk is being paid. A 25% increase would bring the hourly rate into the \$15.00 range, still less than our Administrative Clerk and a third the average rate paid in other towns.

The average rate paid by those of the ten towns Sturbridge uses for comparison purposes that pay their accommodations and restaurant inspectors on an hourly basis is \$35.00 per hour. The range runs from a low of \$20 per hour with full benefits (Attleboro), to a high of \$46.75 per hour (Southboro).

Additionally, case law states that the amount of the fees imposed by the Board must be reasonably related to the costs expected to be incurred by the Board in connection with our regulation of the activity. If the increase in fees already imposed is not used to support our regulatory activities, in this case by increasing the stipend paid to our Inspector, it may well be viewed as a tax, and therefore, illegal.

ARTICLE 62
BOARD OF HEALTH REVOLVING FUND

To see if the Town will vote to establish a Board of Health Revolving Fund as provided for in MGL, Ch. 44, § 53E½ . The funds to be deposited into this account are from Board of Health temporary permits and licenses; all fines levied by the Board of Health; and from fees for initial restaurant consultations and 3rd and subsequent food related inspections. The account will be used for payment to administrative and inspection staff required to service large events such as festivals and fairs, as well as initial restaurant consultations and restaurant inspections beyond the required two per year. The maximum expenditure shall not exceed \$25,000.00; or take any other action in relation thereto.

Sponsor: Board of Health

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to amend the maximum expenditure from \$25,000 to \$10,000 and to otherwise approve the article as written. Voted 6-3.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to amend the maximum expenditure from \$25,000 to \$10,000 and to otherwise approve the article as written. Voted 5-0.

Summary – The Board of Health provided the following summary:

Board of Health staffing levels, for both Inspectors and administrative personnel, have for many years not taken into account the time required to inspect temporary events and to process the temporary permits required for these events. Any temporary event or establishment must be inspected to the same standards as fixed, year-round establishments. The information required about each operator and their facilities is the same whether it is in use for a weekend or a year, and must be collected and verified. Last year, the Board issued in excess of 50 temporary permits. This year, with a major festival scheduled for March 2009, the numbers of temporary permits the Board will need to deal with will more than double. For weekend festivals and fairs, timelines for processing applications and performing inspections are compressed into just a week or two for the paperwork, and less than a single day for inspections. We currently have one part-time clerk who works 15 hours per week and one Agent. We expect between 45 and 60 permit applications for the March festival. Allowing 30 minutes to fully process each application and prepare an inspection packet, the administrative/clerical time required is on the order of 22 to 30 hours. Without extra help, no other Board Business will be able to be conducted for two full weeks prior to the event. We have similar concerns relative to being able to do required inspections in a timely manner.

**ARTICLE 63
ADDITIONAL WELL #4 APPROPRIATION**

To see if the Town will vote to transfer and appropriate from the Water Fund Reserve the sum of ONE MILLION TWO HUNDRED THREE THOUSAND SIX AND 00/100

Special Town Meeting
February 24, 2009

DOLLARS (\$1,203,006.00) to the Well #4 Account #32800-54000 for additional costs associated with the construction of Well #4; or take any action in relation thereto.

Sponsor: Town Administrator & DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That no action be taken on the article. Voted 9-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The Well #4 project originally was planned to be a new well with a water line going to the existing water treatment plant. The Town has opted to move forward with a new well and an additional water treatment plant to provide redundancy at the new well site. Bids were opened on 1-22-09 and the exact cost is now known to be approximately \$1,203,000 higher than the existing appropriation and debt authorization. The recommendation was to utilize the existing funds in the water reserves (that originally came from the settlement with Mobil, Shell and ARCO for MTBE contamination) to offset the additional cost. The existing appropriation is \$4,043,000 this would bring the total appropriation to \$5,246,992. However, the DPW Director and Town Administrator are recommending that alternatives be considered.

The alternative would be to forego the second treatment plant and install the well and a water line along the Old Sturbridge Village access road to the existing water treatment plant, which is being reviewed.

ARTICLE 64

DEMAND CHARGE FOR DELINQUENT TAXPAYERS

To see if the Town will vote to approve the charge for each written demand issued by the collector a fee of ten dollars (\$10.00) to be added to and collected as part of the tax, as authorized by MGL Ch. 60, § 15 effective as of March 1, 2009; 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 9-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The Legislature voted to increase the demand fee up to \$30, the current fee charged by the Town is \$5 for delinquent taxes and other fees (this includes property taxes, excise taxes and water/sewer bills). The Finance Director recommended increasing the fee to \$10 to cover the Town’s cost.

**ARTICLE 65
COMMUNITY PRESERVATION APPROPRIATION – AFFORDABLE
HOUSING CONSULTANT**

To see if the Town will vote to appropriate from the Community Preservation Fund – Reserved for Community Housing, the sum of TWENTY FIVE THOUSAND AND 00/100 DOLLARS (\$25,000.00) for the purpose of hiring a qualified consultant to work with the Housing Partnership for the preparation of a Community Development Block Grant Application or other grants and funding sources for infrastructure and housing rehabilitation improvements, and to work with the Housing Partnership on affordable housing initiatives as identified in the Housing Needs Assessment/Housing Production Concepts Plan prepared in 2008; or take any action in relation thereto.

Sponsor: Housing Partnership

RECOMMENATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0.

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 – The Town’s Housing Partnership has been working on developing affordable housing projects and on obtaining grants to help pay for infrastructure for affordable housing projects to assist in getting the Town to the 10% affordable housing level.

