THE COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING
MINUTES
October 15, 2007

At a legal meeting of voters of the Town of Sterling qualified to vote in town affairs held on Monday the fifteenth day of October at seven (7:00)o'clock in the evening at the Chocksett School on Boutelle Road, the registrars checked in 138 of the 5379 registered voters of the town. Meeting called to order at 7:06pm. Moderator reviewed procedures of Town Meeting. Mr. Walter Churchy of the Legion led the pledge of allegiance.

ARTICLE 1. Voted to amend Article 1 of the May 2007 Annual Town Meeting to read as follows:

To see if the Town will vote to raise by taxation and appropriate the sum of $8,222,011, and to further appropriate, from the EMS Receipts Account, the sum of $273,306, or any other sum for the payment of salaries and compensation, payment of debt and interest and for charges, expenses an outlays of the Town departments, for the ensuing fiscal year, beginning July 1, 2007 and ending June 30, 2008, or take any action in relation thereto.

	Incorrectly Voted- May ATM	Correct Vote
Raise & Appropriate	$8,480,317	$8,222,011
EMS Receipts	+ 273,306	+ 273,306
Total Op. Budget	$8,753,623	$8,495,317

Paul Sushchyk made a motion to move on the words of the article, motion seconded

No discussion on this article.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 2. Voted as read, to reduce the amount voted in Article 4 of the May 2007 Annual Town Meeting by $35,560 (for a total of $923,846 above the net minimum contribution, down from 959,406) as requested by the Wachusett Regional School District;
And further to see if the Town will vote to apply a portion of the excess funds as follows:
$ 7,600 Transfer for One-time start up costs of a newly developed official Town Web site,
$11,700 Transfer to Operating Budget: Information Technology Professional Services,
Said sums to be expended by the Board of Selectmen;

PASSED MAJORITY VOTE

ARTICLE 3. Voted to reduce the amount voted in Article 5 of the May 2007 Annual Town Meeting by $3,488 **(**for a total of $ 591,541 , down from $595,029) as requested by the Montachusett Regional Vocational Technical School District;

Richard Sheppard made a motion to move on the words of the article, motion seconded.

PASSED MAJORITY VOTE

ARTICLE 4. **V**oted to amend Article 1 of the May 2007 Annual Town Meeting, as follows:

Transfer $2,250 from Town Administrator Expenses to Information Technology Web Site Maintenance,
Transfer $3,900 from Town Administrator Expenses to Board of Health Inspector,
Transfer $6,000 from DPW Superintendent Salary to DPW Expenses,
Transfer $16,800 from DPW Superintendent Salary to DPW Wages,

PASSED MAJORITY VOTE

ARTICLE 5. Voted to transfer from Water Enterprise Retained Earnings the sum of $200,000 to pay for water repairs and reconstruction in conjunction with receipt of a CDBG grant of $885,000 for septic improvements at Waushacum Village, said sum to be expended by the Department of Public Works Board.

Paul Sushchyk made a motion to move on the words of the article, motion seconded.

PASSED MAJORITY VOTE

ARTICLE 6. Voted to transfer from Water Enterprise Retained Earnings to Water Overtime the sum of $6,000 said sum to be expended by the Department of Public Works Board

Motion made and seconded to move on the words of the article.

John Potter stated that the finance committee recommends passage of this article.

PASSED MAJORITY VOTE

ARTICLE 7. Voted to transfer $1,260 from excess funds from Wachusett and $3,488 from excess funds from Montachusett, for a total of $4,748 in accordance with Mass. Gen. Laws CH 44, Section 33B, to be used for needed repairs to the roof, exterior walls, and interior floor of the former school building located at School Street occupied by Hiram O. Taylor Post 189, American Legion,

Motion made by John Potter of the Finance Committee to transfer $1,260 from excess funds from Wachusett and $3,488 from Montachusett, motion seconded. Finance committee recommends passage of this article.

No further discussion

PASSED MAJORITY VOTE

ARTICLE 8. Voted to amend the Town of Sterling Protective (Zoning) Bylaw at Section 4.3 Rate of Development, Subsection 4.3.2 General by changing the word "ten" in the first sentence to "fifteen" and also at Subsection 4.3.6 Time and Limitation and Extension by changing the year "2008" to the year "2013" in both places where it occurs in the Subsection.

Michael Radzicki made motion to move on the words of the article, motion seconded.

No further discussion

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 9. Voted to amend the Town of Sterling Protective (Zoning) By-Law at Section 6.4 Site Plan Review by adding the following subsection:

6.4.10 As-Built Plan Within thirty (30) days after completion of the project an As-Built Plan will be submitted to the Planning Board in both paper and digital form as specified by the Planning Board."

Motion made by Michael Radzicki of the Planning Board, to move on the words of the article, motion seconded

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 10. Voted to amend the Protective (Zoning) By-laws of the Town of Sterling at Section 4.6.4 Prohibited Uses in any Aquifer (A) or Water Resource (W) Protection District by adding after the words "liquid petroleum products of any kind" in subsections (a) and (b) the words "excluding the liquefied petroleum gases propane, propylene, butanes, butylenes and liquefied natural gas, or take any relative action thereon.

