**TOWN OF STURBRIDGE**

**SPECIAL TOWN MEETING WARRANT**



**TANTASQUA REGIONAL HIGH SCHOOL**

**MONDAY, FEBRUARY 26, 2018 @ 7:00 P.M.**

The Town Moderator Mike Caplette opened the town meeting at 7:00pm

The Pledge of Allegiance was recited by all.

 A moment of silence took place to honor those who have passed: Mary White: Library Trustee, Axel Silverberg: Oldest Resident, Joan McGrath: Burgess PTO

He asked all non-voting members to stand and be recognized and that they sit right where they were sitting.

The Moderator noted that we use Town Meeting Times as our main protocol. All speakers shall be limited in any oral presentation to 4 minutes in length which period may be extended by the Moderator in his discretion for good cause. Speakers who are not registered voters may be limited to less time in the discretion of the Moderator.

**ARTICLE 42**

**TOWN REPORT - RECREATION**

To hear an update on the field project by the Recreation Committee; or take any action relative thereto.

Sponsored by: Recreation Commission

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (7-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: The Recreation Committee will update the Town on the Town Barn Field Project.*

**Kadion Phillips of the Recreation Committee made a brief speech noting the shortage of fields and looking for volunteers for a field steering committee.**

**No Action taken on this Article**

**ARTICLE 43**

**FREE CASH TRANSFER – INSPECTORS PERSONNEL COSTS**

To see if the Town will vote to transfer FOUR THOUSAND AND 00/100 DOLLARS ($4,000.00) from Free Cash to the Inspector’s (Plumbing and Electrical) Personnel Costs Account #12451-51130; or take any action relative thereto.

Sponsored by: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (7-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: Due to the increase in the number of inspections this year, the budgeted amount for the inspections is insufficient to cover the costs of inspections.*

**ARTICLE 44**

**FREE CASH TRANSFER – STUDENT ACTIVITY ACCOUNT AUDIT**

To see if the Town will vote to transfer the sum of FOUR THOUSAND AND 00/100 DOLLARS ($4,000.00) from Free Cash for a Student Activity Account audit; or take any action relative thereto.

Sponsored by: Finance Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (7-0-1).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: The Town is required by State Law to conduct an audit of the Student Activity Account for Burgess Elementary. This article will fund the required audit for FY17.*

**The current status of Free Cash is $4,371,000.00( Four Million Three Hundred Seventy One-Thousand )**

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 45**

**TRANSFER OF FUNDS – SOUTHBRIDGE FEES**

To see if the Town will vote to transfer the sum of FIVE THOUSAND FOUR HUNDRED AND 00/100 DOLLARS ($5,400.00) from the Sewer Reserve Fund Balance to the Southbridge Fees Account #28440-59500; or take any action relative thereto.

Sponsored by: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: A section of the Town sends its sewerage to Southbridge Sewage Treatment Plant. Due to an increase of fees from Southbridge, there is a FY18 budget shortfall of approximately $5,400.00.*

**The Article passes by a majority vote as declared by the Moderator**

**ARTICLE 46**

**FREE CASH TRANSFER - ELECTRONIC VOTE TABULATORS**

To see if the Town will vote to transfer the sum of NINETEEN THOUSAND SIX HUNDRED AND 00/100 DOLLARS ($19,600.00) from Free Cash for the purchase of new Electronic Vote Tabulators; or take any action relative thereto.

Sponsored by: Town Clerk

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: This article will fund the replacement of the current voting tabulators as they are outdated and parts are harder to obtain; additionally there have been problems with jamming at elections.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 47**

**FREE CASH TRANSFER – FIRE DEPARTMENT ENERGY EFFICIENCY PROGRAM**

To see if the Town will vote to transfer the sum of THIRTY ONE THOUSAND AND 00/100 DOLLARS ($31,000.00) from Free Cash to enter into an energy efficiency program at the Public Safety Complex; or take any action relative thereto.

Sponsored by: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: The Town is seeking matching funds for an energy efficiency project at the Public Safety Complex. National Grid is providing grants and incentives towards the project that total $16,675.00 and the Town is responsible for the remainder. The project is expected to pay for itself in under three years.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 48**

**FREE CASH TRANSFER – LIBRARY HVAC IMPROVEMENTS**

To see if the Town will vote to transfer the sum of TEN THOUSAND and 00/100 DOLLARS ($10,000.00) from Free Cash to make improvements to heating & air conditioning system at the Joshua Hyde Public Library; or take any action relative thereto.

