

**TOWN OF STURBRIDGE
SPECIAL TOWN MEETING WARRANT**



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

**ARTICLE 48
SHEPARD PARCEL USE – 80 ROUTE 15**

To see if the Town will vote to authorize the Board of Selectmen to file legislation in the General Court to clarify the intent of the vote taken under Article 41 at the December 2004 Special Town Meeting, such legislation to state that the original vote to acquire land for “open space and conservation purposes” was intended to include and allow such land to be used for active recreation purposes, as is permitted under Amendment Article 97 of the Massachusetts Constitution, in addition to other open space and conservation purposes, or take any other action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 4 – 3.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This article is asking voters to authorize the Board of Selectmen to request the Massachusetts legislature vote to confirm active recreation as an optional use for the so-called Shepherd Parcel.

**ARTICLE 49
TRANSFER OF FUNDS – PURCHASE OF AMBULANCE**

To see if the Town will vote to transfer from the Ambulance Stabilization Account #83800 the sum of ONE HUNDRED THIRTY ONE THOUSAND AND 00/100 DOLLARS (\$131,000.00) to be used to fund a portion of the purchase of a new ambulance, or take any action in relation thereto.

Sponsor: Fire Chief

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: Each year, the Town sets aside \$20,000 into the Ambulance Stabilization Account to assist the town in replacing ambulances on a seven year schedule. This transfer will be combined with \$44,640 in Capital Improvement funds approved at the June 6, 2011 Annual Town Meeting to replace the 2003 Ford ambulance.

ARTICLE 50

TRANSFER OF FUNDS – TORNADO RELATED EXPENSES

To see if the Town will vote to transfer from Free Cash such sum or sums of money to be used for expenses related to the June 1, 2011 tornado, or take any action in relation thereto.

Sponsor: Town Administrator; Finance Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

To see if the Town will vote to transfer from Free Cash the sum of FOUR HUNDRED FIFTEEN THOUSAND AND 00/100 (\$415,000) DOLLARS to be used for expenses related to the June 1, 2011 tornado, or take any action in relation thereto. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

To see if the Town will vote to transfer from Free Cash the sum of FOUR HUNDRED FIFTEEN THOUSAND AND 00/100 (\$415,000) DOLLARS to be used for expenses related to the June 1, 2011 tornado, or take any action in relation thereto. Voted 5 – 0.

Summary: This article would provide funds to complete additional cleanup of debris and related expenses associated with the June 1, 2011 tornado. The Town is eligible to receive up to 75 percent of these costs reimbursed through Federal Emergency Management Agency (FEMA) funds which will eventually revert to the general fund and future free cash certification.

The transfer request is based upon the following:

<i>Rt.15 & Rt. 20 Stockpiles (15,000 cubic yards +/- * \$20/cubic yard)</i>	<i>\$300,000</i>
<i>Town Barn Access Road (3,000 cubic yards +/- * \$31/cubic yard)</i>	<i>\$93,000</i>
<i>Town Barn Access Road Hazard Trees (12 * \$585 = \$7,020)</i>	<i>\$7,000</i>
<i>Town ROW Stump Inventory / Debris</i>	<i>\$15,000</i>
<i>Total Authorization sought from Free Cash</i>	<i>\$415,000</i>

**ARTICLE 51
UNPAID FY11 BILLS**

9/10 Vote Required

To see if the Town will vote to transfer from Free Cash the sum of THIRTEEN AND 98/100 DOLLARS (\$13.98) for the purpose of paying the following outstanding Fiscal Year 2011 invoice:

<u>Department</u>	<u>Purpose</u>	<u>Vendor Name</u>	<u>Amount</u>
DPW	Supplies	Tractor Supply Co.	13.98

and, to transfer from the Water Fund Balance Account #28440-35800 the sum of ONE HUNDRED EIGHTY-THREE AND 16/100 DOLLARS (\$183.16) for the purpose of paying the following outstanding Fiscal Year 2011 invoice:

<u>Department</u>	<u>Purpose</u>	<u>Vendor Name</u>	<u>Amount</u>
Water	Electricity	National Grid	183.16

or take any action in relation thereto.

Sponsor: Town Administrator; 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 4 – 0.

Summary – These invoices were not submitted timely for payment in FY11. The services and/or supplies were received by the Town and payment is due.