Michael Radziciki of the Planning Board made a motion to move on the words of the article, motion seconded.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 11. Voted to amend the Protective (Zoning) By-laws of the Town of Sterling at Section 3.3 Site Development Requirements by adding the following subsection,

"3.3.2.4 All storm water management systems for new development and redevelopment projects that result in a land disturbance of one or more acres and discharge storm water into the municipal system must comply with the Massachusetts Department of Environmental Protection (DEP) Storm water Management Policy Handbook and Technical Handbook, whether or not the project falls within the jurisdiction of the Wetland Protection Act (MGL Ch 131 S 40). This enforcement will include projects that are less than one acre if the project is part of a larger common plan development. "

Mr. Radzicki moved on the words of the article, seconded.

Planning board and Conservation Commisison recommend passage of this article. This is mandated by the EPA.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 12. Voted to amend the Protective (Zoning) By-laws of the Town of Sterling at Section 6.4 Site Plan Review by adding at end of Subsection 6.4.4 Submittals the following:

"10. All storm water management systems for new development and redevelopment projects that result in a land disturbance of one or more acres and discharge storm water into the municipal system must comply with the Massachusetts Department of Environmental Protection (DEP) Storm water Management Policy Handbook and Technical Handbook, whether or not the project falls within the jurisdiction of the Wetland Protection Act (MGL ch 131 S 40). This enforcement will include projects that are less than one acre if the project is part of a larger common plan development"

Motion made to move on the words of the article, motion seconded.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 13. Voted to amend the General Bylaws of the Town of Sterling by creating a new section entitled, ILLICIT CONNECTIONS AND DISCHARGES TO THE STORM DRAIN SYSTEM, as follows,

ILLICIT CONNECTIONS AND DISCHARGES TO THE STORM DRAIN SYSTEM

SECTION -1 PURPOSE and AUTHORITY

1. **Purpose**

The purpose of this by-law is to regulate illicit connections and discharges to the storm drain system, which is necessary for the protection of Sterling's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this By-Law are:

A. To prevent pollutants from entering Sterling's municipal separate storm sewer system (MS4);
B. To prohibit illicit connections and unauthorized discharges to the MS4;
C. To require the removal of all such illicit connections;
D. To comply with state and federal statutes and regulations relating to stormwater discharges; and
E. To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring and enforcement.
F. To prevent contamination of drinking water supplies.

2. **Authority**

The Department of Public Works shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Department of Public Works may be delegated in writing by the Board of Public Works to employees or agents of the Department of Public Works.

Section -2. DEFINITIONS

For the purposes of this by-law, the following shall mean:

Authorized Enforcement Agency: The Department of Public Works, its employees or agents designated to enforce this by-law.

Best Management Practice (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) as hereafter amended.

Discharge Of Pollutants: The addition from any source of any pollutant or combination of pollutants into storm drain systems or into the waters of the United States or Commonwealth from any source.

Groundwater: All water beneath the surface of the ground.

Illegal Discharge: Any direct or indirect non-stormwater discharge to **storm drain systems**, except as specifically exempted in Section 5. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from the activities exempted pursuant to Section 5, subsection 4, of this by-law.

Illicit Connection: Any surface or subsurface drain or conveyance, which allows an illegal discharge into **storm drain systems**. Illicit connections include conveyances which allow a non-stormwater discharge to **storm drain systems** including sewage, process wastewater or wash water and any connections from indoor drains sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

Impervious Surface: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

Municipal separate storm sewer system (MS4) or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Sterling.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by United States Environmental Protection Agency or jointly with the State that authorized the discharge of pollutants to waters of the United States.

Non-Stormwater Discharge: Any discharge to the **storm drain systems** not composed entirely of stormwater.

Person: Any individual, partnership, association, firm, company, trust, corporation, and, any agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Pollutant: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include:

(1) paints, varnishes, and solvents;

(2) oil and other automotive fluids;

(3) non-hazardous liquid and solid wastes and yard wastes;

(4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, accumulations and floatables;

(5) pesticides, herbicides, and fertilizers;

(6) hazardous materials and wastes; sewage, fecal coliform and pathogens;

(7) dissolved and particulate metals;

(8) animal wastes;

(9) rock; sand; salt; soils;

(10) construction wastes and residues;

(11) noxious or offensive matter of any kind.

Process wastewater: means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Stormwater: Runoff from precipitation or snow melt.

Storm Drain System: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system on public or private ways within the Town of Sterling.

Toxic or Hazardous Material or Waste: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous Under G.L Ch 21C and Ch 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

Uncontaminated: Water containing no pollutants.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Wastewater: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

SECTION -3. APPLICABILITY

This by-law shall apply to flows entering the storm **water and** drainage system **on public or private ways with the Town of Sterling.**

Section -4 REGULATIONS

The Board of Public Works may promulgate rules, regulations and a permitting process to effectuate the purposes of this by-law. Failure by the Board of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

Section -5. PROHIBITED ACTIVITIES

1. **Illegal Discharges**

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into **storm drain systems**, watercourse, or into the waters of the Commonwealth.