Sponsored by: Board of Library Trustees

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: The HVAC system at the Joshua Hyde Library Building needs to be replaced. However, if several minor repairs are made this fiscal year, the system is expected to function effectively for an additional two-three years.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 49**

**GENERAL BYLAW AMENDMENT – REVOLVING FUNDS**

To see if the town will vote to amend the General By-laws of the Town of Sturbridge by adding a new by-law to establish and authorize various revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½ by adding the following new section as Section 8.60:

**DEPARTMENTAL REVOLVING FUNDS**

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
3. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
4. No liability shall be incurred in excess of the available balance in the fund.
5. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during the fiscal year by the Board of Selectmen and Finance Committee.
6. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
7. Procedures and Reports. Except as provided in General Laws Chapter 44 § 53E½, and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charge to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.
8. Authorized Revolving Funds.

**Recreation Revolving Fund**

Fund Name. There shall be a separate fund called the Recreation Revolving Fund authorized for use by the Recreation Committee.

Revenues. The Town Accountant shall establish the Recreation Revolving Fund as a separate account and credit to the fund all of the program fees, donations, gifts, private sponsorships, and facilities fees charged and received by the Recreation Committee in connection with the recreational programs and activities offered.

Purposes and Expenditures. During each fiscal year, the Recreation Committee may incur liabilities against and spend monies from the Recreation Revolving Fund all of the costs associated with recreational programs, activities and facility improvements in connection with the recreational programs and activities offered.

Fiscal Years. The Recreation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

**HazMat Cleanup Revolving Fund**

Fund Name. There shall be a separate fund called the HazMat Cleanup Revolving Fund authorized for use by the Fire Chief.

Revenues. The Town Accountant shall establish the HazMat Cleanup Revolving Fund as a separate account and credit to the fund all of the insurance proceeds and other proceeds charged and received by the HazMat Team for services in connection with HazMat situations.

Purposes and Expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the HazMat Revolving Fund for addressing hazardous materials spills and providing the Fire Department the means to bill insurance companies and refurbish supplies used in HazMat spills in connection with HazMat situations.

Fiscal Years. The HazMat Cleanup Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

 **Board of Health Revolving Fund**

Fund Name. There shall be a separate fund called the Board of Health Revolving Fund authorized for use by the Board of Health.

Revenues. The Town Accountant shall establish the Board of Health Revolving Fund as a separate account and credit to the fund all of the amounts received for temporary permits and licenses, fines levied by the Board of Health and fees for initial restaurant consultations, excess food service inspections, beach testing, and fees from complex Title 5 engineering services charged and received by the Board of Health in connection with the operation of the Board of Health.

Purposes and Expenditures. During each fiscal year, the Board of Health may incur liabilities against and spend monies from the Board of Health Revolving Fund for payment for clerical support and staff required to service large events such as festivals and fairs, initial restaurant consultations and restaurant inspections beyond two per year, public health inspections, engineering, public health nursing and emergencies in connection with the operation of the Board of Health.

Fiscal Years. The Board of Health Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

**Board of Health Pay-As-Your Throw Program Revolving Fund**

Fund Name. There shall be a separate fund called the Board of Health Pay-As-You-Throw Revolving Fund authorized for use by the Board of Health.

Revenues. The Town Accountant shall establish the Board of Health Pay-As-You-Throw Revolving Fund as a separate account and credit to the fund all of the program fees including, but not limited to, receipts for program bags, stickers or other fees that may be established from time to time and donations charged and received by the Board of Health in connection with the operation of the Pay-As-You-Throw program.

Purposes and Expenditures. During each fiscal year, the Board of Health may incur liabilities against and spend monies from the Board of Health Pay-As-You-Throw Revolving Fund for any and all costs associated with the planning, promoting or implementing the PAYT Program, or the operational expenses, equipment or supplies of the PAYT program in connection with the operation of the PAYT Program.

Fiscal Years. The Board of Health Pay-As-You-Throw Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

**Senior Center Revolving Fund**

Fund Name. There shall be a separate fund called the Senior Center Revolving Fund authorized for use by the Council on Aging.

Revenues. The Town Accountant shall establish the Senior Center Revolving Fund as a separate account and credit to the fund all of the program fees, private sponsorship, donations and participation fees charged and received by the Council on Aging in connection with the operation of the Senior Center.