ARTICLE 52

GREEN COMMUNITIES PROGRAM - ADOPTION OF THE STRETCH CODE

To see if the Town will vote to amend Chapter 8.30 “Building Code” of the Town of Sturbridge General Bylaws by adopting and enacting a new Section 8.31 entitled “Stretch Energy Code,” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including future editions, amendments or modifications thereto, a copy of which is on file with the Town Clerk, as follows:

“8.31 STRETCH ENERGY CODE

(Adopted _____ STM, Article _____)

8.31.1 Definitions

International Energy Conservation Code (IECC) -The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

Stretch Energy Code -Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

8.31.2 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

8.31.3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

8.31.4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

8.31.5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Sturbridge General Bylaws, Chapter 8.30 Building Code.

The Stretch Code is enforceable by the inspector of buildings or building commissioner.”

or take any other action in relation thereto.

Sponsors: Planning Board; Town Planner; Building Inspector

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: The “Stretch Code” is a section of the Mass. Building Code that requires enhanced energy efficiency standards in design and construction of buildings including residential and commercial construction. The Town Planning Board and Board of Selectmen have committed to energy use reduction as part of the “Green Communities” program. The Town Planner and Building Inspector have held public meetings to promote this program to the public and to contractors.

ARTICLE 53

GENERAL BYLAW AMENDMENT – DESIGN REVIEW COMMITTEE

To see if the Town will vote to amend Chapter 1.30 of the Town of Sturbridge General Bylaws as follows:

Delete current Section 1.34 Function and replace it with the following:

“1.34 FUNCTION

The Board shall meet when plans have been submitted for its review. The Board shall determine the acceptability or unacceptability of the plans and notify the Applicant, Building Inspector, Planning Board and/or Zoning Board of Appeals as may be appropriate of its decision within thirty (30) days of receipt of the plans.”

And,

Add a new subsection (a) to Section 1.35 Standards for Judging Plans as follows and re-letter the 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: Town Planner; Town Administrator

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 4 – 0.

Summary: This article corrects an omission from Article 30 passed at the June 6, 2011 Annual Town Meeting that incorporated the revised Design Review Committee Handbook and Design Guidelines into the General Bylaws. The change to Section 1.34 provides the Design Review Committee 30 days rather than 20 days to notify all parties of its decision. The second change moves the language into the correction section of the bylaw.

ARTICLE 54

GENERAL BYLAW AMENDMENT – DAY OF ANNUAL TOWN MEETING

To see if the Town will vote to amend Chapter 1.00 of the Town of Sturbridge General Bylaws by deleting Section 1.01 and replacing it as follows:

“1.01 – The Annual Town Meeting for the election of Town Officers shall be held on the second Monday in April. The Annual Town Meeting for the transaction of business shall be held on the first Saturday in May,”

or take any other action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 5 – 2.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This article would move the day of Annual Town Meeting from the first Monday in June to the first Saturday in May.

ARTICLE 55

GENERAL BYLAW AMENDMENT – TIME OF ANNUAL TOWN MEETING

To see if the Town will vote to amend Chapter 1.00 of the Town of Sturbridge General Bylaws by deleting Section 1.04 and replacing it as follows:

“1.04 – All Town Meetings for the transaction of business shall be called to order at 9:00 AM on a Saturday, and shall be held at a suitable place designated by the Board of Selectmen. Any Special Town Meeting held on the same day as the Annual Town Meeting shall start immediately following the adjournment of the Annual Town Meeting, or, if not held on the same day as the Annual Town Meeting at such time as the Board of Selectmen shall call in the Warrant”,

or take any other 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 – 1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

<p><i>Summary: This article would move the time the Annual Town Meeting convenes from 7:00 p.m. to 9:00 a.m. when held on Saturdays.</i></p>
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ARTICLE 56

GENERAL BYLAW AMENDMENT – WARRANT ARTICLE TIMELINE

To see if the Town will vote to amend Chapter 1.00, Section 1.07 of the Town of Sturbridge General Bylaws as follows:

Section 1.07(a): Delete “15th of April” and insert in place thereof “the last day of January,” and

Section 1.07(b): Delete “March 15th” and insert in place thereof “January 15th,” and

Section 1.07(c): Delete “March 15th” and insert in place thereof “the last day of January,” and

Section 1.07(d): Delete “first meeting in April” and insert in place thereof “second meeting in February,” and