2. **Illicit Connections**

No person shall construct, use, allow, maintain or continue any illicit connection to **storm drain systems**, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

3. Obstruction Storm Drain Systems

No person shall obstruct or interfere with the normal flow of stormwater in or out of **storm drain systems** without prior approval from the Board of Public Works or its designated agent.

4. Exemptions

This section shall not apply to any of the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to **storm drain systems.**

A. Municipal waterline flushing;
B. Discharges from landscape irrigation or lawn watering;
C. Water from individual residential car washing and temporary fund-raising car wash events;
D. Discharges from dechlorinated swimming pool water provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining (less than one part per million chlorine), and the pool is drained in such a way as not to cause a nuisance;
E. Discharges from street sweepers of minor amounts of water during operations;
F. Discharges or flows resulting from fire fighting activities;
G. Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations.
H. Flows from potable water sources:
I. Springs:
J. Natural flows from riparian habitats and wetlands;
K. Diverted stream flows;
L. Rising groundwater;
M. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
N. Uncontaminated groundwater discharge from a sump pump, with a permit from the Department of Public Works.

O. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
P. Dye testing, provided verbal notification is given to the Department of Public Works prior to the time of the test.

SECTION -6 SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

1. The Department of Public Works may suspend **storm drain system** access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

2. Any municipal storm drain system in violation of this by-law may have their s**torm drain system** access terminated if such termination would abate or reduce an illicit discharge. The Department of Public Works will notify a violator of the proposed termination of **storm drain system** access. The violator may petition the Department of Public Works for reconsideration and hearing. A person commits an offense if the person reinstates **storm drain system** access to premises terminated pursuant to this section, without prior approval from the Department of Public Works.

SECTION -7 NOTIFICATION OF SPILLS

Notwithstanding any other requirements of local, state, or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility or operation which is resulting or may result in illegal discharge of pollutants, that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, Department of Public Works and Board of Health. In the event of a release of non-hazardous material, said person shall notify the Authorized Enforcement Agency no later than the next business day. Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Authorized Enforcement Agency within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION -8 ENFORCEMENT

1. **Enforcement**

The Department of Public Works or its authorized agent shall enforce this by-law, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

2. **Civil Relief**

If anyone violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or compelling the person to abate or remediate the violation.

3. **Orders**

The Department of Public Works may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the storm drainage system; (b) termination of access to the storm drainage system; (c) performance of monitoring, analyses, and reporting; (d) cessation of unlawful discharges, practices, or operations; and (e) remediation of contamination in connection therewith. If the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department of Public Works within thirty (30) days following a decision of the receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, Section 57 after the thirty-first day at which the costs first become due.

4. **Criminal and Civil Penalties**

Any person who violates any provision of this by-law, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder, shall be subject to a fine not to exceed $300.00 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.

5. **Non-Criminal Disposition**

As an alternative to criminal prosecution or civil action, the Town of Sterling may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, Section 21D. The Department of Public Works shall be the enforcing entity. The penalty for the 1st violation shall be up to $100. The penalty for the 2nd violation shall be up to $200. The penalty for the 3rd and subsequent violations shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

6. **Entry to Perform Duties under this By-law**

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Department of Public Works deems reasonably necessary.

7. **Appeals**

The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.

8. **Remedies Not Exclusive**

The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION -9 SEVERABILITY

If any provision, paragraph, sentence, or clause, of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

SECTION -10 TRANSITIONAL PROVISIONS

Residential property owners shall comply with this by-law on a schedule set forth in the Department of Public Works compliance order, but such property owners shall in no case have more than six months from the effective date of the by-law to comply with its provisions, unless good cause is shown for the failure to comply with the by-law during that period.

Barbara Roberti made motion to move on the words of the article, motion seconded.

PASSED MAJORITY VOTE

ARTICLE 14. Voted as read with some wording changes, to amend the Sterling Animal Control Bylaw SECTIONS 1, DEFINITIONS from the existing wording to the amended wording by making the following changes:

EXISTING
SECTION 1. DEFINITIONS
As used in this by-law the following terms shall mean:

Abused Animal:
1) Any animal which is mistreated, beaten, tormented or teased, or
2) is deprived of water or food or shelter, or
3) is kept under unsanitary conditions, or
4) Abandoned, or
5) Is trained for fighting other animals.

AMENDED
SECTION 1. DEFINITIONS
As used in this by-law the following terms shall mean:

Abused Animal:
1) Any animal which is proven to be mistreated, beaten, tormented or teased, or
2) is deprived of water or food or shelter, or
3) is kept under unsanitary conditions, or
4) Abandoned, or
5) Is trained for fighting other animals.

EXISTING
Animal: For the purpose of this bylaw animal shall mean any type of animal.

AMENDED
Animal*: For the purpose of this bylaw animal shall mean any dog, cat and/or domestic animal.*

EXISTING
Animal Control Officer: The person or persons designated to enforce this bylaw.

AMENDED
*A**nimal Control Officer (ACO):** means the person or persons who is recommended by the Police Chief and appointed by the Board of Selectmen to enforce Sterling's Animal Control bylaw and respond to incidents in which animals are involved.*

EXISTING
Animal Business: Any pet shop, grooming shop, or boarding facility, except this term shall not include animal shelter, veterinary medical facilities; licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89544 and 91579.