Purposes and Expenditures. During each fiscal year, the Council on Aging may incur liabilities against and spend monies from the Senior Center Revolving Fund for payment to instructors, presenters, service providers, supplies for special programs and repairs in connection with the operation of the Senior Center.

Fiscal Years. The Senior Center Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

**Planning Department Revolving Fund**

Fund Name. There shall be a separate fund called the Planning Department Revolving Fund authorized for use by the Town Planner.

Revenues. The Town Accountant shall establish the Planning Department Revolving Fund as a separate account and credit to the fund all of the fees for GIS support services including fees collected for the development and printing of maps and other GIS data requests charged and received by the Planning Department in connection with GIS support services.

Purposes and Expenditures. During each fiscal year, the Town Planner may incur liabilities against and spend monies from the Planning Department Revolving Fund for payment for any and all costs associated with the Town’s Geographic Information System including the acquisition of software, hardware and maintenance of the same and supplies, data and the development and/or conversion of data including the costs of consultant services to develop GIS related products for the town, or other related expenses in connection with the GIS support services.

Fiscal Years. The Planning Department Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

**Public Lands Revolving Fund**

Fund Name. There shall be a separate fund called the Public Lands Revolving Fund authorized for use by the Conservation Commission.

Revenues. The Town Accountant shall establish the Public Lands Revolving Fund as a separate account and credit to the fund all of the fees from forestry management and donations charged and received by the Conservation Commission in connection with public lands.

Purposes and Expenditures. During each fiscal year, the Conservation Commission may incur liabilities against and spend monies from the Public Lands Revolving Fund for the development and implementation of forestry management plans, trail development and 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 in connection with public lands.

Fiscal Years. The Public Lands Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

**Sturbridge Tourist Association Revolving Fund**

Fund Name. There shall be a separate fund called the Sturbridge Tourist Association Revolving Fund authorized for use by the Sturbridge Tourist Association.

Revenues. The Town Accountant shall establish the Sturbridge Tourist Association Revolving Fund as a separate account and credit to the fund all of the revenue generated through tourist events and promotions; program fees and donations charged and received by the Sturbridge Tourist Association in connection with tourism.

Purposes and Expenditures. During each fiscal year, the Sturbridge Tourist Association may incur liabilities against and spend monies from the Sturbridge Tourist Association Revolving Fund for any and all costs associated with planning, promoting or implementing Sturbridge tourist related events in connection with tourism.

Fiscal Years. The Sturbridge Tourist Association Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

**CPR Revolving Fund**

Fund Name. There shall be a separate fund called the CPR Revolving Fund authorized for use by the Fire Chief.

Revenues. The Town Accountant shall establish the CPR Revolving Fund as a separate account and credit to the fund all of the program fees and donations charged and received by the Fire Department in connection with CPR classes.

Purposes and Expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the CPR Revolving Fund for all costs for the support of the CPR classes offered by the Sturbridge Fire Department including replacement of training materials in connection with CPR classes.

Fiscal Years. The CPR Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

**House Numbering Revolving Account**

Fund Name. There shall be a separate fund called the House Numbering Revolving Fund authorized for use by the Fire Chief.

Revenues. The Town Accountant shall establish the House Numbering Revolving Fund as a separate account and credit to the fund all of the program fees and donations charged and received in connection with the house numbering program.

Purposes and Expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the House Numbering Revolving Fund for all costs for the support of the House Numbering program offered by the Sturbridge Fire Department in connection with house numbering program.

Fiscal Years. The House Numbering Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

or take any action relative thereto.

Sponsored by: Finance Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (4-0-1).*

*Summary: The departmental revolving fund statute, G.L. c. 44, § 53E½, was amended by the Municipal Modernization Act in 2016 which eliminated the caps on the amount that could be spent from the revolving funds. In addition, the revolving funds are to be authorized by a bylaw adopted at Town Meeting, rather than an annual Town Meeting vote. The Town Meeting body must still vote annually on or before July 1 on the amount that may be spent from each fund during the upcoming fiscal year.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 50**

**GENERAL BYLAW – LOGGING VIOLATIONS**

To see if the Town will vote to delete General Bylaws, Chapter 3.32 through 3.35 and replace with the following language:

3.32 PROCEDURE

No logging operation shall commence unless the landowner has received the Board of Selectmen’s written consent (the “Certificate of Approval”). The landowner shall comply with the terms and conditions set forth herein, except to the extent modified in the Certificate of Approval.