Section 1.07(3): Delete existing Section 1.07(e) and insert in place thereof the following:
“Articles to be submitted for a Special Town Meeting held on the same date as the Annual Town Meeting shall be submitted to the Town Administrator no later than the end of the second week in February of the year in which the Annual Town Meeting will consider said articles. The Town Administrator shall prepare a Special Town Meeting warrant and forward it to the Board of Selectmen no later than the Selectmen’s first meeting in March preceding said Special Town Meeting. The Selectmen shall close said Special Town Meeting warrant at their first meeting in March preceding said Special Town Meeting,” and

Section 1.07(f): Delete “last Friday of April” and insert in place thereof “the last day March,” and

Section 1.07(g): Delete “first Monday of May” and insert in place thereof “first Monday of April.”

or take any other action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

To see if the Town will vote to amend Chapter 1.00, Section 1.07 of the Town of Sturbridge General Bylaws to read as follows:

1.07 Town Meeting Requirements – All town officers, boards, committees, commissions, employees and all other parties submitting warrant articles for consideration at Town Meeting shall be required to comply with the following:

(a) The Planning Board shall prepare all Zoning Bylaw articles, hold a public hearing and forward the Planning Board’s recommendations on said amendments to the Town Administrator no later than the last day of January of the year in which the Annual Town Meeting that will consider the proposed articles.

(b) All other warrant articles to be considered by the Annual Town Meeting shall be submitted to the Town Administrator no later than January 15th of the year in which the Annual Town Meeting will consider said articles.

(c) The Town Administrator shall draft and prepare the warrant for the Board of Selectmen’s consideration no later than the last day of January of the year in which the Annual Town Meeting will consider said warrant.

(d) The Board of Selectmen shall close the warrant at their second meeting in February of the year in which the Annual Town Meeting will consider said articles. Petitioned warrant articles will be accepted until the Board of Selectmen closes said warrant.

(e) Articles to be submitted for a Special Town Meeting held on the same date as the Annual Town Meeting shall be submitted to the Town Administrator no later than the end of the second week of February of the year in which the Special Town Meeting will consider said articles. The Town Administrator shall prepare a Special Town Meeting warrant and forward it to the Board of Selectmen no later than the Selectmen’s first meeting in March of the year in which the Special Town Meeting will consider the said warrant. The Selectmen shall close said Special Town Meeting warrant at their first meeting in March preceding said Special Town Meeting.

(f) The Board of Selectmen shall conclude their deliberations and include their recommendations to the Annual Town Meeting on both the Annual and Special Town Meeting warrants no later than the third Monday of March of the year in which the Annual Town Meeting will consider said warrant.

(g) The Finance Committee shall conclude their deliberations and include their recommendations to the Annual Town Meeting on both the Annual and any Special Town Meeting (if one is scheduled the same night as the Annual Town Meeting) warrants no later than the last day of March of the year in which the Annual Town Meeting will consider said warrant.

(h) The Board of Selectmen may, by majority vote, re-open the Town Meeting warrant at any time to add or remove articles until such time that the warrant is posted. Voted 7 – 0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

<p><i>Summary: If the day of Annual Town Meeting is changed by the vote on Article 54, this article would adjust warrant article submittal and review deadlines accordingly.</i></p>
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ARTICLE 57
CHARTER AMENDMENTS – ADMINISTRATIVE ITEMS
(2/3 Vote Required)

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

Article 1 – Definitions, Section F: Delete the current Section F and replace the language as follows:

“Days - When the period of time prescribed or allowed is less than seven days, Saturdays, Sundays and legal holidays shall be excluded in the computation. “Legal Holiday” includes those days specified in Massachusetts General Laws (M.G.L.) Chapter 4, Section 7 and any other day designated a holiday by the President and the Congress of the United States. If more than seven days, every day shall be counted.”

Article 1 – Definitions, Section G: Add “Section G” for purposes of defining “warrant”:

“Warrant – The “Warrant” is a document issued by the Board of Selectmen to call a Town Meeting. The Warrant states the time and place at which the Town Meeting is to convene, and, by separate articles, the subject matter to be acted upon, and further defined by Massachusetts General Laws, Chapter 39, Section 10.”

Article 1 – Definitions, Section G: Amend Section G to become Section H and replace the reference to “MGL” to “Massachusetts General Laws (M.G.L).”