AMENDED
Animal Business*: any pet shop, grooming shop, or boarding facility, animal day care facility, pet sitting enterprise, except this term shall not include animal shelter, veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89544 and 91579.*

EXISTING
Fee: A sum paid for service or a fixed charge.

AMENDED
Fee*: A sum of money paid for service or a fixed charge.*

EXISTING
Fine: A sum imposed as punishment for an offense

AMENDED
Fine: *A sum of money imposed as punishment for an offense.*

EXISTING
Kennel: one pack or collection of dogs in a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than four dogs three months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained. (MGL Chapter 140 Sec 136A)

AMENDED
Kennel*: shall mean one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than four dogs, six months old or older, owned or kept by a person on a single premises, irrespective of the purpose for which they are maintained.*

EXISTING
Licensing Authority: is the Town Clerk or any designated representative thereof charged with administering the issuance of licenses under the provisions of this by-law. The Town Clerk shall issue dog licenses and tags on a form prescribed and furnished by the Town Clerk's office

AMENDED
Licensing Authority*: is the Town Clerk or any designated representative thereof charged with administering the issuance and / or revocation of licenses under the provisions of this by-law. The Town Clerk shall issue dog licenses and tags on a form prescribed and furnished by the Town Clerk's office.*

EXISTING
Quarantine: means to hold in segregation from the general animal population any dog or cat because of the presence or suspected presence of a contagious disease.

AMENDED
Quarantine*: means to hold in segregation from the general animal population any dog or cat or companion pet because of the presence or suspected presence of a contagious disease*

Doug Davis read article with some corrections in the wording.

Motion made to amend article by changing companion animal to companion pet under quarantine section.

Vote taken on motion to amend - amendment carries

Vote taken on article as amended

PASSED MAJORITY VOTE

ARTICLE 15. Voted to amend the Sterling Animal Control Bylaw by inserting a mission statement and amending SECTION 1 DEFINITIONS by inserting the following additional terms:
Mission Statement of the Sterling Animal Control Bylaw as established in 1999 shall be: "To Protect People from Animals and Animals from People."

***Altered**: shall mean spayed or neutered.*
***Companion Pet:** shall mean any dog, cat and any other domesticated animal, requiring licensure and maintained in or near the household of the owner or person who cares for such domesticated animals, in addition to being spayed or neutered.*
***Domestic Animal(s):** for the purpose of this bylaw shall mean all animals, including poultry that are kept or harbored as domesticated animals. Poultry as used in this section shall include chickens, roosters, capons, hens, turkeys, pigeons, guinea fowl, and ducks and geese other than wild species (MGL Chapter 129 section).*
***Dog License**: a document, issued annually, upon receipt of a veterinarian's certificate verifying that each dog licensed over the age of six months is currently vaccinated against rabies.*
***License Tag**: a durable tag issued annually upon licensure of any animal by the Town Clerk and upon which shall appear the name of the town issuing such license, a tag number and the year of issue.*
***Euthanasia**: means the putting to death of any animal in a humane manner.*
***Kennel License**: a document issued annually and contingent upon receipt by the Town Clerk of both a completed kennel application validating compliance to all provisions listed as kennel license requirements as set forth in this bylaw and a veterinarian's certificate verifying each dog over the age of six months is currently vaccinated against rabies.*
***Kennel License Tags**: durable tags, numbered according to applicable kennel classification and issued annually in accordance with all provisions stated within the kennel requirements section of this bylaw.*
***Spayed:** rendered permanently incapable of reproduction.*
***Valid License**: a current document and tag from the jurisdiction in which the animas resides.*

Doug Davis read article. Motion made and seconded on article as read. Motion made to amend article by removing section after MGL chapter 129 under Domestic Animals– motion made to vote on amendment, passed

Vote on article as amended

PASSED MAJORITY VOTE

ARTICLE 16. Voted to amend the Sterling Animal Control Bylaw, SECTION1, DEFINITIONS by deleting the following term:

AMEND BY DELETING THE FOLLOWING
Kennel Commercial: Shall mean pack or collection of dogs in a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than four (4) dogs, three months old or older or kept by a person on a single premises regardless of the purpose for which they are maintained or kept.
(Sterling Protective Bylaw, Article 5)

Motion made to move on the words of the article, motion seconded.

PASSED MAJORITY VOTE

ARTICLE 17. Voted as read to amend the Sterling Animal Control Bylaw SECTIONS 2, 3, and 4 from the existing wording to the amended wording by making the following changes:

EXISTING

SECTION 2. LICENSING AND RABIES VACCINATION

(a)A person who at the commencement of a license period becomes the owner or keeper of a dog six months old or over, which is not duly licensed, and the owner or keeper of a dog when it becomes six months during a license period, shall cause it to be registered, numbered, described and licensed for period. The owner or keeper of a licensed dog shall cause it to wear around its neck or body or harness of leather or other suitable material, to which shall be securely attached a tag in form prescribed, and upon which shall appear the license number, the name of the town issuing such license and the year of issue. Such tags shall be furnished in same manner as accepted by the Town Clerk. This section shall not apply where it is otherwise provided by law, nor shall it apply to a person having a kennel license. The registering, numbering, describing and licensing of a dog shall be kept in the office of the Town Clerk. (MGL Chapter 140 Sec. 1137, amended 1987,118)