(A) To obtain a Certificate of Approval, the applicant must submit the following materials to the Office of the Town Administrator:

(1) Copy of State Certified Cutting Plan signed by State Forester and copy of overall plot plan.

(2) Proof of notification to the Sturbridge Conservation Commission.

(3) Correspondence from DPW Director regarding driveway permit as required by Sturbridge General Bylaws, Section 6.60 and proposed bonding for road repairs and/or erosion control.

(4) Certified list of abutters within 200 feet of the cutting area.

(5) Proof of land ownership and/or a notarized letter from land owner giving permission to harvest or to gain access to harvesting operations if the operation requires access from property other than that being harvested.

(6) Copy of Massachusetts State Timber Harvester’s License.

(7) Reforestation plan for clear cutting projects.

(8) Filing fee of $10.00.

(B) The Office of the Town Administrator shall forward the applicant’s information to the Board of Selectmen, Department of Public Works and Conservation Department for review and comment.

(C) The Board of Selectmen shall hold a public hearing on each application for a Certificate of Approval, notice of which hearing shall be published in a local newspaper. The cost of such notice is to be borne by the applicant. The applicant must mail notice of said public hearing certified mail, return receipt requested, to all parties on the Certified Abutters List at least seven (7) days prior to the hearing date. The form of said notice shall be provided by the Office of the Town Administrator.

3.33 HEARING

The applicant shall appear at the time and date of the scheduled hearing and shall furnish proof of notification to abutters by certified mail. At this time, the applicant may bring dated photographs showing the condition of all access roadways prior to the operation in order to document the condition of said roadways and avoid repair claims post operation. The Board of Selectmen shall hear comments from any and all interested parties.

3.34 RESTRICTIONS AND CONDITIONS

The Board of Selectmen has established certain reasonable restrictions and conditions for logging permits issued within the Town. They are:

1. Logging operations shall be allowed Monday through Friday (with no harvesting on recognized Massachusetts legal holidays) from 7:00 a.m. to dusk; and on Saturdays from 8:00 a.m. until 12:00 p.m. Noon; no Sunday or holiday hours;

2. Prior to the commencement of logging operations, the applicant shall coordinate transportation with the Town’s school bus schedule to avoid conflict between logging operations and school bus operations;

3. Work shall be performed when the ground is dry, frozen or otherwise stable;

4. A $5,000 road maintenance bond shall be submitted to the Town Administrator before work commences to ensure that repairs are made to any Town roads damaged as a result of the subject forestry harvest project and the Town may additionally require a performance bond to ensure erosion control measures before, during and, for a reasonable period of time, after the proposed operation. Said bond shall be released by the Treasurer upon inspection and a satisfactory finding by the DPW Director.

5. A licensed timber harvester is identified prior to commencement.

6. The DPW Director and Conservation Agent must be notified before starting work.

In addition, the Selectmen may issue additional restrictions and conditions as deemed necessary by the Board of Selectmen.

3.35 LOGGING VIOLATION

Every person or contractor violating any provision of this bylaw shall be punished by a fine of fifty ($50.00) dollars. Every violator of any provision of this bylaw shall be guilty of a separate offense for every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every separate offense.

or take any other action relative thereto.

Sponsored by: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: The Board of Selectmen would like to strengthen its ability to enforce the logging bylaws due to recent difficulties in managing logging operations. This article clarifies the requirements of the Town and establishes fines for violating the Town Bylaws.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 51**

**GENERAL BYLAW – NON-CRIMINAL DISPOSITION**

To see if the Town will vote to amend Section 9.02 of the General Bylaws by inserting the following section as appropriate:

Violation of General Bylaw - Chapter 3.35 - “Logging Violation”

Enforcing Agents: Police Department

Penalty: First and Subsequent Offense: $50.00

or take any other action relative thereto.

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: A companion article to Article 51, this article amends the Non-Criminal Disposition Section of the Bylaws to establish the fines for violating the Logging Bylaw changes made in the previous article.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 52**

**GENERAL BYLAW – FALSE ALARMS**

To see if the Town will vote to delete sections 8.40 through 8.52 inclusive in their entirety and replace them with the following:

8.40 FALSE ALARMS

Definitions – For the purpose of this bylaw, the following terms, phrases, words and their derivations shall have the following meaning. The word “shall” is always mandatory and not merely directory.