**ARTICLE 66
DAM REMOVAL COST ESTIMATE**

To see if the Town will vote to transfer from free cash and appropriate the sum of THIRTEEN THOUSAND FOUR HUNDRED TWENTY SEVEN AND 00/100 DOLLARS (\$13,427.00) to the DPW Purchase of Services Account #14102-52000 for the purpose of paying the costs associated with developing a cost estimate for repairs and maintenance to the dams on the Leadmine Mountain Open Space parcel (formerly Camp Robinson Crusoe); 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 9-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The Town was approached by the Division of Fisheries and Wildlife to see whether there was interest in removing the dams at the former Camp Robinson Crusoe property and restoring Hamant Brook as a cold water trout hatchery. The Board of Selectmen has met several times with state officials and other Town officials and interested residents and have heard “pros” and “cons” of removing the dams. Removal of the dams would be paid for by a grant from a fund set aside by the Millenium Power Plant that can only be used for improving water quality in the Quinebaug River. If the dams remain, there will be ongoing maintenance and repairs of the dams and the Board of Selectmen need a good figure on the repair costs to fully consider the options.

**ARTICLE 67
SEWER LEGAL SERVICES**

To see if the Town will vote to transfer and appropriate from the Sewer Fund Reserve the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) to the Sewer Department FY09 Legal Account #28440-52000 for the purpose of paying expenses related to the legal expenses for the Sewer Fund; or take any action in relation thereto.

Sponsor: Town Administrator

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The litigation against the Town of Southbridge on the intermunicipal agreement termination is underway and the legal expenses to date are \$16,715 and the expenses to defend the Town on the Earls v. Town were \$3,650 this year totaling over \$20,000. The Town budgeted \$20,000 for legal expenses in the Sewer Department for FY09 (the first time expenses were appropriated from water and sewer funds was FY09, previously these were paid from the General Fund). As the litigation on the intermunicipal agreement continue, additional expenses are expected during the Spring.

ARTICLE 69

BURGESS ELEMENTARY SCHOOL DESIGN FEE

To see if the Town will vote to appropriate, borrow or transfer from available funds, THREE HUNDRED FIVE THOUSAND DOLLARS (\$305,000) to be expended under the direction of the School Building Committee for the purpose of paying costs of architectural and engineering fees for design, project management, surveys, geotechnical investigations, owner's related expenses and contingency costs associated with remodeling, reconstructing and making extraordinary repairs to the Burgess Elementary School, located at 45 Burgess School Road, Sturbridge, Massachusetts (the "Project"). The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-one percent (51 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Sponsor: Burgess School Building Committee:

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town appropriate the sum of THREE HUNDRED FIVE THOUSAND DOLLARS (\$305,000) to be expended under the direction of the School Building Committee for the purpose of paying costs of architectural and engineering fees for design, project management, surveys, geotechnical investigations, owner's related expenses and contingency costs associated with remodeling, reconstructing and making extraordinary repairs to the Burgess Elementary School, located at 45 Burgess School Road, Sturbridge, Massachusetts (the "Project"); and that to meet said appropriation authorize

Special Town Meeting
February 24, 2009

the Town Treasurer, with the approval of the Selectmen, to borrow said sum under M.G.L. Chapter 44, or any other enabling authority, provided that the Town acknowledges that the Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-one percent (51 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and further provided that the amount of borrowing authorized pursuant to this motion shall be reduced by any amounts received or expected to be received from the MSBA. Voted 9-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town appropriate the sum of THREE HUNDRED FIVE THOUSAND DOLLARS (\$305,000) to be expended under the direction of the School Building Committee for the purpose of paying costs of architectural and engineering fees for design, project management, surveys, geotechnical investigations, owner's related expenses and contingency costs associated with remodeling, reconstructing and making extraordinary repairs to the Burgess Elementary School, located at 45 Burgess School Road, Sturbridge, Massachusetts (the "Project"); and that to meet said appropriation authorize the Town Treasurer, with the approval of the Selectmen, to borrow said sum under M.G.L. Chapter 44, or any other enabling authority, provided that the Town acknowledges that the Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-one percent (51 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and further provided that the amount of borrowing authorized pursuant to this motion shall be reduced by any amounts received or expected to be received from the MSBA. Voted 5-0.

Special Town Meeting
February 24, 2009

Summary – The Town is on schedule to select an architect on 2/17/09 and have schematic designs and cost estimates to the Board of Selectmen for approval by July of 2009 and will be seeking to be placed on the MSBA Board meeting in late July with the goal of having a project funding agreement between the State and Town in place by mid-August. If these dates are all met, a Special Town Meeting will be requested by the School Building Committee to place this matter before voters in September 2009.

The original appropriation for this project was for \$375,000 which has been partially expended conducting a feasibility analysis and getting the Town to the point we are at today. This work was undertaken by DRA at a cost of approximately \$102,150. The Town is required by law to employ an Owners Project Manager (OPM) which the School Building Committee has completed the process and the OPM selected was approved by the MSBA and Board of Selectmen approved an agreement through the September Town Meeting for a maximum amount of \$211,000, leaving approximately \$61,000 remaining in the original appropriation.

The architect has estimated the cost to be approximately \$325,000 for design through September and approximately \$30,000 to \$40,000 for geotechnical and hazardous materials review (sub-contracts).

The debt authorization requested is \$325,000+\$40,000 less the remaining balance of \$61,000 or approximately \$305,000 (\$303,241).