AMENDED

SECTION 2. LICENSING AND RABIES VACCINATION

(a) INDIVIDUAL DOG LICENSE PROVISIONS

A person who at the commencement of a license period becomes the owner or keeper of a dog six months old or older, which is not duly licensed, and the owner or keeper of a dog when it becomes six months during a license period, shall cause it to be registered, numbered, described and licensed for the accepted licensing period. The owner or keeper of a licensed dog shall cause each animal to wear a collar or harness to which shall be securely attached a license tag, in form prescribed, and upon which shall appear the license number, the inscription "Town of Sterling" and the year of issue. This section shall not apply to a person having a kennel license or companion pet license. The registering, numbering, describing and licensing of all types of dog licenses shall be kept in the office of the Town Clerk. The deadline to obtain an individual dog license shall be April 15th.

COMPANION PET LICENSE PROVISIONS

Any owner or keeper of 1-4 ~~dogs~~ animals requiring licensure, being over the age of six (6) months, being maintained in a private residence for non-commercial purposes and all of which have been spayed or neutered, may secure a companion pet license. The holder of a companion pet license shall cause each animal to wear, while it is at large, a collar or harness to which shall be securely attached a license tag upon which shall appear the number of such license, the year of issue and the inscription" Town of Sterling." Such license shall be in a form prescribed by the Town Clerk. The Town Clerk shall not issue a companion pet license, unless the owner or keeper provides the Town Clerk with veterinarian certificates, verifying that each ~~dog~~ animal over the age of six months is currently vaccinated against rabies and copies(s) of certificates confirming the animal is spayed or neutered. The deadline to obtain a companion pet license shall be April 15th.

EXISTING

(b) No Town Clerk shall grant such license for any dog unless the owner thereof provides such Town Clerk either a veterinarian certification that such dog has been vaccinated in accordance with the provisions of section one hundred and forty five, or has been certified exempt from such provision as hereinafter provided, or a notarized letter from a veterinarian that a certification was issued or a metal rabies tag bearing an expiration date indicating that such certification is still in effect. (MGL Chapter 140 Sec 137)

AMENDED

(b) *No Town Clerk shall grant such license for any dog unless the owner thereof provides such Town Clerk with:*

- *either a veterinarian certification that such dog has been vaccinated in accordance with the provisions of this bylaw, or*
- *has been certified exempt from such provision, as hereinafter provided;*
  1. *a notarized letter from a veterinarian that a certification was issued, or*
  2. *a metal rabies tag bearing an expiration date indicating that such certification is still in effect.*

EXISTING

(c) A dog licensing official may grant an exemption from provisions one-hundred and forty-five B for any dog which has not yet attained six months, any dog which the local board of health, for a specified period of

time, declared exempt upon presentation of a veterinarian's certificate stating that because of an infirmity, other physical condition or regimen of therapy, the inoculation is thereby deemed inadvisable, or any dog in transit, or brought into the commonwealth, temporarily, for the sole purpose of showing in shows or exhibition. Chapter 140 Sec. 137

AMENDED

*(c) **LICENSING EXEMPTIONS:***

A licensing authority may grant an exemption from all dog licensing provisions in this bylaw, for any dog which;

- *has not yet attained six months of age, or*
- *any dog which the local board of health, for a specified period of time, has declared exempt, or*
- *upon presentation of a veterinarians' certificate stating, that because of an infirmity, other physical condition or regimen of therapy, the inoculation is thereby deemed inadvisable, or*
- *any dog in transit, or brought into the commonwealth, temporarily, for the sole purpose of showing in shows or exhibition.*

EXISTING

(d) All domestic animals for which there is an approved rabies vaccination, shall be vaccinated against rabies as a pre-requisite for licensing and should be done in accordance with recommendations contained in the latest "Compendium of Animal Rabies Vaccines for Immunization" and published by the National Association of State Public health Veterinarians, as well as conforming to MGL Chapter 140 Sec 145B, must be done by a licensed veterinarian

AMENDED

d*) Whoever is the owner or keeper of a dog or cat in the commonwealth six months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions, and shall cause such dog or cat to be revaccinated at intervals recommended by the manufacturer. Unvaccinated dogs and cats acquired or moved into the commonwealth shall be vaccinated within ninety days after the acquisition or arrival into the commonwealth or upon reaching the age of six months, whichever last occurs. It shall be the duty of each veterinarian, at the time of vaccinating any dog or cat, to complete a certificate of rabies vaccination which shall include, but not be limited to the following information: the owner's name and address; a description of the animal, including breed, sex, age, name and distinctive markings; the date of vaccination; the rabies vaccination tag number; the type of rabies vaccine used; the route of vaccination; the expiration date of the vaccine; and the vaccine lot number. The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog or cat to a collar or harness made of suitable material to be worn by the dog or cat provided, however, that the owner of a cat may choose not to affix a tag to his cat, but shall have the tag available for inspection by authorized persons. In the event that a tag is lost, the owner or keeper of the animal shall, upon presentation of the original vaccination certificate, be issued a new tag.*

EXISTING

e) Application for a dog license, as outlined in Sec 2(a), must be within 30 days after obtaining a dog over six months of age, exemption from this being to a nonresident keeping a dog within the town of Sterling for not longer than 60 days. The licensing period shall be January 1st through and inclusive of April 15th of the current year

AMENDED

(e) A license, duly recorded, shall be valid throughout the commonwealth, except that, in the case of permanent removal of a dog into another town, within the commonwealth, the owner or keeper thereof shall, within thirty days after such removal, present the original license and tag of such dog to the Clerk of the town into which such dog has been removed, and such Clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of one dollar ($1.00).which shall be retained by the Clerk unless otherwise provided by law.