Article 3, Section 3-2 Presiding Officer: Modify existing language by deleting ~~striketrough~~ language and adding underlined language below:

“The Moderator, as provided in Section 4-3 shall ~~preside~~ function as the presiding officer at all sessions of the town meeting. At the first town meeting session at which he presides following his election the Moderator shall appoint a deputy Moderator to serve as acting Moderator in the event of his temporary absence or disability. The appointment of a deputy Moderator shall be subject to confirmation by the town meeting.

Subject to the provisions of the charter and such bylaws regarding committees as may be ~~provided~~ approved by the town meeting, he shall appoint the members of such committees of the town meeting, special or standing, as may from time to time be ~~established~~ approved by the Town Meeting.

~~He~~ The Presiding Officer shall perform such other duties as may from time to time be assigned to the office of Moderator by bylaw or other vote of the town meeting.”

Article 3, Section 3-5 Town Meeting Warrant-Posting: Insert new language as reflected in underlined text:

“The Town Clerk shall cause to be posted the warrant for the annual town meeting and all special town meetings in the town hall, the post offices, and the town library on the dates required by law. The warrant shall also be posted on any web site established as the official web site for the Town of Sturbridge.”

Article 4-1 (A) Elective Offices: Delete “a housing authority.”

Article 4-1 (C) Election (Elected Offices): Change “School Committee (Regional)” to “Tantasqua Regional School Committee.”

Section 4-10 Zoning Board of Appeals: Composition; Terms of Office, Powers and Duties: Change Section “4-10” to Section “4-9” to correct number sequence.

Section 4-11 Recreation Committee: Composition; Term of Office; Powers and Duties: Change Section “4-11” to Section “4-10” to correct number sequence.

Section 4-12 Other Elected Officers: Powers and Duties: Change Section “4-12” to Section “4-11” to correct number sequence.

Section 4-13 Recall Petition: Change Section “4-13” to Section “4-12” to correct number sequence, and in paragraph (B) Recall Petition: change reference to Town Clerk from “~~her~~” to “his.”

Section 5-1 Town Administrator – Appointment; Qualifications; Term: Change Section 4-2 in following sentence to Section 5-2: “Any vacancy in the office of the town administrator shall be filled in accordance with Section 4-2 “5-2” by the Board of Selectmen.”

Section 5-3 (J) Powers and Duties: Amend to read: “Copies of all proposed contracts shall be provided to ~~filed with~~ the Finance Committee ~~before final action is taken~~ by the Board of Selectmen for record purposes.”

Section 5-3 (K) Powers and Duties: Add the following underlined language: “He shall be responsible as Chief Procurement Officer of the town for purchasing all supplies, material and equipment for all departments under his jurisdiction.”

Section 5-3 (M) Powers and Duties: Add a comma in the following sentence (see underlined) to correct grammatical error: “...and it shall become effective within 30 days of submission to the Board of Selectmen, unless rejected by them.”

Section 5-4 Acting Town Administrator: Remove the language “due to illness or extraordinary circumstances” from the following sentence: “In the event the Board of Selectmen deems the Town Administrator as unable to perform his assigned duties ~~due to illness or extraordinary circumstances~~, the Board of Selectmen shall appoint a department head to serve as acting Town Administrator.”

Section 6-1 Appointments by the Town Administrator: Replace the heading of Section 6-1 from “Appointments by the Town Administrator” to “Appointments” and renumber existing Section 6-1 to Section 6-2.

Section 6-1 Appointments by the Town Administrator: Remove the final paragraph of current Section 6-1 (proposed Section 6-2) and insert as Section 6-1(A) as follows:

“(A) Appointments to all boards, commissions and committees 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. Wherever possible, an equal number of members of each board, commission and committee shall come to the end of their terms of office in each year.”

Section 6-1 Appointments by the Town Administrator: Delete the following from the list of appointments in the current Section 6-1 (proposed Section 6-2): “Assistant Assessor” and replace the position title with “Principal Assessor”; and “Members of the Police Department (Reserve).”

Section 6-1 Appointments by the Town Administrator: Delete “Industrial Commission.”

Section 6-1 Appointments by the Town Administrator: Add an “s” to the word “year” on Council on Aging Term of Office.