Alarm System

An assembly of equipment and/or devices or a single device arranged to signal the presence of a hazard requiring urgent attention and to which police or fire personnel are expected to respond. This includes, but is not limited to, all burglar alarms, fire alarms, smoke alarms, carbon monoxide alarms, hold-up alarms, telephone dialer alarms, premises alarms, or alarms on motor vehicles.

False Alarm

Activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or his employees or agents; Alarms caused by power outages, hurricanes, tornadoes, earthquakes, other similar weather or atmospheric disturbances shall not be deemed to be false alarms.

8.41 ADMINISTRATIVE RULES

The Police Chief or Fire Chief may promulgate such rules as may be necessary for the implementation of this bylaw.

8.42 MAINTENANCE AND UPKEEP; ALARMS PERMISSIBLE WITHOUT PENALTY.

The owners or lessees of an alarm are responsible for the maintenance and upkeep of any Alarm System located on their premises.

A maximum of two (2) False Alarms shall be allowed from any alarm system without penalty, during any calendar year.

8.43 VIOLATIONS; PENALTIES FOR OFFENSES

The Sturbridge Police Department shall maintain records of the number of False Alarms and violations of §8.42.

Effective January 1 of each calendar year, beginning with the 3rd false activation of the system, a fine of $25.00 shall be imposed.

Beginning with the 4th false alarm and any False Alarm thereafter within the same calendar year, a False Alarm shall result in a fine of $50.00 for each false activation.

8.44 AUDIBLE BELL OR HORN

All Alarm Systems which use an audible bell or horn shall be equipped with an automatic shut off device which will deactivate the Alarm System within ten (10) minutes. All Alarm users with an audible bell or horn must comply with this section within ninety (90) days of the adoption of this bylaw.

Any alarm which fails to comply with the above paragraph and emits a continuous an uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him, and which disturbs the peace, comfort and repose of a community or neighborhood of the area where the Alarm System is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief and/or Fire Chief shall endeavor to contact the alarm user, or the members of the alarm user’s family or those persons designated by the alarm user under this section in an effort to abate the nuisance. The Police Chief and/or Fire Chief shall record the time each complaint was made.

In the event that the Police or Fire Department is unable to contact the alarm user, a member of the alarm user’s family, or those persons designated by the alarm user under the definitions of this section cannot or will not curtail the audible signal being emitted by the alarm system, and if the Police or Fire Department is otherwise unable to abate the nuisance, a police officer or firefighter or a qualified alarm technician may be authorized enter upon property inside or outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

After entry upon property has been made in accordance with this section and the nuisance abated, the police department or fire department shall have the property secured, if necessary. The reasonable costs and expense of abating a nuisance in accordance with this section may be assessed to the alarm user. These funds shall be deposited in the Town’s General Fund.

8.45 NOTIFICATION AND APPEAL

The police or fire department, depending upon the type of alarm shall notify the responsible alarm user of any false alarm charges by mail. Within fourteen (14) days after the mailing of such notice, the alarm user may file written notice with the appropriate Department Chief to include information to show that the alarm was not a false alarm within the meaning of this bylaw.

The appropriate department chief shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Each notice of a false alarm charge or a reaffirmation of such a charge, by the police or fire department to the alarm user shall refer to and provide instructions concerning the alarm user’s right to further recourse by filing an appeal with the Appeal Board.

Within fourteen (14) days after mailing of such notice, the alarm user may file with the Board of Selectmen, herein after referred to as the Alarm Appeal Board, an appeal in writing.

8.46 APPEAL TO THE ALARM APPEAL BOARD

Upon the receipt of a timely appeal from a false alarm charge, the Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user making the appeal at his last known address at least fourteen (14) days before the hearing.

On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.

If the Board finds that the charge was properly assessed, the charge shall be paid immediately.

8.47 ENFORCEMENT OF THIS BYLAW

The Town, upon authorization by the Selectmen, may institute civil proceedings to enforce the provisions of this bylaw.

8.48 SEVERABILITY

The invalidity of any part or parts of this bylaw shall not affect the validity of the remaining parts.

or take any action relative thereto.