EXISTING

(f)The licensing period shall be January 1st through and inclusive of April 15th of the current year. The deadline for procurement of a dog licenses is established as April 15th of each year. New residents must apply for a license

within 30 days of establishing residence. In addition, a fine of $25.00 shall be charged to each owner, for each dog, they fail to license on or before the deadline date of any year

AMENDED

(*f) The licensing period shall be January 1st through and inclusive of April 15th of the current year. The deadline for procurement of all types of dog licenses is established as April 15th of each year. New residents must apply for a license within 30 days of establishing residence. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon. Such description shall be supplied by the Board of Health.*

EXISTING

(g).For each individual dog in the town of Sterling, over the age of six months, an annual fee will be charged by the town for the issuance of dog licenses as follows:

Spayed Females	$ 8.00	Females	$ 12.00
Neutered Males	$ 8.00	Males	$ 12.00

Persons age 70 years or older are exempt from the annual dog licensing fee, In addition, a fine of $25.00 shall be charged to each owner, for each dog, they fail to license on or before the deadline date of any year.

AMENDED

(g).For each individual dog in the town of Sterling, over the age of six months, an annual fee will be charged by the town for the issuance of dog licenses as follows:

Spayed Females	*$ 8.00*	*Females*	*$ 12.00*
Neutered Males	*$ 8.00*	*Males*	*$ 12.00*

Companion Pet License $ 6.00 per dog.

No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided, that the Massachusetts commission for the blind certifies that such dog is so trained and actually in the service of a blind person. No fee shall be charged for a license for a dog owned by a person aged 70 years or over ~~in any city or town that accepts this provision~~. No fee shall be charged for a license for a dog professionally trained in the hearing dog business to serve a deaf person; provided, that the director of the office of deafness certifies that such dog is so trained and actually in the service of the deaf person.

EXISTING

(h) No fee shall be charged for a license for a dog specially trained to lead or serve blind persons, provided a certificate attesting to same, is provided. All other licensing provisions shall apply.

AMENDED

(h) Penalties for violation(s) of section 2 shall be:

- *FAILURE TO VACINATE FOR RABIES --------- FINE: $25.00 PER DOG, (MAY BE IN ADDITION TO OTHER FINES)*
- *LATE LICENSING (After April 15TH)----------FINE: $25.00 PER DOG (MAY BE IN ADDITION TO OTHER FINES & FEES)*
- *UNLICENSED DOG ---------- ----FINE: $25.00 PER DOG, PER WEEK.(MAY BE IN ADDITION TO OTHER FINES & FEES)*

(FAILURE TO LICENSE A DOG OR DOGS IN THE TOWN OF STERLING MAY RESULT IN A CRIMINAL COMPLAINT BEING ISSUED.)

EXISTING

SECTION 3. SPECIAL PERMITS AND KENNEL LICENSES

(a) **Special Permit Granting Authority:** Unless specifically designed otherwise, the Board of Appeals shall act as the Special Permit Granting Authority. The Special Permit and application process are explained in Sterling's Protective By Laws, they are applicable to zoning and as stated in the section titled Use Regulations of the Protective By Laws, are specifically for Commercial Kennels, Animal Hospital, and Veterinarian's Office (Sterling's Protective By Laws, Sec 6.3 & Sec 2.3C –10.)

AMENDED

SECTION 3. KENNEL LICENSES

(a) Special Permit Granting Authority: Unless specifically designed otherwise, the Board of Appeals shall act as the Special Permit Granting Authority

EXISTING

(b)Kennel Licenses: Every person maintaining a kennel shall have a Kennel License. Any owner or keeper of less than four dog's three months old or over, who does not maintain a Kennel, may elect to secure a kennel license in lieu of licensing such dogs under section one hundred and thirty-seven B or sections one hundred and thirty seven C to the same extent as though he were maintaining a kennel. The Clerk of any town shall issue kennel licenses under this section if to be kept in said town. (MGL Chapter 140 Sec 13B & 137C)

AMENDED

Kennel License *Provisions*

(b) Any owner or keeper of more than four dogs six months old or older shall obtain a kennel license. Such license shall be in a form prescribed by the Town Clerk. Such license shall be in lieu of any other license for any dog while kept on kennel premises during any portion of the period of time for which the kennel license is issued. The holder of a kennel license shall cause each dog kept therein to wear, while it is at large, a collar or harness, to which shall be securely attached a durable tag upon which shall appear a kennel number assigned at the time license was issued, the year of issuance and the inscription "Town of Sterling" No kennel license shall be granted until a completed kennel license application, with full payment of indicated kennel license fees, is receipted by the Town Clerk. The Town Clerk shall, upon application, issue without charge a kennel license to any domestic charitable corporation, incorporated exclusively for the purpose of protecting animals from cruelty, neglect, or abuse, and for the relief of suffering among animals. A veterinary hospital shall not be considered a kennel unless it contains an area for selling, breeding or boarding of dogs for other than medical purposes, in which case it shall be required to make application for a kennel license.