Section 6-1 Appointments by the Town Administrator: Add the following appointments to be made by the Town Administrator to “Boards and Commissions”:

Cable Advisory Committee	5	3 years
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And add “Partial Appointments” as follows:

Sturbridge Tourist Association	6 of 7	3 years
Personnel Classification Committee	4 of 5	3 years
Community Preservation Committee	3 of 9	3 years
Capital Planning Committee	1 of 5	3 years”

Section 6-3 Power to Rescind Appointments: Remove the language “including excessive and unexcused absenteeism” from the following sentence: “The Town Administrator shall, subject to confirmation by vote of the Board of Selectmen, have the power to rescind for cause, ~~including excessive and unexcused absenteeism~~, any appointment made by him to any board, commission, committee, or individual officer under authority of this charter, provided that the appointee shall first have been served with a written notice of the Town Administrator’s intention, specifying the reasons for the proposed removal, and informing the appointee of his right to be heard, if requested in writing, at a public meeting of the Board of Selectmen.”

Section 7-2 Assistant Assessor: Change the term “Assistant Assessor” to “Principal Assessor.”

Or take any action in relation thereto.

Sponsor: Board of Selectmen; Charter Review Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

Article 1 – Definitions, Section F: *Delete the current Section F and replace the language as follows:*

“Days - When the period of time prescribed or allowed is less than seven days, Saturdays, Sundays and legal holidays shall be excluded in the computation. “Legal Holiday” includes those days specified in Massachusetts General Laws (M.G.L.) Chapter 4, Section 7 and any other day designated a holiday by the President and the Congress of the United States. If more than seven days, every day shall be counted.”

Article 1 – Definitions, Section G: *Add “Section G” for purposes of defining “warrant”:*

“Warrant – The “Warrant” is a document issued by the Board of Selectmen to call a Town Meeting. The Warrant states the time and place at which the Town Meeting is to convene, and, by separate articles, the subject matter to be acted upon, and further defined by Massachusetts General Laws, Chapter 39, Section 10.”

Article 1 – Definitions, Section G: Amend Section G to become Section H and replace the reference to “MGL” to “Massachusetts General Laws (M.G.L).”

Article 3, Section 3-2 Presiding Officer: Modify existing language by deleting ~~striketrough~~ language and adding underlined language below:

“The Moderator, as provided in Section 4-3 shall ~~preside~~ function as the presiding officer at all sessions of the town meeting. At the first town meeting session at which he presides following his election the Moderator shall appoint a deputy Moderator to serve as acting Moderator in the event of his temporary absence or disability. The appointment of a deputy Moderator shall be subject to confirmation by the town meeting.

Subject to the provisions of the charter and such bylaws regarding committees as may be ~~provided~~ approved by the town meeting, he shall appoint the members of such committees of the town meeting, special or standing, as may from time to time be ~~established~~ approved by the Town Meeting.

~~He~~ The Presiding Officer shall perform such other duties as may from time to time be assigned to the office of Moderator by bylaw or other vote of the town meeting.”

Article 3, Section 3-5 Town Meeting Warrant-Posting: Insert new language as reflected in underlined text:

“The Town Clerk shall cause to be posted the warrant for the annual town meeting and all special town meetings in the town hall, the post offices, and the town library on the dates required by law. The warrant shall also be posted on any web site established as the official web site for the Town of Sturbridge.”

Article 4, Section 4-1 (A) Elective Offices: Delete “a housing authority.”

Article 4, Section 4-1 (C) Election (Elected Offices): Change “School Committee (Regional)” to “Tantasqua Regional School Committee.”

Article 4, Section 4-13 Recall Petition: In paragraph (B) Recall Petition, change reference to Town Clerk from “~~her~~” to “his.”

Article 5, Section 5-3 (J) Powers and Duties: Amend to read: “Copies of all proposed contracts, including personnel, shall be provided to ~~filed with~~ the Finance Committee ~~before final action is taken~~ by the Board of Selectmen within 10 days of approval for record purposes.”

Article 5, Section 5-3 (K) Powers and Duties: Add the following underlined language: “He shall be responsible as Chief Procurement Officer of the town for purchasing all supplies, material and equipment for all departments under his jurisdiction.”

Article 5, Section 5-3 (M) Powers and Duties: Add a comma in the following sentence (see underlined) to correct grammatical error: "...and it shall become effective within 30 days of submission to the Board of Selectmen, unless rejected by them."