Sponsored by: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on the article (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: This article is presented to correct deficiencies in the current bylaws and to provide a uniform system of dealing with false police and fire alarms. However, due to some last minute changes in the article as proposed by Town Counsel, the Town Administrator and Finance Committee are proposing taking no action on this article at this time and to bring a modified version to the Town Meeting in June.*

**This article was passed over and deferred till the Annual Town Meeting in June**

**ARTICLE 53**

**STREET ACCEPTANCE – ACORN LANE**

To see if the Town will vote to accept as a public way the roadway known as Acorn Lane, as heretofore laid out by the Board of Selectmen and shown on a plan entitled “Street Acceptance Plan Sturbridge, MA,” dated October 12, 2017, prepared by Thomas R. Fancy Land Surveyor, and on a plan entitled “Laurel Woods Definitive Subdivision Plan, Sturbridge, MA, Prepared for Escape Estates Inc.,” dated June 27, 2017, prepared by Fancy Land Surveying, Inc., and recorded with the Worcester South District Registry of Deeds in Plan Book 840, Plan 78, copies of which plans are on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, and/or eminent domain, a permanent easement to use Acorn Lane for all purposes for which public ways are used in the Town of Sturbridge and any and all permanent drainage, access, utility and/or other easements related thereto; or take any action relative thereto.

Sponsored by: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: Acceptance of Acorn Lane has been reviewed by the appropriate Town departments and laid out in accordance with the street acceptance processes of Sturbridge.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 54**

**STREET ACCEPTANCE – OLD TOWNE WAY**

To see if the Town will vote to accept as a public way the roadway known as Old Towne Way, as heretofore laid out by the Board of Selectmen and shown on a plan entitled “As Built Plan and Profile of Old Towne Way”, dated December 8, 2004, revised December 1, 2017, prepared by Para Land Surveying Inc., and on a plan entitled “Definitive Plan of Spring Hill Estates in Sturbridge, Massachusetts Owned by GMN Inc., dated October 13, 1994, recorded with the Worcester South District Registry of Deeds in Plan Book 697, Plan 41 (which roadway is shown as Spring Hill Road on said plan), copies of which plans are on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, and/or eminent domain, a permanent easement to use Old Towne Way for all purposes for which public ways are used in the Town of Sturbridge and any and all permanent drainage, access, utility and/or other easements related thereto; or take any action relative thereto.

Sponsored by: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: Acceptance of Old Towne Way has been reviewed by the appropriate Town departments and laid out in accordance with the street acceptance processes of Sturbridge.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 55**

**UNPAID BILLS OF A PREVIOUS FISCAL YEAR**

**9/10ths vote**

To see if the Town will vote to transfer the sum of ONE THOUSAND SEVENTY SIX AND 09/100 DOLLARS ($1,076.09) from Free Cash for the purpose of paying unpaid bills of a prior fiscal year; or take any action relative thereto.

Sponsored by: Finance Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: The Town seeks authorization to pay several unpaid bills from the previous fiscal year. They are: Pest Control at the Senior Center ($147.12), fire vehicle maintenance ($53.00), 9-1-1 set up for the municipal phone service ($250.00) and outstanding office supplies & furnishings at the senior center ($625.97).*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 56**

**ACCEPTANCE OF GENERAL LAWS CHAPTER 59 § 57A**

To see if the Town will vote to accept the provisions of General Laws Chapter 59, Section 57A, which make property tax bills of $100 or less payable in a single installment, beginning in fiscal year 2019, or take any action relative thereto.

Sponsored by: Finance Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: The Town previously accepted MGL Chapter 59 Section 57B which has been repealed by the Municipal Modernization Act. Therefore, the Town must now accept MGL Chapter 59, Section 59A which replaced the repealed Section of Mass. General Law.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 57**

**COMMUNITY PRESERVATION – DEBT SERVICE**

To see if the Town will vote to transfer from the Community Preservation Fund – Undesignated Fund Balance, the sum of FOUR THOUSAND SEVEN HUNDRED TWENTY-THREE AND 08/100 DOLLARS ($4,723.08) for the purpose of paying the debt service for the Recreation Courts; or take any action relative thereto.

Sponsored by: Finance Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

**RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:**

*Pending*

*Summary: This article funds half a year of interest payments for the recently bonded recreation courts.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 58**

**FREE CASH TRANSFER – STABILIZATION FUND**

To see if the town will vote to transfer TWO HUNDRED THIRTY THOUSAND AND 00/100 DOLLARS ($230,000.00) from Free Cash to the Stabilization Fund; or take any action relative thereto.