EXISTING

(c) Kennel Licenses shall be issued upon receipt of completed kennel application payment of the applicable fee:

Kennel I (up to & incl. 4 dogs)	$ 40.00
Kennel II (5 & up to 10 dogs)	$ 50.00
Kennel III (11 or more dogs)	$ 60.00

AMENDED

(c A Kennel License and / or Kennel Renewal License, respectively, shall be issued upon receipt of a completed kennel application, accompanied by payment of applicable license fees, not including other fees:

- *Kennel I ---- up to & incl. 4 dogs ---- (INITIAL AND RENEWAL APPLICATION)---------- $ 40.00*
- *Kennel II ---5 and up to 10 dogs---- (INITIAL AND RENEWAL APPLICATION)----------$ 50.00*
- *Kennel III ---- 11 or more dogs ------- (INITIAL AND RENEWAL APPLICATION)----------$ 60.00*

EXISTING

(d) Under provisions of this by-law the Clerk of Sterling shall issue a kennel license to any domestic Charitable corporation incorporated exclusively for the purpose of protecting animal from cruelty, neglect or abuse and for relief of suffering among animals. (MGL Chapter 140 Sec 137A &137B)

AMENDED

(d) Kennel Application & Renewal Requirements are as follows;

INITIAL APPLICATION

Every applicant for a kennel license shall submit a completed application form to the Town Clerk. Issuance of a Kennel License shall be contingent upon compliance with all pertinent sections of this bylaw and receipt by the Town Clerk of the following information:

- *a completed kennel license application form including payment in full of all fees applicable, and*
- *a documented approval from the Zoning Enforcement Officer stating that issuance of a kennel license to said applicant would not violate any local bylaws or State rules or regulations with regard to zoning, and.*
- *in addition, Where required obtaining a special permit for any kennel so designated by the Protective bylaw (zoning) of Sterling, and*

- *written approval from the Animal Control Officer that kennel applicant is in compliance with the Sterling Animal Control bylaw as listed in kennel regulations, as well as any State or Federal laws, rules, and regulations pertaining to animals, and,*
- *written opinion from the Board of Health that the Animal Inspector has inspected the kennel for the purpose of verifying appropriate sanitation and husbandry practices are being followed, and*
- *that the kennel applicant is in compliance with all Sterling Board of Health regulations.*
- *IF ANY PERSON(S) IS ISSUED A KENNEL LICENSE IN STERLING PREVIOUS TO THE DATE THIS SECTION OF THE BYLAW BECOMES LEGALLY EFFECTIVE THEY SHALL BE EXEMPT TO FULFILL THE KENNEL APPLICATION REQUIREMENTS AS DESIGNATED ABOVE, HOWEVER, THEY WILL NEED TO FOLLOW THE RENEWAL PROCEDURE AS INDICATED ON AN ANNUAL BASIS. AT ANYTIME IN THE FUTURE SHOULD THEIR KENNEL LICENSE BE REVOKED OR NOT RENEWED IN THE TIME PERIOD PROVIDED, THEN AT THAT TIME PRIOR TO THE ISSUANCE OF ANOTHER KENNEL LICENSE THEY SHALL BE REQUIRED TO COMPLY WITH ALL KENNEL APPLICATION REQUIREMENTS AS LISTED ABOVE.*

RENEWAL APPLICATION (ANNUAL)

Every holder of a kennel license shall renew the license annually by submitting a completed renewal application to the Town Clerk. Renewing a Kennel license shall be contingent upon receipt by the Town Clerk of the following information:

- *documentation of renewal inspection and approval by the Animal Control Officer, and*
- *documentation of renewal inspection and approval by the Animal Inspector or a Board of Health Agent.*

EXISTING

(e)In addition, any person who fails to comply with any provisions of this section shall be charged an additional fine of $25.00.

AMENDED

(e) Kennel License Regulations

Every person issued a kennel license in the Town of Sterling shall be required to:

- *Keep and maintain at all times on its premises accurate records of descriptions with regard to the identities of all dogs kept on the premises, valid copies of current rabies certificates for all dogs over six months of age and documentation of the current number of dogs on the premises on each day, and*
- *Keep and maintain at all times on its premises current and accurate records containing the name and address of the owner of each dog kept in the kennel if owned by someone other than the person maintaining the kennel*

EXISTING

SECTION 4. ISSUANCE AND REVOCATION OF LICENSES

(a) The Town Clerk upon receiving a written directive from the selectmen that was based on information obtained from the animal control officer may revoke any license. (MGL Chapter 140 sec 137C).

(b) If an applicant is shown to have withheld or falsified any material information on the application, the Town Clerk may refuse to issue or may revoke a license.