Article 5, Section 5-4 Acting Town Administrator: Remove the language "due to illness or extraordinary circumstances" from the following sentence: "In the event the Board of Selectmen deems the Town Administrator as unable to perform his assigned duties ~~due to illness or extraordinary circumstances~~, the Board of Selectmen shall appoint a department head to serve as acting Town Administrator."

Article 6, Section 6-1 Appointments by the Town Administrator: Replace the heading of Section 6-1 from "Appointments by the Town Administrator" to "Appointments" and renumber existing Section 6-1 to Section 6-2.

Article 6, Section 6-1 Appointments by the Town Administrator: Remove the final paragraph of current Section 6-1 (proposed Section 6-2) and insert as Section 6-1(A) as follows:

"(A) Appointments to all boards, commissions and committees 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. Wherever possible, an equal number of members of each board, commission and committee shall come to the end of their terms of office in each year."

Article 6, Section 6-1 Appointments by the Town Administrator: Delete the following from the list of appointments in the current Section 6-1 (proposed Section 6-2):

- "Assistant Assessor" and replace the position title with "Principal Assessor";
- "Members of the Police Department (Reserve)";
- "Members of the Police Department (Regular)" and replace with "Members of the Police Department"
- "Other Inspectors" and replace with "Other Inspectors (excluding Board of Health appointees)"

Article 6, Section 6-1 Appointments by the Town Administrator: Delete "Industrial Commission."

Article 6, Section 6-1 Appointments by the Town Administrator: Add an "s" to the word "year" on Council on Aging Term of Office.

Article 6, Section 6-1 Appointments by the Town Administrator: Add the following appointments to be made by the Town Administrator to "Boards and Commissions":

Cable Advisory Committee	5	3 years
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And add "Partial Appointments" as follows:

Sturbridge Tourist Association	6 of 7	3 years
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<i>Personnel Classification Committee</i>	<i>4 of 5</i>	<i>3 years</i>
<i>Community Preservation Committee</i>	<i>3 of 9</i>	<i>3 years</i>
<i>Zoning Board of Appeals</i>	<i>2 of 7</i>	<i>3 years</i>

Article 7, Section 7-2 Assistant Assessor: *Change the term “Assistant Assessor” to “Principal Assessor.” Remove “board of assessors” and replace with “Board of Selectmen” in the following sentence: “There shall be a full-time ~~Assistant~~ Principal Assessor appointed by the Town Administrator subject to confirmation by a majority of the ~~board of assessors~~ Board of Selectmen.”*

Or take any action in relation thereto. 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 CHARTER REVIEW COMMITTEE

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

Summary: The article seeks to make administrative clarifications to the Town Charter.

**ARTICLE 58
CHARTER AMENDMENTS – PROCEDURAL ENHANCEMENTS
(2/3 Vote Required)**

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

Section 5-3 (B) Powers and Duties: Delete the second paragraph and replace it as follows:

“The Town Administrator shall make notification of all unfilled positions within the town by posting a notice on the bulletin boards at Town Hall, posting a notification on the official town web site, and on local access television channels for a period of not less than ten (10) days, and by notification through the local news media.”

Section 6-1 Appointments by the Town Administrator: Add the following language to the new Section 6-1 Appointments:

“(B) The Town Clerk shall maintain, electronically, a list of all of the offices, boards and committees of the Town of Sturbridge, including the name of the office, board or committee, purpose or objective, number of membership, term of appointment, and the appointing authority. The Town Clerk shall update the list of offices, boards and committees as they are formed or dissolved, post a copy on the official website of the Town of Sturbridge, and cause it to be included in the annual town report.”

Section 6-1 Appointments by the Town Administrator: Add the following language to the new Section 6-1 Appointments:

“(C) Annual appointments to all boards, commissions and committees shall be made by July 1 of each year. Whenever a board, commission, or committee member resigns or otherwise is no longer on the board, commission or committee, the responsible appointing authority shall appoint a new member within 45 days.”

Section 6-2 Other Appointive Powers: Delete the language in current Section 6-2 and replace with the following language in new Section 6-1 (E):

“(E) The Board of Selectmen shall have the power to appoint such other individual town officers and members of boards and committees as are authorized by the Massachusetts General Laws, this Charter, or Town Bylaws, for which the method of appointment is not otherwise provided. The Boards of Selectmen has the authority to delegate this appointment authority to the Town Administrator.”