Sponsored by: Finance Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: This article follows the Fiscal Policies of the Town and sets monies aside in our Stabilization Fund. This fund serves as our ‘rainy day fund’ and is reviewed by credit rating agencies to determine the fiscal strength and resiliency of our community. A recent review of the Town’s bond rating was positive. The balance of the Stabilization account, including these funds, is $2,218,396.00.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 59**

**FREE CASH TRANSFER – TOWN COUNSEL**

To see if the town will vote to transfer SIXTY THOUSAND AND 00/100 DOLLARS ($60,000.00) from Free Cash to the Town Counsel Line (11512-52000); or take any action relative thereto.

Sponsored by: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: Due to recent legal cases and matters facing the Town, the Town Counsel Budget will be short for this fiscal year. This article will seek to correct that shortfall.*

**The Article passes unanimously as declared by the Moderator**

 **ARTICLE 60**

**GENERAL BYLAW AMENDMENT – LICENSES AND PERMITS**

**OF DELINQUENT TAXPAYERS**

To see if the Town will vote to amend Section 8.00 of the General By-laws - Licenses and Permits of Delinquent Taxpayers by deleting Section (1) (2) (3) (4)(5) in their entirety and inserting in their place the following:

(1) The Finance Director (Treasurer/Collector) shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the “licensing authority”, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the “party”, that has neglected or refused to pay any locals taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

(2) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Finance Director (Treasurer/Collector) or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised to is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority form the Finance Director (Treasurer/Collector); provided however that written notice is given to the party and the Finance Director (Treasurer/Collector), as required by applicable provision of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Finance Director (Treasurer/Collector) shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, renovation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Finance Director (Treasurer/Collector) that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payables to the municipality as the date of issuance of said certificate.

(3) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

And further by renumbering subsection (6) to subsection (4) and correcting the reference to M.G.L. from Chapter 268 § 1 therein to M.G.L. Chapter 268A § 1 or take any action relative thereto.

Sponsored by: Finance Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (5-0).*

*Summary: This article clarifies the Town’s Bylaws concerning the section governing the issuance of licenses and permits in cases where the applying entities owe the Town outstanding taxes or fees. The article brings our current Bylaw in line with MGL due to recent changes made in the Municipal Modernization Act.*

**The Article passes unanimously as declared by the Moderator**

**ARTICLE 61**

**PETITION TO GENERAL COURT FOR A PACKAGE STORE LIQUOR LICENSE FOR LUCKY MART (122 MAIN STREET)**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act in the form set forth below, authorizing the Board to issue an off-premises all-alcoholic beverages license to Lucky Mart, 122 Main Street; 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 the 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:

**AN ACT AUTHORIZING THE TOWN OF STURBRIDGE TO ISSUE ONE ADDITIONAL LICENSE FOR THE SALE OF ALL-ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES AT 122 MAIN STREET.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

 SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the local licensing authority of the town of Sturbridge may grant 1 additional license for the sale of all alcoholic beverages not to be drunk on the premises, pursuant to section 15 of said chapter 138, to an entity known as Marutinandan Inc. d/b/a Lucky Mart, located at 122 Main Street in the town of Sturbridge. The license shall be subject to all of said chapter 138, except said section 17.

 The licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

 If the license granted pursuant to this act is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

 SECTION 2. This act shall take effect upon its passage.

Sponsored by: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written (8-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written (4-0-1).*

*Summary: This article seeks the Town’s permission for a Special Act of the Legislature to increase the number of full package stores in the Town by one to accommodate a petition for a full package store license for the Lucky Mart located at 122 Main Street.*

**The Article passed by more than 50% of the present voters as declared by the Moderator**

**ARTICLE 62**

**PETITIONED ARTICLE – STRONG FIRE CHIEF**

The purpose of this petition is to change the Town Charter to bring back ‘The Strong Chief’ wording for the Sturbridge Fire Department.

Sponsored by: By Petition

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on the article (7-0-1).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to place the article. (5-0).*

*Summary: The Finance Committee recommends no action due to deficiencies in the petitioned article.*

**No action was taken on this Article**

**The Special Town Meeting was dissolved at 7:40 PM**

Given under our hands this 5th day of February in the year of our Lord, Two Thousand and Eighteen.

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Mary Blanchard, Chairman

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 Priscilla Gimas, Vice Chairman

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 Mary Dowling, Clerk

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Craig Moran, Selectman

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 Michael Suprenant, Selectman

Board of Selectmen

 Town of Sturbridge