(c) Sterling selectmen or designated person may inspect or cause to be inspected any kennel and if, in their judgment the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, they shall by order revoke or suspend, and in case of suspension may reinstate such license. Written notice of any order under this section revoking, suspending or reinstating a license shall be mailed forthwith to the office issuing such license and to the holder of the license. Any person maintaining a kennel after the license has been so revoked, or while such license is so suspended, shall be charged a fine of $50.00.

AMENDED

SECTION 4. REVOCATION OF KENNEL & COMPANION PET LICENSES

- *If any applicant is proven to have withheld or falsified any material information on the application or renewal form, the Town Clerk may refuse to issue or may revoke a kennel license.*

- *The Town Clerk, upon receiving a written directive from the Board of Selectmen as the result of a public hearing that was based on information obtained from the animal control officer regarding issues involving, but not limited to, any Board of Health violations with regard to kennel inspection(s) or a finding by the ACO of records not being properly kept as required by law, may revoke any license for a period of time to be determined by the board of Selectmen or until such time as all violations are corrected and approved in writing by both the ACO and the Board of Selectmen.*

Motion made to move on the words of the article with changes noted on handout

Motion made to amend article, under Companion Pet License provisions, 1st sentence, to remove the word "dogs" and insert "animals requiring licensure", and in the 3rd sentence replace the word "dog" with "animal".

Vote on amendment taken, amendment passed

Motion made to amend wording under (g) to remove "in any city or town that accepts this provision". Vote on amendement taken and passed.

Motion made to table the amendment – vote taken
Amendment tabled.

Motion made and seconded to table the article – count taken
Yes - 51 No - 40

Article not tabled

Paul Suschcyk made motion to move question, motion seconded

Vote taken – motion passed

Vote taken on article as written in warrant with adendem in handout

PASSED MAJORITY

ARTICLE 18. Voted to amend the Sterling Animal Control bylaw by inserting the additional new section 3 (f) and 3 (g) as follows:

NEW
3(f) Kennel License Period
A kennel license shall be issued on an annual basis and must be renewed each year before April 15th. Scheduling of all dates for inspections or permitting processes as outlined in this section shall be the sole responsibility of the kennel applicant

NEW
3(g) PENALTIES FOR VIOLATIONS OF SECTION 3 SHALL BE:

- ***FAILURE TO OBTAIN A KENNEL LICENSE*** *(AFTER APRIL 15TH)---------- - FINE ($25.00)*
- ***UNLICENSED KENNEL*** *---------- FINE ($50.00) PER WEEK*
- ***FAILURE TO MAINTAIN,*** *ON-SITE, CURRENTRABIES DOCUMENTATION FOR EACH DOG----- FINE ($25.00) PER DOG*

(FAILURE TO LICENSE A KENNEL IN THE TOWN OF STERLING MAY RESULT IN A CRIMINAL COMPLAINT BEING ISSUED.)

Motion made to move on the words, seconded, vote taken

PASSED MAJORITY

ARTICLE 19. Voted to transfer the care, custody and control of the 6 parcels enumerated herein, intending to comprise the entire area know as the Sterling Town Forest, from the Department of Public Works Board to the Board of Selectmen. The parcels are:

Approximately 10 acres	off Tuttle Road	Map 31	Parcel 3
Approximately 8.4 acres	off Tuttle Road	Map 31	Parcel 4
Approximately 32 acres	off Tuttle Road	Map 31	Parcel 5
Approximately 14.53 acres	off Holden Road	Map 98	Parcel 7
Approximately 10 acres	off Holden Road	Map 100	Parcel 27
Approximately 46.37 acres	off Holden Road	Map 100	Parcel 28

Motion made and seconded to move on the words of the article.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 20. Voted to transfer from Article # 30 of the May 11, 1998 Annual Town Meeting the remaining balance of $5,070 , or any other sum, to pay for a Forestry Management Study, said sum to be expended by the Board of Selectmen.

Motion made and seconded to move on the words of the article

Passed majority

ARTICLE 21. Voted to transfer from Capital Fund the sum of $25,000 , or any other sum, for the replacement of the library boiler with a new energy efficient model, said sum to be expended by the Library Board,

Move on the words of the article with funding to transfer from the capital fund.

Question on where the 25,000 figure came from, is it an estimate and where will extra money go if there is any. Estimates were received and extra money will stay in the capital fund.

Question did they get 3 estimates on the boiler? Pat Campbell stated they had sought three estimates and have only received two.

Capital fund recommends passage of this article as it will pay for itself by being more energy efficient.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 22. Voted to authorize the Board of Selectmen to enter into an agreement with the Town of Rutland under the provisions of M.G. L. CH. 40 Sec. 4A for the purposes of providing transportation to a Sterling student attending the Norfolk County Agricultural School in Walpole; and further to transfer $17,000 from the Stabilization Account to pay for transportation of said student, said sum to be expended by the Board of Selectmen and reimbursed by the Commonwealth of Massachusetts.

Motion made to move on the words of the article, motion seconded

Passed 2/3rds vote declared by moderator

Motion made and seconded to dissolve meeting at 8:55pm

Respectfully Submitted

Melanie J. Clark
Town Clerk