Section 6-1 Appointments by the Town Administrator: Change membership of the Cultural Council from five (5) members to seven (7) members in (new Section 6-2).

Section 8-4 Publication of Charter and Bylaws: Add the following underlined language:

The Board of Selectmen shall, within one year of the adoption of this charter and subsequent revisions thereafter, cause to be prepared copies of said Charter and Town Bylaws to be available to the public in a suitable format in the office of the Town Clerk and posted on the web site established as the official web site for the Town of Sturbridge.

Or take any action in relation thereto.

Sponsor: Board of Selectmen; Charter Review Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

Article 6, Section 6-1 Appointments by the Town Administrator: Add the following language to the new Section 6-1 Appointments:

“(B) The Town Clerk shall maintain, electronically, a list of all of the offices, boards and committees of the Town of Sturbridge, including the name of the office, board or committee, purpose or objective, number of membership, term of appointment, and the appointing authority. The Town Clerk shall update the list of offices, boards and committees as they are formed or dissolved, post a copy on the official website of the Town of Sturbridge, and cause it to be included in the annual town report.”

Article 6, Section 6-1 Appointments by the Town Administrator: Add the following language to the new Section 6-1 Appointments:

“(C) Annual appointments to all boards, commissions and committees shall be made by July 1 of each year. Whenever a board, commission, or committee member resigns or otherwise is no longer on the board, commission or committee, the responsible appointing authority shall appoint a new member within 45 days.”

Article 6, Section 6-2 Other Appointive Powers: Delete the language in current Section 6-2 and replace with the following language in new Section 6-1 (E):

“(E) The Town Administrator shall have the power to appoint such other individual town officers and members of boards and committees as are authorized by the Massachusetts General Laws, this Charter, or Town Bylaws, for which the method of appointment is not otherwise provided.”

Article 6, Section 6-1 Appointments by the Town Administrator: Change membership of the Cultural Council from five (5) members to seven (7) members in (new Section 6-2).

Article 8, Section 8-4 Publication of Charter and Bylaws: Add the following underlined language:

The Board of Selectmen shall, within one year of the adoption of this charter and subsequent revisions thereafter, cause to be prepared copies of said Charter and Town Bylaws to be available to the public in a suitable format in the office of the Town Clerk and posted on the web site established as the official web site for the Town of Sturbridge.

Or take any action in relation thereto. Voted 6 – 1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE CHARTER REVIEW COMMITTEE

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

<p><i>Summary: The intent of this article is to make procedural enhancements to the Town Charter.</i></p>

**ARTICLE 59
CHARTER AMENDMENT – FINANCE COMMITTEE APPOINTMENTS
(2/3 Vote Required)**

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

Article 4-3 (D) Moderator: Term of Office; Compensation; Powers and Duties: Under Section 4-3(D) add language as shown in underlined text:

Appointments - The Moderator, Finance Committee chair, and the senior most elected member of the Board of Assessors shall collaboratively appoint a nine member Finance Committee by majority vote. The term shall be for three years so arranged that the term of office of three members shall expire each year. The Finance Committee shall review all town meeting warrants and advise the town meeting of their recommended action. The Finance Committee shall have all the powers available in the general laws, granted by town meeting or specified by this charter.

4-6 Board of Assessors: Composition, Term of Office, Compensation, Powers and Duties:
Amend Section 4-6 (C) to add the underlined language as follows:

“(C) Powers and Duties - The assessors shall annually make fair cash valuation of all property, real and personal, subject to taxation within the town. They shall have such other powers and duties as are provided by law for assessors. The most senior elected member of the Board of Assessors shall collaboratively with the town Moderator and Finance Committee chair appoint a nine member Finance Committee by majority vote, and as further defined in 4-3 (D).”

Or take any action in relation thereto.

Sponsor: Board of Selectmen; Charter Review Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on this article. Voted 7 – 0.

The Finance Committee recommends no action on this article for the following reasons: a) it removes the direct line of responsibility for the appointment of the Finance Committee; b) the Chair represents half of the votes needed to appoint members of his/her own Committee, including the Chair himself/herself; c) the potential for bias is increased significantly since members of the appointing committee have their budgets and/or warrant articles reviewed by the Finance Committee. This article’s intent is similar to one proposed at the 2011 Annual Town Meeting that was defeated.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on this article. Voted 3 – 2.

RECOMMENDATION OF THE CHARTER REVIEW COMMITTEE

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

Summary: This article removes appointing authority for the Finance Committee from the Moderator to a committee including the Moderator, most senior elected member of the Board of Assessors and the Chairman of the Finance Committee.

ARTICLE 60
CHARTER AMENDMENT – APPOINTMENT OF ZONING BOARD OF APPEALS
(2/3 Vote Required)

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

Section 4-10 Zoning Board of Appeals: Composition; Terms of Office, Powers and Duties:
In paragraph (A) replace “Town Administrator” with “Board of Selectmen” as follows:

“(A) Composition, Term of Office - there shall be a Zoning Board of Appeals consisting of seven (7) members. Five (5) members shall be elected by the voters for three year terms such that the term of office of at least one member, but not more than two members, shall expire each year. Two (2) members shall be appointed by the ~~town administrator~~ Board of Selectmen for three year terms so arranged that the terms of office will not expire in the same year.

Article 4-1 (C) Election (Elected Offices): Amend footnote 1 relative to Zoning Board of Appeals by replacing the words “Town Administrator” with the words “Board of Selectmen.”

Or take any action in relation thereto.

Sponsor: Board of Selectmen; Charter Review Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on this article. Voted 7 – 0.

The Finance Committee recommends no action because it removes part of 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 the members of an important Board 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. This article’s intent is similar to one proposed at the 2011 Annual Town Meeting that was defeated.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE CHARTER REVIEW COMMITTEE

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

Summary: This article moves appointing authority for the two appointed members of the ZBA from the Town Administrator to the Board of Selectmen.

**ARTICLE 61
CHARTER AMENDMENT – APPOINTMENT OF TOWN COUNSEL
(2/3 Vote Required)**

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

Section 6-1 Appointments by the Town Administrator: Delete “Town Counsel” from the list of appointments in current Section 6-1 (new Section 6-2), or take any action in relation thereto.

Sponsor: Board of Selectmen; Charter Review Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on this article. Voted 7 – 0.

The Finance Committee recommends no action because it removes part of 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, the Town Administrator works with Town Counsel on a frequent basis. As a result, it is important a comfort and continuity in the relationship between the two is maintained and not subject to the vagaries of the election cycle. This article’s intent is similar to one proposed at the 2011 Annual Town Meeting that was defeated.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on this article. Voted 4 – 1.

RECOMMENDATION OF THE CHARTER REVIEW COMMITTEE

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

Summary: This article moves appointing authority for Town Counsel from the Town Administrator to the Board of Selectmen.

ARTICLE 62
CHARTER AMENDMENT – COMMITTEE APPOINTMENTS
(2/3 Vote Required)

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

Section 6-1 Appointments by the Town Administrator: Delete the following from the list of appointments in current Section 6-1 (new Section 6-2):

Planning Board	7	5 Years
Design Review	5	3 Years
Zoning Board of Appeals	2	3 Years
Conservation Commission	5	3 Years

Section 6-1 Appointments by the Town Administrator: Add the following new Section 6-1 (D) as follows:

“(D) The Board of Selectmen shall appoint Town Counsel, the Conservation Commission, Design Review Committee, the Planning Board, and two members of the Zoning Board of Appeals.”

Or take any action in relation thereto.

Sponsor: Board of Selectmen; Charter Review Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on this article. Voted 7 – 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. This article’s intent is similar to one proposed at the 2011 Annual Town Meeting that was defeated.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE CHARTER REVIEW COMMITTEE

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

Summary: This article moves appointing authority for the Conservation Commission, Design Review Committee, Planning Board, two members of the ZBA and Town Counsel from the Town Administrator to the Board of Selectmen. If Article 61 does not pass, the words “Town Counsel” will need to be deleted from the above language by motion at Town Meeting.

ARTICLE 63

CITIZEN PETITION RE: ANNUAL TOWN MEETING

We the undersigned residents of the town of Sturbridge, Massachusetts respectfully request that all future Town Meetings be held during reasonable daylight hours on Saturdays, or take any action thereon or in relation thereto.

Sponsor: Citizen Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on this article. Voted 7 – 0.

The Finance Committee recommends no action on this article since the intent of it is addressed by Articles 54, 55 and 56.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

To place the article on the Warrant. Voted 4 – 0.

Summary: This article would have no legal force or effect, but, would serve as a “sense of the meeting” if passed.